



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2018/2019		
MASTER'S DEGREE (MSC)	LAW		
SUBJECT	LEGAL LOGIC AND METHODOLOGY		
TYPE OF EDUCATIONAL ACTIVITY	A		
AMBIT	20002-Filosofico-giuridico		
CODE	15549		
SCIENTIFIC SECTOR(S)	IUS/20		
HEAD PROFESSOR(S)	MANIACI GIORGIO	Professore Associato	Univ. di PALERMO
	BRIGAGLIA MARCO	Professore Ordinario	Univ. di PALERMO
OTHER PROFESSOR(S)			
CREDITS	6		
INDIVIDUAL STUDY (Hrs)	102		
COURSE ACTIVITY (Hrs)	48		
PROPAEDEUTICAL SUBJECTS	15550 - LEGAL PHILOSOPHY		
MUTUALIZATION			
YEAR	4		
TERM (SEMESTER)	2° semester		
ATTENDANCE	Not mandatory		
EVALUATION	Out of 30		
TEACHER OFFICE HOURS	<p>BRIGAGLIA MARCO</p> <p>Friday 11:00 13:00 Il ricevimento avverrà, dietro prenotazione, presso Piazza Bologni 8, piano 2, stanza 11. Su richiesta, si potrà concordare anche un ricevimento su Teams e, in caso di disponibilità del docente, in orari diversi da quelli su indicati.</p> <p>MANIACI GIORGIO</p> <p>Monday 13:00 18:00 teams</p> <p>Friday 16:00 18:00 aula 3 dopo la lezione di logica</p>		

DOCENTE: Prof. GIORGIO MANIACI- *Lettere A-L*

PREREQUISITES	Capacity to build and analyse complex argumentative structures; aptitude to conceptual analysis; basic knowledge of the main types of reasoning; basic understanding of the problems of legal interpretation and adjudication.
LEARNING OUTCOMES	<p>Knowledge and understanding: knowledge and understanding of the main forms of legal reasoning, arguments, interpretive methods.</p> <p>Applying knowledge and understanding: ability to reconstruct the reasoning and argumentative models operating in both hypothetical and real legal discourses.</p> <p>Making judgments: ability to use properly legal arguments in order to make autonomous judgments about the solution of both hypothetical and real legal cases.</p> <p>Communication: ability to communicate in a clear and exhaustive way, and to convincingly argue in defence of given solutions to legal cases, making a proper use of technical legal language.</p> <p>Lifelong learning skills: development of ratiocinative and argumentative skills, also in dialectical contexts.</p>
ASSESSMENT METHODS	<p>Final exam.</p> <p>Exam type: oral exam (min. 3 questions).</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation Grid:</p> <ul style="list-style-type: none"> - Excellent: 30-30 cum laude. Excellent knowledge and understanding, excellent communication and argumentative skills, proper use of technical language. - Very good: 26-29. Good knowledge and understanding, good communication and argumentative skills, proper use of technical language. - Good: 24-25. Basic knowledge and understanding, average communication skills, limited argumentative skills. - Average: 21-23. Limited basic knowledge and understanding, sufficient communication skills, poor argumentative skills. - Fair: 18-20. Minimal basic knowledge and understanding, poor communication skills, poor argumentative skills. - Poor. Non-sufficient knowledge and understanding.
EDUCATIONAL OBJECTIVES	The course aims at examining the nature, structure and methods of legal reasoning, argumentation and interpretation, reflecting on the role and the different forms of rationality in the law.
TEACHING METHODS	Lectures, seminars
SUGGESTED BIBLIOGRAPHY	R. Guastini, <i>Interpretare e argomentare</i> , Milano 2011)

SYLLABUS

Hrs	Frontal teaching
2	Reasoning. Logic and Psychology
2	Normativity of reasoning
2	Practical and theoretical reasoning
2	Practical reasoning and norms
4	Reasoning and argumentation
4	Bounded rationality
2	Heuristics and biases
6	Legal reasoning and bounded rationality
2	Legal reasoning and interpretation
2	Theories of legal interpretation
6	Rules and techniques of statutory interpretation
4	Constitutional interpretation
2	Legal reasoners: judges
2	Reasoning, proof, trial
2	Legal reasoners: public administration
4	Conclusions. Law and reason

DOCENTE: Prof. MARCO BRIGAGLIA- *Lettere M-Z*

PREREQUISITES	Capacity to build and analyse complex argumentative structures; aptitude to conceptual analysis; basic knowledge of the main types of reasoning; basic understanding of the problems of legal interpretation and adjudication.
LEARNING OUTCOMES	<p>Knowledge and understanding: knowledge and understanding of the main forms of legal reasoning, arguments, interpretive methods.</p> <p>Applying knowledge and understanding: ability to reconstruct the reasoning and argumentative models operating in both hypothetical and real legal discourses.</p> <p>Making judgments: ability to use properly legal arguments in order to make autonomous judgments about the solution of both hypothetical and real legal cases.</p> <p>Communication: ability to communicate in a clear and exhaustive way, and to convincingly argue in defence of given solutions to legal cases, making a proper use of technical legal language.</p> <p>Lifelong learning skills: development of ratiocinative and argumentative skills, also in dialectical contexts.</p>
ASSESSMENT METHODS	<p>Final exam.</p> <p>Exam type: oral exam; 2 minimum number of questions</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation Grid:</p> <ul style="list-style-type: none"> - Excellent: 30-30 cum laude. Excellent knowledge and understanding, excellent communication and argumentative skills, proper use of technical language. - Very good: 26-29. Good knowledge and understanding, good communication and argumentative skills, proper use of technical language. - Good: 24-25. Basic knowledge and understanding, average communication skills, limited argumentative skills. - Average: 21-23. Limited basic knowledge and understanding, sufficient communication skills, poor argumentative skills. - Fair: 18-20. Minimal basic knowledge and understanding, poor communication skills, poor argumentative skills. - Poor. Non-sufficient knowledge and understanding.
EDUCATIONAL OBJECTIVES	The course aims at examining the nature, structure and methods of legal reasoning, argumentation and interpretation, reflecting on the role and the different forms of rationality in the law.
TEACHING METHODS	class
SUGGESTED BIBLIOGRAPHY	<p>Andrea Iacona, <i>L'argomentazione</i>, Einaudi, Torino, 2010;</p> <p>Giorgio Maniaci, <i>Contro il paternalismo giuridico</i>, Torino, Giappichelli, 2012, presentazione, cap. I §1, cap. II.</p> <p>I. Copi, <i>Introduction to logic</i>, 2010; R.Sartorius, <i>Paternalism</i>, 1983</p>

SYLLABUS

Hrs	Frontal teaching
2	formal rationality
2	substantial rationality
2	arguments pro formal conception of rationality
2	bounded rationality
2	ideal rationality
2	internal or external justification in judicial reasoning
2	methodological principle of interpretation and other directives
2	how to oblige judges to make explicit value-judgements
2	a judicial motivation sufficiently rational
2	paternalism and antipaternalism in the interpretation of the constitution
2	four conditions for a sufficient degree of autonomy
2	coercive pressures
2	stability of desires
2	theological argument
2	argument of individual autonomy
2	perfectionist argument
2	utilitarian and organicist argument
4	human dignity argument
4	no-disposable rights
2	slippery slope argument
2	assisted suicide for depressive people
2	surrogate motherhood