

General Information	
Academic subject	THEORY OF LEGAL ARGUMENTATION
Degree course	LAW
Curriculum	
ECTS credits	9
Compulsory attendance	NO
Language	ITALIAN

Subject teacher	Name Surname	Mail address	SSD
	ANTONIO INCAMPO	antonio.incampo@uniba.it	IUS 20

ECTS credits details	Area	CFU/ETCS
Basic teaching activities	12	9

Class schedule	
Period	I semester
Year	2021/2022
Type of class	Lectures

Time management	
Hours	90
In-class study hours	72
Out-of-class study hours	135

Academic calendar	
Class begins	
Class ends	

Syllabus	
Prerequisites/requirements	None
Expected learning outcomes	<ul style="list-style-type: none"> • mastery of logic of normative language and of the main legal argumentation techniques; • acquisition and use of interpretative canons; • ability to analyze the proof in uncertain cases; • dialectical skills within the contradictory opinions.

Contents	The course develops starting from the well-known Aristotelian distinction of reason in <i>páthos</i> , <i>éthos</i> and <i>lógos</i> . The <i>nómos</i> is not unrelated to <i>páthos</i> . Quite the contrary. There are emotions that reveal the juridical sense of facts and the onto-existential function of law, forming the content of the “aesthetic” judgments, before the philosophical reflection and the logic of normative language. The results of the <i>Rhetoric</i> are different. They are gained through the analysis of the subjective judgement and the partial decisions of the jurists, on the side of the “great division” (within the judicial field) between truths of the premises (the propositions on rules and facts actually happened in a specific case) and validity of the conclusion (the verdict). Finally, with <i>Metaphysics</i> , the logic (or ontology) of legal existence turns into the science of some universal principles of law, and of the legal process in particular, showing its cause in the <i>Lógos</i> .
Course program	
Bibliography	(i) ANTONIO INCAMPO, <i>Metafisica del processo. Idee per una critica della ragione giuridica</i> , Cacucci, Bari 2016 (Second edition is required). (ii) One of the following books: ANTONIO INCAMPO/ADOLFO SCALFATI (eds.), <i>Giudizio penale e ragionevole dubbio</i> , Cacucci, Bari 2017 [I. Filosofia: pp. 13–124; II. Diritto e processo: pp. 145–185, 223–244, 267–305, 325–338]. CHAÏM PERELMAN/LUCIE OLBRECHTS-TYTECA, <i>Trattato dell’argomentazione. La nuova retorica</i> , Einaudi, Torino 2001 [I. I quadri dell’argomentazione: pp. 13–66; II. La base dell’argomentazione: pp. 67–194; III. Le tecniche dell’argomentazione: pp. 195–309, 392–432, 482–538].
Notes	None
Teaching methods	The institutional course of lessons will be supported by didactic seminars on the adopting books and by exercises about legal argumentation skills.
Assessment methods	Oral exam at the end of the course year
Evaluation criteria	<ul style="list-style-type: none"> • Knowledge and understanding • Applying knowledge and understanding • Autonomy of judgment • Communicating knowledge and understanding • Communication skills • Capacities to continue learning
Further information	