

## 27735 - Legal Interpretation and Argument

### Syllabus Information

**Academic year:** 2023/24

**Subject:** 27735 - Legal Interpretation and Argument

**Faculty / School:** 102 - Facultad de Derecho

**Degree:** 421 - Degree in Law

**ECTS:** 3.0

**Year:** 4

**Semester:** Second semester

**Subject type:** Optional

**Module:**

### 1. General information

This subject offers a theoretical and practical introduction to the problems of interpretation and argumentation faced by the courts when applying the law and pursues, in essence, a twofold objective: that students improve their ability to critically analyse the justification of judicial decisions; and to exercise and refine their own skills in legal argumentation, normative interpretation and evidentiary reasoning.

The subject also works with cross-cutting approaches such as gender perspectives and effective equality (SDGs 5 and 10),\* and seeks to contribute to the training of lawyers committed to basic principles and principles of human rights (SDGs 5 and 10),\* and it seeks to contribute to the training of jurists committed to the basic principles of constitutional democracy and the rule of law (SDG 16)

\* *SDGs associated with this subject: gender equality (SDG 5), reducing inequalities (SDG 10) and peace, justice and strong institutions (SDG 16).*

### 2. Learning results

In order to pass the subject, the student must show their ability to:

[R1] explain, relate, and apply basic theoretical notions of legal interpretation and argumentation, as well as identify and compare the methodological implications of different conceptions of law;

[R2] justify or assess interpretations of legal texts in accordance with the guidelines and criteria recognized in the Spanish law, and correctly employ typical interpretative arguments.

[R3] critically analyse and make sub assumptions, analogies, and proportionality judgments (including weightings) in real or hypothetical scenarios;

[R4] determine the soundness of evidentiary reasoning and justify evaluations of evidence;

[R5] reconstruct a judicial argument and graphically represent (or schematize) its structure and content; and

[R6] develop a reasonable argumentation to justify decisions or interpretative positions when faced with specific cases and explain and defend this argumentation orally and in writing.

### 3. Syllabus

[1] Fundamentals of legal interpretation and argumentation.

[2] Legal argumentation on facts and evidentiary reasoning.

[3] Recurrent problems in the interpretation and application of rules: loopholes and defeats.

[4] Constitutional interpretation. Proportionality and weighting.

### 4. Academic activities

*Theoretical-practical sessions:* explanation of theoretical contents, combined with interactive and participative work on practical content. Full group (0.7 ECTS). Learning results R1, R2, R3, R4

*Practical sessions:* application of theoretical contents in the form of exercises, homework or assignments, case method, problem-based learning, simulation. Small group (0.5 ECTS). Learning results R1, R2, R3, R4, R5, R6.

*Autonomous work, homework program and final test.* Individual or group tutored autonomous work (1.68 ECTS, or 2.88 ECTS for those who follow the subject through the ADD), theoretical or theoretical-practical written test- (0.12 ECTS). Learning results R1, R2, R3, R4, R5, R6.

## 5. Assessment system

In order to pass the subject it is necessary to pass both the general theoretical part and the practical part. Each part makes up 50% of the subject grade (if the number of enrolments in a group is too high or too low, the weight of one or the other part could be increased or reduced, which would be indicated in the specific program of the group). The general or theoretical part is evaluated at the end of the teaching period by means of a written test. For the practical or applied part it is possible to use a continuous evaluation through the assignment program ( mixed system ). This system requires attendance to all practical sessions (only one absence is allowed, for justified causes ), submitting all scheduled assignments on time, and obtaining at least an average grade of "pass" in the set of those assignments. Those who cannot or do not wish to use the mixed evaluation system (or do not pass the assignment program), have the option of passing the subject by taking, in addition to the final theoretical test , a final practical test. The teacher responsible for each group will provide at the beginning of the term information on the design of the final theoretical and practical tests, as well as on the evaluation criteria.