

STEREOTYPES BEHIND NORMS AND LEGAL REASONING

Federico José Arena

Postdoc Senior Researcher, Barcelona Institute of Analytical Philosophy (BIAP)

Independent Researcher at the National Scientific and Technical Research Council of Argentina (Conicet) and Full Professor of Legal Philosophy and Logic at the Universidad Blas Pascal, Córdoba, Argentina.



OBJECTIVES

The general objective of this course is for participants to be able to identify stereotypes and evaluate the different ways in which they may affect the attribution of legal rights and the assessment of evidence.

After completing this course, students will be able to:

- (1) Identify the conditions for considering a statement or belief as a stereotype.
- (2) Distinguish the various uses of stereotypes, and the different actions that are carried out when using them.
- (3) Be aware of the different ways in which stereotypes can affect the creation of norms and judicial reasoning.
- (4) Identify the conditions under which stereotypes can increase or decrease the probability of knowing the truth.
- (5) Recognize the stereotypes that have already been identified by national, regional, and international courts and how they have addressed them.

SCHEDULE

- Monday, March 31st
- Tuesday, April 1st
- Wednesday, April 2nd
- Thursday, April 3rd
- Friday, April 4th
- Monday, April 7th
- Tuesday, April 8th



2-5 pm



Aula 6

The course allows the recognition of **3 CFU - type C or D activities** to students of **Giurisprudenza, Università degli Studi di Ferrara.**

COURSE CONTENT

Part 1:

Concept, types and functioning of stereotypes. Stereotypes in cognitive sciences and psychology. Different uses of stereotypes: descriptive and normative. Stereotypes, categories and social norms. Statistical information as a criterion for evaluating stereotypes: scope and limitations.

Part 2:

Fighting stereotypes in the legal field. Their impact on legal reasoning in cases of discrimination. The impact of stereotypes on the creation of general norms and on the interpretation of normative texts. Generalizations and justification of general norms.

Part 3:

Stereotypes as masking individuality. The right to be treated as an individual. Collective identities. The distinction between inference and direct perception. Normative stereotypes and personal autonomy. Stereotype Threat.

Part 4:

Evidentiary inferences and stereotypes. Generalizations in the reasoning about facts. Incidence of stereotypes in the evaluation of testimony. Epistemic injustice and normative stereotypes. Stereotypes and proof in legal decisions: European Court of Human Rights (ECHR). Interamerican Court of Human Rights (IACHR). CEDA Committee.

Part 5:

Criteria for determining the epistemic value of stereotypes. Statistical support. Relevance: logical and material relevance. Quality of individual information. Epistemic sensitivity: ability to review prior beliefs. Stereotype normativity: direction of fit.