



# UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza
ACADEMIC YEAR	2020/2021
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 TRUJILLO PEREZ      Professore Ordinario      Univ. di PALERMO ISABEL ASCENSION
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	<b>MANIACI GIORGIO</b> Monday 13:00 18:00 teams Friday 16:00 18:00 aula 3 dopo la lezione di logica <b>TRUJILLO PEREZ</b> <b>ISABEL ASCENSION</b> Monday 12:00 14:00 Piazza Bologni 8, quarto piano, stanza 5. Si prega di prenotare il ricevimento tramite il servizio online o di scrivere una mail a isabel.trujillo@unipa.it almeno due giorni prima. Wednesday 12:00 14:00 Piazza Bologni 8, quarto piano, stanza 5. Si prega di prenotare il ricevimento tramite il servizio online o di scrivere una mail a isabel.trujillo@unipa.it almeno due giorni prima.

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

<b>PREREQUISITES</b>	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.
<b>LEARNING OUTCOMES</b>	<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>
<b>ASSESSMENT METHODS</b>	<p>Final exam. Exam type: oral exam (two questions). Evaluation: Grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation Grid: - 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.</p> <p>Midterm Exam. A non-compulsory midterm exam will take place at the end of the course. Exam type: oral exam. Evaluation: Grades on a scale between 18 and 30 cum laude/ etc. Evaluation grid: See above, Final exam.</p>
<b>EDUCATIONAL OBJECTIVES</b>	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.
<b>TEACHING METHODS</b>	class
<b>SUGGESTED BIBLIOGRAPHY</b>	Iacona, L'argomentazione, Einaudi Torino, 2010; G. Maniaci, Razionalità ed equilibrio riflessivo nell'argomentazione giudiziale, Giappichelli, torino, 2008 Cap I, §1-2-3-4, cap. IV, § 1-5, cap VI, §2-3-4

## SYLLABUS

Hrs	Frontal teaching
2	ideal and limited conception of rationality
2	theory of practical reasoning
2	rule of law and definitive judges
2	internal and external justification
3	judicial review
2	raz and authority, creative interpretation
2	interpretative arguments and directives
2	deliberative democracy and his rights
2	paternalism and antipaternalism
2	harm principle
2	framers of constitution
2	slavery vomnuntary contractys
2	sadomasochistic sex
3	fight club

**DOCENTE:** Prof.ssa ISABEL ASCENSION TRUJILLO PEREZ- *Lettere M-Z*

<b>PREREQUISITES</b>	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.
<b>LEARNING OUTCOMES</b>	<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>
<b>ASSESSMENT METHODS</b>	<p>An intermediate test will be held in the final part of the course for the attending students. It will be the analysis of a judgment and will be aimed at verifying the mastery of the jurist's main toolbox. The result of this test - if satisfactory - will account for no less than 50% of the final result.</p> <p>Final exam.</p> <p>Exam type: oral exam; minimum number of questions: 2.</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude.</p> <p>Evaluation Grid:</p> <ul style="list-style-type: none"> <li>- Excellent: 30-30 cum laude. Excellent knowledge and understanding, excellent communication and argumentative skills, proper use of technical language.</li> <li>- Very good: 26-29. Good knowledge and understanding, good communication and argumentative skills, proper use of technical language.</li> <li>- Good: 24-25. Basic knowledge and understanding, average communication skills, limited argumentative skills.</li> <li>- Average: 21-23. Limited basic knowledge and understanding, sufficient communication skills, poor argumentative skills.</li> <li>- Fair: 18-20. Minimal basic knowledge and understanding, poor communication skills, poor argumentative skills.</li> <li>- Poor. Non-sufficient knowledge and understanding.</li> </ul> <p>Midterm Exam.</p> <p>A non-compulsory midterm exam will take place after the course's first six weeks.</p> <p>Exam type: written exam, 2 open questions; duration: 2 h.</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude/ etc.</p> <p>Evaluation grid: See above, Final exam.</p>
<b>EDUCATIONAL OBJECTIVES</b>	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.
<b>TEACHING METHODS</b>	Lectures; exercises in the form of analysis of judgments; seminars
<b>SUGGESTED BIBLIOGRAPHY</b>	<p>Nel corso delle lezioni saranno indicati i materiali da studiare. I testi consigliati sono: I. Trujillo, <i>Appunti per un corso di logica giuridica</i>, Giappichelli, Torino 2008; A. Amaya, <i>Virtù e ragionamento giuridico</i>, <i>Ars Interpretandi</i> 1-2022, pp. 9-32. C. Michelon, <i>Legalità e percezione della rilevanza giuridica</i>, <i>Ars Interpretandi</i> 1-2022, pp. 33-51. M. Atienza, <i>Diritto come argomentazione</i>, ESI, Napoli 2012.</p> <p>Per studenti stranieri: R. Alex, <i>A theory of Legal Argumentation</i>, Oxford University Press, 2009.</p>

## SYLLABUS

Hrs	Frontal teaching
4	Does exist a way of thinking like lawyers?
4	The specificity of legal reasoning
4	Reasoning, justification, argumentation, deliberation
8	Forms of legal reasoning
4	Interpretative techniques
8	Legal abilities
Hrs	Practice
16	Esercitazioni