



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2023/2024		
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 (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; G. Maniaci, Razionalità ed equilibrio riflessivo nell'argomentazione giudiziale, cap. I, § 1-2-3-; cap. IV, § 2-3-4-5: cap IV, § 2-3-4

SYLLABUS

Hrs	Frontal teaching
2	legal positivism and natural law
2	bobbio and nino thesis
2	ideal and limited conception of rationality
2	constituent power
2	theory of moral reasoning
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	paternalism and antipaternalism
2	stability of desires
2	arguments against raz
2	hurd and bayon thesis
2	harm principle
2	physical, economic, existential harm

SYLLABUS

Hrs	Frontal teaching
2	psychological and moral harm
2	voluntary slavery contracts
2	violence against women and antipaternalism
2	motivations of women abused
3	the spectacle of death

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 (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>R. Guastini. Prima lezione sull'interpretazione, Mucchi.</p> <p>I tre testi non sono alternativi, ma cumulativi.</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