

## 27735 - Legal Interpretation and Argument

### Syllabus Information

**Academic year:** 2024/25

**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 course offers a theoretical-practical introduction to legal interpretation and argumentation, with a focus on archetypal problems faced by courts when applying the law. The course pursues a twofold objective: to strengthen students' ability to critically analyse the justification of judicial decisions, and to have students exercise and improve their own legal argumentation skills, particularly as regards statutory and constitutional construction and evidential reasoning. An effective equality and gender approach (SDGs 5 and 10) is given a special weight in this subject, which further contributes to training lawyers committed to the basic principles of a modern constitutional, rule of law-based democracy (in line with SDG 16).

### 2. Learning results

After completing this course, students shall have a sufficient capacity...

- [R1] to explain, interrelate and apply basic theoretical notions of legal interpretation and argumentation, as well as to identify and compare the methodological implications of different conceptions of law;
- [R2] to justify and evaluate interpretations of legal texts, and to correctly utilise typical interpretative arguments and criteria under Spanish law;
- [R3] to critically review and to properly perform subsumptions, analogies and proportionality analyses (including balancing) in real or hypothetical scenarios;
- [R4] to evaluate the cogency of evidential arguments as delivered by a court, and to state the reasons why a given set of alleged facts should, or should not, be held to be proved;
- [R5] to reconstruct judicial arguments, and to visually represent its structure and content; and
- [R6] to develop a plausible argumentation to justify legal decisions or interpretative stances in view of particular cases, and to explain and defend this argumentation orally and in written.

### 3. Syllabus

[1] Fundamentals of legal interpretation and argumentation.

[2] Legal argumentation on facts and evidential reasoning.

[3] Recurrent problems in the interpretation and application of rules: legal gaps and defeasibility.

[4] Constitutional interpretation. Proportionality and balancing.

### 4. Academic activities

*Theory-Practice Sessions:* explanation and discussion of theoretical topics, combined with interactive teaching and classwork. Large group (0.7 ECTS). Learning results: R1, R2, R3, R4.

*Practice Sessions:* analysis and discussion of judicial rulings; problem-based learning; simulation. Small group (0.5 ECTS). Learning results: R1, R2, R3, R4, R5, R6

*Autonomous Work, Periodic Assignments and Exam Preparation:* autonomous work, tutorials (1.68 ECTS, or 2.88 ECTS for those who follow the course on the online platform), final written exam (0.12 ECTS). Learning goals: R1, R2, R3, R4, R5, R6.

### 5. Assessment system

To successfully complete this course, students have to obtain a pass both in the general and in the applied part. Each part is accorded 50% of the subject grade – note, however, that the weight accorded to either part may vary depending on the number of students enrolled and the specific teaching plan for the morning/afternoon groups. As for the general part of the course, students' achievement is assessed through a final, written exam at the end of the term. To pass the applied part of the course, students may opt either for a continuous assessment model based on periodic assignments or for taking a problem/case-based exam at the end of the term. The continuous assessment model requires attendance to all practice sessions, submission of all scheduled assignments on time, and an average grade of pass in the assignments. Regular and thoughtful participation in class

discussions is expected from students willing to benefit from this model. Those who cannot or do not wish to follow the continuous assessment model, or fail to obtain a pass in it, have the option of passing the course by taking a final practical test (besides the final theory test). Further details on the exam, on how to prepare it, and on the assessment criteria will be announced in each group at the beginning of the term.

## **6. Sustainable Development Goals**

5 - Gender Equality  
10 - Reduction of Inequalities  
16 - Peace, Justice and Strong Institutions