



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza
ACADEMIC YEAR	2019/2020
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)	1° semester
ATTENDANCE	Not mandatory
EVALUATION	Out of 30
TEACHER OFFICE HOURS	BRIGAGLIA MARCO Friday 09:30 12:30 Piazza Bologni 8, stanza 11, piano 2

DOCENTE: Prof. MARCO BRIGAGLIA

PREREQUISITES	Basic knowledge of legal theory and basic knowledge of technical legal terms.
LEARNING OUTCOMES	<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>
ASSESSMENT METHODS	<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"> - 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	<p>The following readings are cumulative, not alternative:</p> <ul style="list-style-type: none"> - 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. - 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. <i>Extraneous Factors in Judicial Decisions</i>, «Proceedings of the National Academy of Sciences of the United States of America», 108, 17, 2011, 6889-6892. <p>(Other 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>

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
6	Rules and authority: a psychological perspective

SYLLABUS

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