



UNIVERSITÀ DEGLI STUDI DI PALERMO

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| DEPARTMENT | Giurisprudenza | | |
| ACADEMIC YEAR | 2017/2018 | | |
| MASTER'S DEGREE (MSC) | LAW | | |
| SUBJECT | LEGAL REASONING AND COGNITIVE SCIENCE | | |
| TYPE OF EDUCATIONAL ACTIVITY | D | | |
| AMBIT | 20016-A scelta dello studente (dm270) | | |
| CODE | 21792 | | |
| SCIENTIFIC SECTOR(S) | IUS/20 | | |
| HEAD PROFESSOR(S) | BRIGAGLIA MARCO | Professore Ordinario | Univ. di PALERMO |
| OTHER PROFESSOR(S) | | | |
| CREDITS | 6 | | |
| INDIVIDUAL STUDY (Hrs) | 102 | | |
| COURSE ACTIVITY (Hrs) | 48 | | |
| PROPAEDEUTICAL SUBJECTS | | | |
| MUTUALIZATION | | | |
| YEAR | 5 | | |
| TERM (SEMESTER) | 2° semester | | |
| ATTENDANCE | Not mandatory | | |
| EVALUATION | Out of 30 | | |
| TEACHER OFFICE HOURS | BRIGAGLIA MARCO 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. | | |

DOCENTE: Prof. MARCO BRIGAGLIA

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| PREREQUISITES | Basic knowledge of legal theory and basic knowledge of technical legal terms. |
| LEARNING OUTCOMES | Knowledge and understanding: knowledge and understanding of the main models of the cognitive structure of legal reasoning and decision-making. Applying knowledge and understanding: ability to apply knowledge and understanding in order to reconstruct the decision-making patterns underlying legal decisions, and to identify possible biases. Making judgments: ability to develop a critical attitude towards legal decision-making, taking into special account the degree to which the organizational context and the specific training of legal officials protect their decision-making from biases and cognitive distortions. Communication: ability to communicate the acquired knowledge in a clear and exhaustive way, and to merge the technical language of cognitive science with that of legal theory. Lifelong learning skills: ability to combine the theoretical-conceptual approach of traditional legal theory with the empirical methods of the cognitive sciences. |
| ASSESSMENT METHODS | Exam type: oral exam. Minimum number of questions: two. 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. Insufficient knowledge and understanding. |
| EDUCATIONAL OBJECTIVES | The course is aimed at presenting the main contributions of the cognitive sciences to an understanding of legal reasoning: psychological models of normative reasoning; heuristics and biases in legal reasoning and decision-making; the role of emotions and imagination; the cognitive structure of legal concepts; the psychological grounding of defeasible reasoning; the relation between legal reasoning and AI. (The course is connected with the Erasmus KA2 Project RECOGNISE - Legal Reasoning and Cognitive Science (https://www.recognise.academy/), and will rely on didactic materials and teaching collaborations developed within the project.) |
| TEACHING METHODS | Lectures and seminars |
| SUGGESTED BIBLIOGRAPHY | The course will be based on the following readings. Alternative readings replacing some of the ones in the list may be indicated during the course, on the basis of specific interests expressed by students. - Wistrich, Andrew J., and Jeffery J. Rachlinski. "Implicit Bias in Judicial Decision Making: How It Affects Judgment and What Judges Can Do About It." In <i>Enhancing Justice: Reducing Bias</i> , edited by Sarah E. Redfield (Chicago: American Bar Association, 2017), 87-130. - Maroney, Terry A. "The Persistent Cultural Script of Judicial Dispassion." <i>California Law Review</i> 99, no.2 (2011): 629-681. - Brigaglia Marco, and Bruno Celano, 'Reasons, rules, exceptions: towards a psychological account', in <i>Analisi e Diritto</i> 14 (2017), pp. 131-144. - Haidt, Jonathan. "The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment." <i>Psychological Review</i> 108, no.4 (2008): 814-834. - Danziger S., Levav J., Avnaim-Pesso L. 2011. Extraneous Factors in Judicial Decisions, «Proceedings of the National Academy of Sciences of the United States of America», 108, 17, 2011, 6889-6892. |

SYLLABUS

| Hrs | Frontal teaching |
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| 6 | The psychology of normative decision-making, from the moral to the legal domain |
| 6 | Heuristics and biases in adjudication |
| 6 | Emotions, intuitions, and imagination in legal reasoning and decision-making |
| 6 | The cognitive structure of legal concepts |
| 6 | Rules and exceptions: the psychological grounding of defeasible reasoning |
| 6 | Legal reasoning and AI |
| 6 | Neuroscience, free will, and criminal responsibility |
| 6 | The cognitive roots of legal institutions |