



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	MANIACI GIORGIO Monday 13:00 18:00 teams Friday 16:00 18:00 aula 3 dopo la lezione di logica TRUJILLO PEREZ ISABEL ASCENSION 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*

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	Knowledge and understanding: knowledge and understanding of the main forms of legal reasoning, arguments, interpretive methods. Applying knowledge and understanding: ability to reconstruct the reasoning and argumentative models operating in both hypothetical and real legal discourses. Making judgments: ability to use properly legal arguments in order to make autonomous judgments about the solution of both hypothetical and real legal cases. 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. Lifelong learning skills: development of ratiocinative and argumentative skills, also in dialectical contexts.
ASSESSMENT METHODS	Final exam. Exam type: oral exam (two questions). Evaluation: Grades on a scale between 18 and 30 cum laude. 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. 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.
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	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*

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	Knowledge and understanding: knowledge and understanding of the main forms of legal reasoning, arguments, interpretive methods. Applying knowledge and understanding: ability to reconstruct the reasoning and argumentative models operating in both hypothetical and real legal discourses. Making judgments: ability to use properly legal arguments in order to make autonomous judgments about the solution of both hypothetical and real legal cases. 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. Lifelong learning skills: development of ratiocinative and argumentative skills, also in dialectical contexts.
ASSESSMENT METHODS	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. Final exam. Exam type: oral exam; minimum number of questions: 2. Evaluation: Grades on a scale between 18 and 30 cum laude. 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. Midterm Exam. A non-compulsory midterm exam will take place after the course's first six weeks. Exam type: written exam, 2 open questions; duration: 2 h. Evaluation: Grades on a scale between 18 and 30 cum laude/ etc. Evaluation grid: See above, Final exam.
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; exercises in the form of analysis of judgments; seminars
SUGGESTED BIBLIOGRAPHY	Nel corso delle lezioni saranno indicati i materiali da studiare. I testi consigliati sono: I. Trujillo, Appunti per un corso di logica giuridica, Giappichelli, Torino 2008; A. Amaya, Virtù e ragionamento giuridico, Ars Interpretandi 1-2022, pp. 9-32. C. Michelon, Legalità e percezione della rilevanza giuridica, Ars Interpretandi 1-2022, pp. 33-51. M. Atienza, Diritto come argomentazione, ESI, Napoli 2012. Per studenti stranieri: R. Alex, A theory of Legal Argumentation, Oxford University Press, 2009.

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