

COURSE DESCRIPTION FOR LEGAL REASONING AND COGNITIVE SCIENCE (ELECTIVE COURSE), AY 2022/23, 2ND SEMESTER

Teaching and Enrolment

In the second semester of the 2022/23 academic year, a course will be taught in English by Prof. Marco Brigaglia titled “Legal Reasoning and Cognitive Science.” The course is linked to the European project Recognise: Legal Reasoning & Cognitive Science (<https://www.recognise.academy/>), coordinated by Prof. Brigaglia himself.

The course is elective in all three concentration tracks (“Profili”) in the five-year law degree program, and it can be included in your curricular plan of study starting from the third year as follows. Fifth-year students will be able to choose the course through the regular procedure. Fourth- and third-year students will instead have to fill out a *modulo navetta* (“shuttle form”). This form—available at the Registrar’s Office and sent out to students’ unions—needs to be emailed to Ms. Teresa Affatigato (teresa.affatigato@unipa.it) between January 1 and February 28, 2023.

The course can accommodate no more than seventy students, and because it is linked to the aforementioned European project, it will launch even if it fails to meet the minimum enrolment threshold of ten students.

Contents

The course dives into a research area in the vanguard of contemporary legal-theoretical thought, looking at the ways in which the cognitive sciences can help us better understand, and improve, the structure of legal reasoning.

The main theme of the course will be the psychology of normative decision-making: what happens in our minds when we follow a norm? What is the role of emotions and reason (and their interpenetration) in normative decision-making? Is there any relevant difference, and what, between the psychology of moral reasoning and the psychology of legal reasoning?

Along the way, we will dwell on the perspectives opened up by neuroscience on various issues, such as moral dilemmas (is it right to kill one to save five?), ethical objectivism and subjectivism (is something right or wrong objectively, or only for those who find it so?), “animal” morality (do animals have “values” similar to ours?), free will (to what extent, and in what sense, are our choices “free”?), criminal obedience (what are the mechanisms that drive obedience to criminal orders?).

In addition to the main topic, we will also have two thematic focuses:

(1) *Implicit Biases in Judicial Decision Making*. We will look at some studies of the unconscious factors that, although legally irrelevant, tend to heavily influence, and distort, the judicial decision. (Would you have guessed that one of the greatest predictors of the decision is its temporal distance from the judge's meal? Would you have ever known that exposure to a completely irrelevant number can significantly influence the numerical assessments given by the judge, for example, the amount of compensation or punishment?)

(2) *Natural born punishers*. We will examine some studies on the human tendency to punish. We will see how humans tend to forgo gain in order to punish opportunistic behaviour.

Finally, some professors from other project partner universities will do some seminars on specific topics.

Midterm Assessments

During the course, weekly anonymous self-assessment tests will be conducted (students will be able to answer a multiple-choice test, and check the correctness of their answers, while the lecturer will not have access to individual answers). It will also be possible, during the course, to conduct tests with assessments that will be taken into account at the time of the final evaluation.

English Proficiency

All reading materials will be in English, as will be all class discussions and lectures and the midterm assessments and final exam, for which reason the course will require an appropriate command of the English language, enabling you to put your ideas across successfully. Even so, you will not be assessed on your spoken English, for that is not the point of the course; rather, you should see the course as an opportunity to practice your English in an environment designed to encourage you to contribute to and advance the discussion, and your participation will be valued for it, regardless of how effective or polished the English.