# .- Philosophy of Law

## Prof. Mariachiara Tallacchini

### **COURSE AIMS AND INTENDED LEARNING OUTCOMES**

The course aims to introduce students to legal philosophical thinking and legal theory. The overall perspective of the course concerns the relations between knowledge and normativity, namely how knowledge relevant to normative decisions is acquired and its relation to how ethical and legal norms are constructed. The first part provides a synthetic historical illustration of theories in the pre-scientific vision of knowledge and normativity. The main part of the course focuses on the existing multiple connections between science and legal theories. In fact, although the interconnection between the epistemic and normative dimensions has been a constant element of the philosophical-legal discourse, nowadays scientific models represent an ideal methodological point of reference for the elaboration of positive law, which aims to be based on the objectivity and certainty of science. In addition, in our contemporary societies – characterised by knowledge and innovation – science and technology, on the one hand, have become an object of regulation; on the other hand, have a direct influence upon legal rules, which aim to be science-based. Therefore, ethics and law have become a fundamental element of the social implementation of science and technology.

The growing scientific uncertainty – caused by multiple factors, from pandemics to the unpredictable effects of digital revolution, etc. – has both stressed the importance of processes of co-production between technoscience and law and favoured the emergence of several non-legally binding instruments, namely soft law.

In going through some legal philosophical themes, the course helps analyze and understand the re-thinking of some traditional categories of Western philosophical-legal thinking, triggered by knowledge and innovation.

At the end of the course, students will be able: to understand the most relevant theories in legal philosophy, and the ability to put them in relation with the interconnections between law and science; to get acquainted with the most recent topics at the interface between science and law; to develop a critical approach toward positive law and the awareness about its dynamic changes.

***COURSE CONTENT***

The course is divided into two parts: the first general part offers a historical analysis of the relationship between knowledge and normativity from the point of view of the main theories of legal philosophy. The second part focuses on legal contexts where evolving constructs about rationality and the relevance of scientific thinking have deeply influenced legal concepts. This is the case, for instance, of the evolution of the subject of rights – from human to non-human, to artificial subjects; of legal regulation of scientific uncertainty both in life sciences and artificial sciences; of policy models and the acquisition of expert knowledge in decision-making processes.

***READING LIST***

For all students (attending and non-attending) the teaching materials for the first part (essays and chapters of books) will be made available online on Blackboard at the beginning of the course. The reference book for the second part of the course is: N. Pitrelli, M. Tallacchini, Manifesto per un’educazione civica alla scienza, Codice edizioni, Torino 2023.

The Syllabus with the topics presented in each class will be made available on

Blackboard before the beginning of the course.

***TEACHING METHOD***

Frontal lectures, multimedia teaching material, meetings with experts, discussions in class, and practical activities. The course is primarily framed for attending students and encourages participation to the classes.

***ASSESSMENT METHOD AND CRITERIA***

For attending students, the final exam will encompass an individual written exam (first part of the programme) and a group presentation (second part of the programme). The former will consist in 10 multiple choice questions (40% of the partial mark) and 2 open-ended questions (60% of the partial mark) on the topics explained during the course. The latter will focus on the analysis of specific topics related to the interconnection between science and law. The final mark will result from: written exam (60%) and group work (40%)

Non-attending students will take a written exam consisting in 30 multiple choice and 5 open-ended questions on the teaching materials. Each part of the exam will determine 50% of the mark.

In the written exam all students will demonstrate their knowledge and awareness about the topics as well as their capability of providing arguments in a linguistically correct, logically adequate, and critical way.

In the group presentation, reserved to attending students, students will show their ability to effectively collaborate and discuss as a team, and will illustrate their topics through shared and multiple perspectives.

***NOTES AND PREREQUISITES***

There are no prerequisites for attending the course: all philosophical concepts suitable to participating in the classes and successfully take the exam will be introduced and explained by the teacher. For this reason, class attendance is strongly recommended.

***OFFICE HOURS***

Information on office hours is available on the Blackboard page of the course. For appointments on different dates/hours, students can contact the teacher at: mariachiara.tallacchini@unicatt.it