



Syllabus

Academic Year	2020/2021
Program	Law, Digital innovation and Sustainability
Course	Digitalization, Ethics and the Law
Term	I semester
Year	1
SSD	IUS/20 – Filosofia del diritto
Credits	6

INSTRUCTIONAL GOAL

The course is a law and ethics course on digitalization and sustainability. It will include lectures and discussion sessions. The course welcomes students with different backgrounds interested in understanding ethical concerns of innovation. Legal culture has increasingly felt the tensions, contradictions, conflicting interests and the potentially disruptive consequences of the digital and sustainability transition. Among the many reasons that, today, urge the legal scholar to inquire innovative technologies there is, in fact, their extraordinary speed and computing power, that question the ethical foundations of legal systems. This course will address those questions from a law and ethics perspective. The course applies and elaborates on concepts and frameworks from philosophy of the law and ethics and apply them to topics of innovation and sustainability that pose significant societal challenges as well as regulatory pressure and ethical dilemma. Topics include algorithmic and digital identity; personhood of robots; digital ethics; data ethics; ethics of climate change; rights of future generations and intergenerational justice; the principle of corrective justice applied to climate justice.

The course also gives an introductory coverage of case studies (including court cases) and reviews some of the extensive methodologies, including empirical methodologies, to solve complex ethical problems related to innovation and sustainability from a legal perspective such as individual self-determination; non discrimination; societal and environmental well-being, etc.

Evaluation is based on a brief paper and the course provides at least one workshop on preparing the paper.

One aspect that the course will stress is the applied and engaged mode of teaching to transfer also soft and methodological skills. Within the course, the teachers and the guest speakers will combine a set of challenges that reflect the current topical issues in the law and ethics applied to digitalization and sustainability. These challenges are solved by the students that are expected to complete an innovative study, applying the combined knowledge and skills acquired through the course and available in their group that is working on the challenge.

Knowledge and understanding:

By the end of the course, students should be able to:

- develop a critical comprehension of the inner functioning of innovation ecosystems and their ethical implications;
- understand the ethical foundations of legal systems, their changes and challenges in the current time as well as their future prospects, finding themselves dealing with the digital and sustainability transition;
- reflect independent and creative thinking, occasionally reaching “out of the box” and “lateral” way of thinking.

Applying knowledge and understanding:

Upon completing the study program, students will be able

- evaluate the impact of disruptive changes in the legal and moral system;
- effectively communicate and work, as an expert in the law and ethics of digital innovation



and sustainability.

Making judgements:

Upon completing the study program, students will be able to:

- present an informed scientific opinion in the public debate concerning legal principles for ethical decisions in the innovation and sustainability debate;
- apply reasoning in the main innovation economics subjects, thanks to the understanding of the legal aspects of ethics involving technological innovation and sustainability;
- gather and interpret information and data from different sources, in order to make judgements in an independent way;
- prepare original analytical briefs and research papers supported by relevant bibliography and data analysis, and debate different perspectives to address the issue.

Communications Skills:

Upon completing the study program, students will be able to:

- develop the ability to communicate in written form through completing the assignment and oral form through the final exam and the class debate;
- foster the development relational skills in international and multicultural settings;
- participate in a debate on ethics of digitalization and sustainability by researching and expressing expert opinions, preparing presentations, pitches, etc.

Learning skills:

Upon completing the study program, students will be able to:

- draft hypotheticals with case-studies
- solve case-problems in dynamic settings and develop critical positions.

This ability will be acquired through: class participation, class debate, and research carried out for the drafting of the problem-based written assignment.

Pre-requisites	No specific prerequisites
Course content	<p>The course will be divided in three parts. The first part on the fundamentals of law and ethics. The second part on law and ethics as applied to digitalization. The third part on law and ethics as applied to sustainability/climate change.</p> <ul style="list-style-type: none">- foundations of law and ethics;- law's point of view on ethics and morality;- the role of trust in digital technologies in few areas of law & technology that may raise the issues addressed, such as data as capital, big data in the digital society, privacy & security; transparency & surveillance; artificial Intelligence challenges for individuals, interaction among public and private actors in the data access and management;- Algorithms and digital identity;- personhood of robots;- digital & data ethics;- ethical concerns in the design and use of algorithm: risk assessment and accountability;- the concept of sustainability from a legal perspective; ethics of climate change;- rights of future generations and intergenerational justice;- the principle of corrective justice applied to climate justice;- a philosophy of ethical sustainability law?- sustainability towards whom? States, individuals, companies.



Reference Books	<p>The analysis of very recent or current issues suggests that it is impossible to refer to a specific textbook. The slides, referring to a given class, will be made available to students in advance. However, in order to have a general and analytical view on the economic workings of innovation, students can refer to:</p> <p>S. Hartley, <i>The Fuzzy and the Techie: Why the Liberal Arts will Rule the Digital World</i>, (Hughton Mifflin Hacourt, 2017); L. Coleman, <i>The Practice of Principle: In Defence of a Pragmatist Approach to Legal Theory</i> (Oxford University Press, 2001);</p> <p>H. E. Dimitrieva and M. J. Schmidt-Kessen, <i>Regulation through code as a safeguard for implementing smart contracts in no-trust environments</i>, <i>EUI Working Paper LAW 2017/13</i>;</p> <p>H. E. Dimitrieva, <i>Creating Markets in No-Trust Environments: The Law and Economics of Smart Contracts</i>, <i>Computer Law & Security Review: The International Journal of Technology Law and Practice</i>. 35:1, pp. 69-88. (2019);</p> <p>C. Madsbjerg, <i>Sensemaking: The Power of the Humanities in the Age of the Algorithm</i>, (Hachette, 2017);</p> <p>A. Mantelero, <i>AI and Big Data: A Blueprint for a Human Rights, Social and Ethical Impact Assessment</i>: <i>Computer Law & Security Review</i>, 34:4, 754-772, (2018).</p>
Teaching Methods	<p>Slides will be available before class covering each of the specific topics addressed in the course. Hence the traditional presentation of the analytical problems can be concise and leave room to Q&A and discussions.</p> <p>Guest lecturers will be invited for thematic sessions/distinguished lectures and to conduct lab sessions and workshops (names to be announced).</p>
Assessment	<p>The assessment of students' learning will be centered on a written exam (50% of the final grade), and class participation including students' presentation, class discussion, lab sessions and workshops organized within the course to support students' drafting skills case study analysis/problem-based projects (50% of the final grade).</p> <p>The final week will conclude with student project presentations (15 minutes per presentation, plus 5 minutes for questions and discussion). There will be time for feedback and suggestions for how to improve the course going forward.</p> <p>Students are asked to work in groups to address an ethical issue concerning innovation and sustainability and prepare original research papers supported by relevant bibliography and data analysis, discuss in class different perspectives to address the issues at stake. Students will be supported through workshops and lab sessions in drafting the final brief paper (a case study analysis or a problem-based project work).</p>
