

General information	
Academic subject	THEORY OF LEGAL ARGUMENTATION
Degree course	M.Sc. in Law
Academic Year	Fifth
European Credit Transfer and Accumulation System (ECTS)	9
Language	Italian
Academic calendar (starting and ending date)	First semester: from 12 September 2022 to 7 December 2022
Attendance	Strongly recommended

Professor/ Lecturer	
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Virtual headquarters	Teams Microsoft: <i>codice pbxp44d</i>
Tutoring (time and day)	Thursday: 15.00-17.00 p.m. (and at the end of each lesson).

Syllabus	
Learning Objectives	Science, logic and philosophy of legal discourse have the essential purpose of forming a wise jurist, endowed by autonomous faculties of judgment and by true dialectical skills; a jurist up to the hermeneutic question of normative language and legal facts in the complex experience of the contemporary world; a jurist capable of understanding the onto-existential function of law in the social reality.
Course prerequisites	There are no specific prerequisites.
Contents	The course develops itself 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 some 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 the 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, by <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> .
Books and bibliography	(i) ANTONIO INCAMPO, <i>Metafisica del processo. Idee per una critica della ragione giuridica</i> , Cacucci, Bari 2016 (it is required the second edition). (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].

Additional materials	There are no additional didactic materials
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Work schedule			
Total	Lectures	Hands on (Laboratory, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
Hours			
225	72		153
ECTS			
9			
Teaching strategy			
The teaching methodology is the conventional one with lectures, seminar exercises for the critical reading of classical works, possible use of multimedia tools.			
Expected learning outcomes			
Knowledge and understanding on:	The students must acquire the knowledge of basic and advanced level of general theory of law to prepare them for the understanding of legal language and legal argumentation techniques		
Applying knowledge and understanding on:	The students must demonstrate their ability to reason and decode the legal language and the basic concepts of the legal order		
Soft skills	<p><i>Autonomy of judgment.</i> The students must demonstrate that they have acquired critical and logical-deductive skills suitable for interpreting languages and normative phenomena.</p> <p><i>Communication skills.</i> The students must demonstrate that they have acquired communication and exhibition skills in the legal process.</p> <p><i>Ability to learn independently.</i> The students must demonstrate that they have metabolized logical-deductive reasoning schemes and methodologies applied to the legal process.</p>		

Assessment and feedback	
Methods of assessment	
Evaluation criteria	<p><i>Knowledge and understanding.</i> The oral exam will verify that the candidate has acquired the basic notions of the theory of legal argumentation.</p> <p><i>Applied knowledge and understanding.</i> The oral exam has also to verify that the candidate is able to discuss with the concepts and theoretical tools studied during the course</p> <p><i>Autonomy of judgment.</i> The exam will have to ascertain the candidate's acquisition of full autonomy of critical judgment on the issues and problems faced during the course</p> <p><i>Communication skills.</i> During the exam, the candidate must demonstrate that he has acquired the ability to argue in a logical manner and to communicate orally the main topics of the course in a clear and comprehensive manner</p> <p><i>Ability to learn.</i> To pass the exam, the student must have achieved sufficient knowledge of the two books provided for the study program.</p>
Criteria for assessment and attribution of the final mark	The verification will get the open structure of dialogue starting from questions that intend to ascertain on the one hand the possession of essential contents of

	the program, and, on the other, the critical or dialectical skills connected to the mainly hermeneutic meaning of legal science. The final evaluation will be expressed in an exam grade.
Additional information	