## **Law and logic of evidence**

## Prof. Enrico Maria Mancuso; Prof. Ciro De Florio

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course will be divided into two modules: Legal epistemology and Logic of evidence.

The first one aims to define the methodologies at the basis of legal knowledge, and identify the purposes of the verification process carried out in the jurisdictional context, with a focus on cognisance in criminal proceedings.

The second module helps to rigorously characterize key notions of the law, from a logical-probabilistic perspective, such as evidence, circumstantial evidence, probative relevance, probative experiment and proof.

At the end of the course, we expect to achieve a good knowledge of the topics covered and an informed use of the tools acquired.

***COURSE CONTENT***

The first part of the course will analyse the gnoseological profiles of the tools used by judges and the consequent decision-making procedures: in particular, the different trial models, the verdicts, the methodology of judicial neutrality, the concept of evidence, evidence acquisition and assessment, the rules of court, the reasons of the judgment.

The second part will take into consideration the general concept of evidence among scientific and legal contexts, and the concept of probability with its main interpretations; there will follow an introduction to the logic of probable inference and, finally, the connection of cause will be analysed, detailing its counterfactual interpretation and its use in abductive procedures.

Passing the examination of Law and logical evidence will be recognized, according to the indications contained on the respective teachers’ websites, in the examinations related to Administrative Law II, Civil Procedure and Criminal Procedure.

***READING LIST***

Further information on the reading list for attending students will be made available by the lecturers at the beginning of the course.

Non-attending students will have to study the following textbooks:

* G. Tuzet, *Filosofia della prova giuridica*, Turin, Giappichelli, 2016.
* A. Iacona, *L’argomentazione*, Turin, Einaudi, 2005.

***TEACHING METHOD***

Lectures.

***ASSESSMENT METHOD AND CRITERIA***

Oral exam.

The criteria for the evaluation of the oral test concern the ownership of legal language, the clarity of the exposition, the correctness of the contents expressed, the capacity for analysis and the understanding of the systematic connections.

***NOTES AND PREREQUISITES***

*Prerequisites required*

The examinations of Constitutional law, Institutions of roman law and Institutions of private law are preparatory to those from the third year onwards.

*Time and place of reception*

Prof. Giulio Ubertis: Thursdays from 15.30 at the Department of Legal Sciences.

Prof. Ciro De Florio: Tuesdays from 14.30 at the Department of Philosophy.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.