



COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
LEGAL ARGUMENTATION IN TRANSNATIONAL CONTEXT	

Lecturer(s)	Department(s)
Coordinator: Assoc. Prof. Dr. Donatas Murauskas Other(s):	Vilnius University, Faculty of Law, Department of Public Law Sauletekio av. 9, Building 1, LT-10222, Vilnius, 405 room, phone (8 5) 2366175, e-mail: vtkatedra@tf.vu.lt

Study cycle	Type of the course unit (module)
Second	Compulsory

Mode of delivery	Course unit delivery period	Language(s) of instruction
Face-to-face	2 (spring) semester	English

Requirements for students	
Pre-requisites:	Co-requisites (if any):

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit (module): programme competences to be developed		
The course unit aims to develop students' in-depth understanding of the significance of legal argumentation in the application of law and abilities to formulate legal positions in both written and oral form. Students will recognize contemporary models of legal argumentation in transnational legal context and will critically assess the soundness of arguments presented in judicial proceedings, focusing on a variety of jurisdictions, supranational and international tribunals. The course will provide knowledge of the structure and style of legal texts, while also developing students' ability to substantiate and argue legal conclusions.		
Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Students will be able to distinguish between different styles and techniques of legal argumentation and identify their specific characteristics.	An interactive method of teaching during lectures and seminars (oral presentations, the analysis of problematic issues, group discussions, case study), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Submission of written legal position and oral presentation; assignment on practical case; qualitative discussion on a topic; critical engagement with different legal arguments.
Students will be capable of formulating advanced legal arguments suitable for use in complex disputes arising in a transnational context, including proceedings before national and international jurisdictions.	An interactive method of teaching during lectures and seminars (oral presentations, the analysis of problematic issues, group discussions, case study), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Submission of written legal position and oral presentation; assignment on practical case; qualitative discussion on a topic; critical engagement with different legal arguments.
Students will be able to critically examine complex arguments advanced by parties and adjudicative bodies in a transnational context, respond to such arguments, and identify deficiencies in their logic, reasonableness, or compliance with established principles of legal argumentation.	An interactive method of teaching during lectures and seminars (oral presentations, the analysis of problematic issues, group discussions, case study), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Submission of written legal position and oral presentation; assignment on practical case; qualitative discussion on a topic; critical engagement with different legal arguments.
Students will be able to adopt a critical and self-critical approach and to express their views, both orally and in writing, in a coherent, well-reasoned, and persuasive manner. They will also able	An interactive method of teaching during lectures and seminars (oral presentations, the analysis of problematic issues, group discussions, case study), individual studies (analysis of the relevant legal framework,	Submission of written legal position and oral presentation; assignment on practical case; qualitative discussion on a topic; critical

to evaluate positions advanced by others, taking into account cultural differences and ethical considerations.	policy and case-law, reading of academic literature).	engagement with different legal arguments.
Students will be capable of analysing particular factual circumstances within different legal frameworks and of presenting, orally or in writing, arguments in support of alternative legal positions, irrespective of their personal views.	An interactive method of teaching during seminars (oral presentations, the analysis of problematic issues, group discussions, case study), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature).	Submission of written legal position and oral presentation; assignment on practical case; qualitative discussion on a topic; critical engagement with different legal arguments.

Content: breakdown of the topics	Contact hours							Self-study: hours and assignments	
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Introduction. The Concept of Legal Argumentation. Definition of argumentation. What is distinctive about legal argumentation? Legal argumentation as one of the methods of legal reasoning. Practical argumentation (the procedural theory and the topical-rhetorical theory).	2						2	6	Reading assignments before the class; preparation for open-ended assignments during the class. Preparation for discussion.
2. Specificity of Legal Arguments Across Jurisdictions. To what extent is a legal argument valid across different jurisdictions? The role of supranational and international courts in adjudicating disputes from different legal systems and jurisdictions.	2						2	7	Reading assignments before the class; preparation for open-ended assignments during the class. Preparation for discussion.
3. Proper Application of Legal Argumentation. Criteria for determining the correctness and appropriateness of legal argumentation. Argumentation canons (methods). The legal syllogism as a point of reference for the development of a legal argument. Discussion of informal logical fallacies.	5		1				6	16	Reading assignments before the class; preparation for open-ended assignments during the class. Preparation for discussion.
4. Legal Requirements on Legal Argumentation. Constitutional and supranational requirements for the reasoning of judicial decisions. Legislation and recommendations concerning legal argumentation.	4						5	12	Reading assignments before the class; preparation for open-ended assignments during the class. Preparation for discussion.
5. Legal Argumentation in Transnational Environment. Overview of the styles of legal argumentation employed by different courts. The legal style of national courts from different jurisdictions. Common and civil law approaches to legal argumentation. Strategic structuring of legal argumentation. Comparative method in legal argumentation.	5		1				7	12	Reading assignments before the class; preparation for open-ended assignments during the class. Preparation for discussion.
6. Legal Writing Style. Writing style and persuasiveness: the distinction between predictive and persuasive writing. Sentence structure and paragraph structure. Terminology used in legal writing. The importance of the audience. Practical examples.	4		1				5	16	Reading assignments before the class; preparation for open-ended assignments during the class. Preparation for discussion.

7. Legal Argumentation and Digital Technologies. The use of language models (artificial intelligence) in the formulation of legal arguments. Examples and practical exercises. Discussion of the challenges posed to legal argumentation by the post-truth era, social media, and other digital technologies.	2		1				3	16	Reading assignments before the class; preparation for open-ended assignments during the class. Preparation for discussion.
8. Presentation of Legal Positions			4				2	16	Preparation of legal position and its presentation.
Total	24		8				32	101	

Assessment strategy	Weight, percentage	Assessment period	Assessment criteria
Participation in class activities (Case-studies, discussions)	40	During semester	Participation in class activities consists of presenting a view based on assigned material; active discussion of assigned material and cases; comprehensive and critical assessment of issues, raising important questions, discussing them with colleagues by providing clear arguments; participation in a lecturer lead discussion (the analytical dialogue method). Knowledge is assessed based on student's ability to argue the position based on course-related materials, to apply course-related methods, to reasonably discuss the subject of the class, to suggest viable solutions in problematic areas. Attendance of seminars is mandatory. In case of missing more than 50 percent of seminars, students must make up the missed seminars in accordance with the requirements established by the lecturer. The form of make-up work will depend on the topic of the seminar missed.
Assignment on practical case	20	During semester	Up to 2 points may be awarded for a written assignment consisting of the resolution of practical cases specified by the lecturer through the submission of a reasoned legal position on a designated question. Completion of the assignment is not mandatory. Assessment is based on the clarity and coherence of the arguments presented, as well as the ability to integrate academic (course-based) knowledge, practical experience and the applicable legal framework.
Written legal position and oral presentation	40	At the end of the course	At the end of the course, students formulate legal arguments based on factual scenarios provided by the lecturer. Each student is assigned a specific role and is required to submit a written legal position within a predetermined time limit. The legal position must comply with the requirements for written assignments applicable at the Faculty of Law. Each legal position is also presented orally during class. The legal position is assessed on a ten-point grading scale: up to 7 points are awarded for content and form (comprehensiveness of the analysis, compliance with standards of legal argumentation, coherence, appropriate structure, style, and well-founded conclusions); up to 3 points are awarded for the presentation of the legal position (persuasiveness, concise and focused delivery, fluency, and the ability to provide reasoned responses to questions). The grade received on the 10-point scale is multiplied by 0.4.

Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
Compulsory reading				
Robert Alexy	1989	A Theory of Legal Argumentation		Oxford University Press
Antonin Scalia; Brian A. Garner	2012	Reading Law: The Interpretation of Legal Texts		Thomson/West
Jerzy Stelmach; Bartosz	2006	Methods of Legal Reasoning		Dordrecht: Springer

Brožek,				
Matthias Wendel	2013	EU-Related Decisions of National Constitutional Courts in a Transnational Perspective	Vol. 11, no. 4	<i>International Journal of Constitutional Law</i>
Koen Lenaerts	2016	Comparative Law Method and the European Court of Justice	Vol. 64, no. 4	<i>American Journal of Comparative Law</i>
Ezgi Yildiz	2020	A Court with Many Faces: Judicial Characters and Modes of Norm Development in the European Court of Human Rights	Vol. 31, no. 1	<i>European Journal of International Law</i>
Fernando Prieto Ramos	2014	International and Supranational Law in Translation: From Multilingual Lawmaking to Adjudication,	Vol. 20, no. 3	<i>The Translator</i>
Recommended reading				
Peter Cserne	2009	Policy Arguments before Courts: Identifying and Evaluating Consequence-Based Judicial Reasoning	Vol. 3, No. 9	Humanitas Journal of European Studies
Antonin Scalia; Brian A. Garner	2008	Making your case. The art of Persuading judges		Thomson / West
Damiano Canale	2015	Comparative Reasoning in Legal Adjudication	Vol. 28, no. 1	<i>Canadian Journal of Law and Jurisprudence</i>
Christopher McCrudden	2015	Transnational Culture Wars	13, no. 2	<i>International Journal of Constitutional Law</i>
Karen J. Alter	2014	The New Terrain of International Law: Courts, Politics, Rights		Princeton University Press
Hayato Hirata; Katsumi Nitta	2022	Analysis of Legal Argumentation Documents: A Computational Argumentation Approach		<i>Springer</i>
Eveline Feteris, Harm Kloosterhuis and H. Jose Plug (editors)	2024	Legal argumentation: reasoned dissensus and common ground		<i>The Hague: Boom</i>