



UNIVERSITÀ DEGLI STUDI DI PALERMO

| | | | |
|------------------------------|---|----------------------|------------------|
| DEPARTMENT | Giurisprudenza | | |
| ACADEMIC YEAR | 2021/2022 | | |
| 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 | <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> <p>TRUJILLO PEREZ</p> <p>ISABEL ASCENSION</p> <p>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.</p> <p>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.</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 (two 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. <p>Midterm Exam.</p> <p>A non-compulsory midterm exam will take place at the end of the course.</p> <p>Exam type: oral exam.</p> <p>Evaluation: Grades on a scale between 18 and 30 cum laude/ etc.</p> <p>Evaluation grid: See above, Final exam.</p> |
| 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; R. Guastini, Interpretare e argomentare, giuffrè, milano, 2021; |

SYLLABUS

| Hrs | Frontal teaching |
|-----|---|
| 2 | legal positivism and natural law |
| 2 | nino and bobbio thesis |
| 2 | ideal and limited conception of rationality |
| 2 | finnis and dworkin thesis |
| 2 | legal system |
| 2 | constitutionalization of legal system |
| 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 | arguments against raz |
| 2 | hurd and bayon on raz |
| 2 | paternalism ans antipaternalism |
| 2 | harm principle |
| 2 | phisical, economic, existential harm |
| 2 | psychological and moral harm |
| 2 | voluntary slavery contracts |

SYLLABUS

| Hrs | Frontal teaching |
|-----|------------------------------------|
| 2 | women violence and antipaternalism |
| 2 | theories of interpretation |
| 2 | the spectacle of death |
| 3 | duff and sadomasochism |

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 | <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 | <p>D. Canale, G. Tuzet. La giustificazione della decisione giudiziale, Giappichelli.</p> <p>B. Celano. Due problemi aperti della teoria dell'interpretazione giuridica, Mucchi.</p> <p>I due testi non sono alternativi, ma cumulativi: vanno studiati entrambi.</p> <p>For foreign students:</p> <p>F. Schauer. The Limited Domain of the Law, in Virginia Law Review, 90, 2004, pp. 1909-1956.</p> <p>T. Maroney. The Persistent Cultural Script of Judicial Dispassion, California Law Review, 99, pp. 629-681.</p> |

SYLLABUS

| Hrs | Frontal teaching |
|-----|---|
| 4 | Key-problem: peculiarities of legal reasoning and decision making Preliminaries: rationality, reasoning, decision making |
| 6 | Reasoning: Logic and Psychology Psychology of reasoning and decision-making |
| 6 | Norm-based reasoning The "entrenchment" of norms |
| 6 | Entrenchment, interpretation, separation of power: the rule of law |
| 5 | Judicial, legislative, and administrative behaviour: some key issues |
| 6 | Judicial reasoning a decision making |
| 6 | Legal interpretation: key problems |
| 3 | Legalism in adjudication: for and against |
| 6 | Versions of legal realism |