

**Course syllabus**

Subject name	Legal Argumentation
Field of study	Civil Law, Roman Law, Economic analysis of the law
ECTS credits	3
Semester	2 (Spring)
Language	English
Professor/s	Francisco Javier Andrés Santos
Department	Criminal Law, Theory and History of Law
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1. Description

The aim of this module is to provide a comprehensive picture of the recent developments in the theory and practice of argumentation in different areas of law. Legal argumentation is presented as a mediator between knowledge and legal practice, taking in to account the substantial role that arguing plays in the practice and understanding of law in the democratic states. The course should provide tools to answer questions such as: What is an argument? What means a “legal argument”? What types of forms of legal argument are? Is it the same thing to explain and to justify a decision? etc., all of them quite relevant to get a more accurate idea of the function of law in the contemporary societies.

2. Course learning objectives

Students should be able to:

1. Obtain a comprehensive overview of the different types of argument in legal field.
2. Critically analyse and reflect on their legal order as a whole and especially on the judicial decisions and legislative provisions.
3. Understand the problems of transition between legal production and right adjudication.
4. See the similarities and differences between legal argumentation and legal interpretation.
5. Critically reflect on the characteristics, anomalies and difficulties of legal language.

3. Contents / Programme

List of topics:



Topic 1: Introduction and overview on argumentation and legal argumentation.

Topic 2: Logic as a model of right argumentation..

Topic 3. Fallacies and argumentation.

Topic 4: Legal interpretation and argumentation.

Topic 5: Difficult cases and external justification.

Topic 6: Different types of legal arguments.

Topic 7: Pragmatics: characteristics of legal language.

4. Bibliography

FETERIS, E. T., Fundamentals of Legal Argumentation. A Survey of Theories on the Justification of Judicial Decisions (Vienna, 2017)

MacCORMICK, N., Legal reasoning and legal theory (Oxford, 1994)

MacCORMICK, N., Rhetoric and the Rule of Law. A Theory of Legal Reasoning (Oxford, 2005)

TOULMIN, S. E., The Uses of Argument (Cambridge, 1958)

VAN EMEREN, F. H. et al. (eds.), Fundamentals of Argumentation Theory. A Handbook of Historical Backgrounds and Contemporary Developments (Mahwah, New Jersey, 1996)

5. Workload distribution

Activities	Hours
Classroom-based activities (Lectures, seminars and practical sessions)	22
Online practical activities	15
Guided activities	10
Independent study	26
Exam	2
Total	75



6. Assessment criteria

TOOLS	%	OBSERVATIONS
Ongoing assessment	40%	Class participation, practical exercises, case studies, online activities.
Final exam	60%	Multiple-choice test, short questions, problem-solving activity.

