



# UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza		
ACADEMIC YEAR	2018/2019		
SINGLE CYCLE (7TH LEVEL) COURSE	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 Associato	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	<b>BRIGAGLIA MARCO</b> Friday 09:30 12:30 Piazza Bologni 8, stanza 11, piano 2		

**DOCENTE:** Prof. MARCO BRIGAGLIA

<b>PREREQUISITES</b>	Basic knowledge of legal theory and basic knowledge of technical legal terms.
<b>LEARNING OUTCOMES</b>	<p>Knowledge and understanding: knowledge and understanding of the main models of the cognitive structure of legal reasoning and decision-making.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Lifelong learning skills: ability to combine the theoretical-conceptual approach of traditional legal theory with the empirical methods of the cognitive sciences.</p>
<b>ASSESSMENT METHODS</b>	<p>Exam type: oral exam. Minimum number of questions: two.</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. Insufficient knowledge and understanding.</li> </ul>
<b>EDUCATIONAL OBJECTIVES</b>	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 ( <a href="https://www.recognise.academy/">https://www.recognise.academy/</a> ), and will rely on didactic materials and teaching collaborations developed within the project.)
<b>TEACHING METHODS</b>	Lectures and seminars
<b>SUGGESTED BIBLIOGRAPHY</b>	<p>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.</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- Maroney, Terry A. "The Persistent Cultural Script of Judicial Dispassion." <i>California Law Review</i> 99, no.2 (2011): 629-681.</li> <li>- Brigaglia Marco, and Bruno Celano, 'Reasons, rules, exceptions: towards a psychological account', in <i>Analisi e Diritto</i> 14 (2017), pp. 131-144.</li> <li>- 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.</li> <li>- Danziger S., Levav J., Avnaim-Pesso L. 2011. Extraneous Factors in Judicial Decisions, «<i>Proceedings of the National Academy of Sciences of the United States of America</i>», 108, 17, 2011, 6889-6892.</li> </ul>

## SYLLABUS

Hrs	Frontal teaching
4	Introduction: Legal theory and the 'cognitive revolution'
4	Normative decision-making: (1) social intuitionism (J. Haidt)
6	Normative decision-making: dual process theory (J. Greene). The psychology of moral dilemmas: the trolley problem
6	Normative decision-making: rules and emotions (J. Prinz, S. Nichols, J. Mikhail)
4	Psychology of natural law: moral tastes (J. Haidt), moral grammar (J. Mikhail), ethological perspectives (F. de Waal)
4	From morals to law: fairness, rules, autorità

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Hrs	Frontal teaching
6	Rules and authority: a psychological perspective
4	Legal reasoning and AI: an introduction
6	Psychology of judging: implicit biases
4	Concluding remarks: the natural science of legal orders