



## COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
<b>Legal Argumentation</b>	

Lecturer(s)	Department(s) where the course unit (module) is delivered
<b>Coordinator: assoc. prof. dr. Jaunius Gumbis</b>	Department of Public Law, Faculty of Law, Vilnius University Saulėtekio av. 9, Building 1, Room 405, LT-10222 Vilnius tel. (85)2366175, e-mail: vtktedra@tf.vu.lt

Study cycle	Type of the course unit (module)
First	Optional

Mode of delivery	Period when the course unit (module) is delivered	Language(s) of instruction
Face-to-face	Spring semester	English

Requirements for students	
<b>Prerequisites:</b> Theory of Law	<b>Additional requirements (if any):</b> -

Course (module) volume in credits	Total student's workload	Contact hours	Self-study hours
5	125	32	93

Purpose of the course unit (module): programme competences to be developed		
<p>The purpose of the course is to make students familiar with the foundations of factual and legal argumentation and reasoning, which help to properly understand, interpret and apply law.</p> <p>Legal argumentation and reasoning constitute one of the most important factors determining identification and analysis of any legal problem and its correct and reasonable solution. The ability to make a consistent and reasoned assessment of any actual social situation calling for a definite legal resolution is also relevant from the practical point of view. Despite the fact that the sphere of legal regulation currently encompasses an absolute majority of public life aspects, there are always certain factual relationships left outside any legal regulation, and therefore adjudication in the cases arising from such relationships requires deeper knowledge of the substance of law, its origin and purpose, unlimited by strict positivistic legal approach. By emphasising the need for rational interpretation and application of law and the constitutional right and duty of judges to administer justice to analyse the scope of discretion by those who apply law in seeking justice based on the standards established in certain situations by legal rules and case law precedents. The need to protect certain generally recognised values presupposes the necessity for the possibly broadest discretion to assess the conflicting benefits, to interpret the principles of law and in certain cases even to deviate from the externally imposed unjustifiable behaviour assessment criteria. Relevant analysis should be based on the legal theory and the legal practice in order to perceive whether the exercise of judicial discretion in adjudication should be understood as law making or interpretation of law.</p>		
Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Students will be able to understand the basis of factual and legal argumentation, demonstrate deep knowledge of legal reasoning which leads to proper interpretation of the law.	Lectures, individual work.	Written final examination.
Students will learn that legal argumentation and legal reasoning is one of the most important factors in analysis of any legal problem and its reasonable solution.	Lectures, individual work.	

Students will be able to make a consistent and reasoned assessment of any actual social situation calling for a definite legal resolution.	Lectures, individual work.	Written final examination.
Students will be able to apply knowledge of legal reasoning in a creative and ethical way.	Lectures, individual work	
Students will be able to demonstrate systematic and rational understanding of universally recognized values, as well as apply deeper perception of the essence of the law to arising legal problems in their practice.	Lectures, individual work.	
Students will be able to share their thoughts, ideas and arguments basing on their knowledge in a reasonable, clear and unequivocal manner.	Lectures, individual work.	
Students will learn to work individually, identify, retrieve and use relevant theoretical and practical material necessary to deepen their knowledge in the field of legal reasoning.	Lectures, individual work.	

Content: breakdown of the topics	Contact hours								Self-study work: time and assignments
	Lectures	Tutorials	Seminars	Exercises	Laboratory work	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Legal understanding and conception of legal consciousness.	4							8	Scientific / philosophical analysis of literature, discussions.
2. Legal understanding and common sense.	4							8	Scientific / philosophical analysis of literature, discussions.
3. Reasoning and arguments in law.	4							8	Scientific / philosophical analysis of literature, discussions.
4. Principles of legal reasoning, models of arguments.	4							8	Scientific / philosophical analysis of literature, discussions.
5. Legal thinking.	4							8	Scientific / philosophical analysis of literature, discussions.
6. Exercise of logic, importance of sense of justice and its problematics.	4							8	Scientific / philosophical analysis of literature, discussions.
7. Linguistic expression of law.	4							8	Scientific / philosophical analysis of literature, discussions.
8. Court judgement (legal discretion).	4							8	Scientific / philosophical analysis of literature, discussions.
								29	Preparation for examination
<b>Total:</b>	<b>32</b>							<b>93</b>	

Assessment strategy	Weight, %	Deadline	Assessment criteria
Written examination	100	At the end of the course	Based on the provided knowledge during the examination. Students should provide all the information in an argumentative, coherent and clear manner.

Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
<b>Compulsory reading</b>				
J. Gumbis	2018	Legal Argumentation: realistic approach		
R. Alexy	1998	Theory of Legal Argumentation		Oxford: Clarendon.
A. Barak	1989	Judicial Discretion		New Haven: Yale University Press
<b>Optional reading</b>				
B. Bix	1996	Jurisprudence: Theory and Context		Avalon Publishing
S. J. Burton	1992	Judging in Good Faith		Cambridge: Cambridge University. Press
S. J. Burton	2007	An Introduction to Law and Legal Reasoning		New York: Wolters Kluwer Law & Business, Aspen Publishers
D. N. Walton	2002	Legal argumentation and evidence		The Pennsylvania State University Press