



## IDENTIFYING DATA

### Legal arguments & interpretation

Subject	Legal arguments & interpretation			
Code	O03G081V01921			
Study programme	Grado en Derecho			
Descriptors	ECTS Credits	Choose	Year	Quadmester
	6	Optional	4th	1st
Teaching language	#EnglishFriendly Spanish			
Department				
Coordinator	Bonorino Ramírez, Pablo Raúl			
Lecturers	Bonorino Ramírez, Pablo Raúl			
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Web				
General description	The subject aim is to offer theoretical tools to improve the argumentative and interpretative practices of the students. English Friendly subject: International students may request from the teachers: a) materials and bibliographic references in English, b) tutoring sessions in English, c) exams and assessments in English.			

## Training and Learning Results

Code	
A1	Students will have shown they have sufficient knowledge and understanding of an area of study, starting after completion of general secondary education, and normally reaching a level of proficiency that, being mostly based on advanced textbooks, will also include familiarity with some cutting-edge developments within the relevant field of study.
A2	Students will be able to apply their knowledge and skills in their professional practice or vocation and they will show they have the required expertise through the construction and discussion of arguments and the resolution of problems within the relevant area of study.
A3	Students will be able to gather and interpret relevant data (normally within their field of study) that will allow them to have a reflection-based considered opinion on important issues of social, scientific and ethical nature.
A4	Students will be able to present information, ideas, problems and solutions both to specialist and non-specialist audiences.
A5	Students will acquire the learning skills that are required to pursue further studies with a high degree of independence.
B1	To know the function of the Law as a regulating system of social relations.
B2	To know the different manifestations of the Law in their historical development and in their present-day incarnations.
B3	To be able to use the constitutional principles and values as tools for the interpretation of the law and to acquire the skills to argue in juridical terms.
B4	To be able to identify juridical problems and to suggest solutions from an interdisciplinary perspective.
C58	CEI 11 □ To know the main contemporary theories of juridical interpretation and argumentation.
D1	Analysis and synthesis skills for the development and defense of arguments, as well as skills for organizing, planning and using time in pressure situations.
D2	Use of foreign languages in activities from different courses.
D3	Ability to make decisions independently, leadership skills, ability to do co-operative teamwork, interpersonal skills that are helpful in professional and social situations.
D4	Ability to behave ethically and with social responsibility as a citizen and as a professional, respecting diversity and multiculturalism.
D5	To be able to solve problems and interpret data from reality with their associated meanings, and to establish links with the different branches of the juridical order.

## Expected results from this subject

Expected results from this subject	Training and Learning Results
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The basic goal of this subject is the use of logic and legal argumentation for the peaceful resolution of social conflicts	A1	B1	C58	D1
	A2	B2		D2
	A3	B3		D3
	A4	B4		D4
	A5			D5

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## Contents

### Topic

I. DISAGREEMENTS and DEBATES	<ol style="list-style-type: none"> <li>1. The concept of disagreement <ol style="list-style-type: none"> <li>1.1 Classification of disagreements</li> <li>1.2 Analyses of disagreements</li> </ol> </li> <li>2. Disagreements no genuine <ol style="list-style-type: none"> <li>2.1 Merely verbal Disagreements</li> <li>2.2 Definition and verbal disagreements</li> </ol> </li> <li>3. Argumentative exchanges <ol style="list-style-type: none"> <li>3.1. Differences of opinion</li> <li>3.2 Disagreements and debate</li> </ol> </li> <li>4. The argumentation in debates</li> </ol>
II. LEGAL ARGUMENTATIONS	<ol style="list-style-type: none"> <li>1. Identification and reconstruction of arguments</li> <li>2. The reconstruction of argumentations</li> <li>3. A paradigmatic case of legal reasoning: the judicial sentence</li> <li>4. Judicial sentence and stock issues</li> <li>5. Reconstruction of judicial argumentations</li> </ol>
III. DEDUCTIVE LOGIC	<ol style="list-style-type: none"> <li>1. Validity and logical form</li> <li>2. Deductive plain Arguments <ol style="list-style-type: none"> <li>2.1 The modus ponens</li> <li>2.2 The modus tollens</li> <li>2.3 The hypothetical argument</li> <li>2.4 The disjunctive argument</li> <li>2.5 The dilemma</li> </ol> </li> <li>3. Deductive complexes Arguments</li> <li>4. The deductive chains</li> <li>5. The complex valid forms <ol style="list-style-type: none"> <li>5.1 The reduction to the absurd</li> </ol> </li> <li>6. Syllogisms</li> </ol>
IV. INDUCTIVE LOGIC	<ol style="list-style-type: none"> <li>1. The field of the probability</li> <li>2. What is an inductive argument?</li> <li>3. Some erroneous conceptions on the induction</li> <li>4. The inductive strength of an argument</li> <li>5. Induction and probability</li> <li>6. Inductive Arguments</li> <li>7. The inductive forms more usual in the legal practice <ol style="list-style-type: none"> <li>7.1 Inferences by enumeration</li> <li>7.2 The analogy</li> <li>7.3 The abduction</li> </ol> </li> </ol>
V. INFORMAL LOGIC	<ol style="list-style-type: none"> <li>1. The fallacies in the legal argumentation</li> <li>2. A dialogic model <ol style="list-style-type: none"> <li>2.1 Rational Dialogue</li> <li>2.2 Positive and negative Rules</li> <li>2.3 The burden of proof in oral debates</li> </ol> </li> <li>3. Informal Fallacies <ol style="list-style-type: none"> <li>3.1 The appeals to the authority</li> <li>3.2 The personal attacks</li> </ol> </li> <li>4. Interrogations <ol style="list-style-type: none"> <li>4.1 Questions, replies and answers</li> <li>4.2 Types of questions</li> <li>4.3 Presuppositions, questions and fallacies</li> <li>4.4 Evaluation of interrogations</li> </ol> </li> </ol>
VI. THEORIES OF ARGUMENTATION	<ol style="list-style-type: none"> <li>1. The theories of the contemporary legal argumentation</li> <li>2. Constitutional principles and legal argumentation</li> <li>3. Descriptive and normative models <ol style="list-style-type: none"> <li>3.1 The theory of Armo</li> <li>3.2 The theory of Alexy</li> <li>3.3 The theory of MacCormick</li> <li>3.4 The theory of Toulmin</li> </ol> </li> <li>4. The rhetoric <ol style="list-style-type: none"> <li>4.1 Topical and rhetorical</li> <li>4.2 Perelman and the new rhetoric</li> </ol> </li> </ol>

## VII. THEORIES OF INTERPRETATION

1. What is to interpret?
2. Interpretation and meaning
3. The contemporary theories of the legal
  - 3.1 The position of Kelsen
  - 3.2 The position of Ross
  - 3.3 The position of Hart
  - 3.4 The position of Dworkin
4. Interpretation and legal dogmatic
5. Interpretation and application of law
6. Interpretation and argumentation
  - 6.1 interpretative Arguments

### Planning

	Class hours	Hours outside the classroom	Total hours
Problem solving	16	24	40
Autonomous problem solving	3	12	15
Lecturing	26	41	67
Essay questions exam	2	15	17
Problem and/or exercise solving	4	3	7
Debate	2	2	4

\*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

### Methodologies

	Description
Problem solving	Comprehension tasks based on the application of acquired knowledge to practically relevant situations.
Autonomous problem solving	Practical work.
Lecturing	Oral exhibition complemented with the use of audiovisual means headed to the students, with the purpose to transmit knowledges and facilitate the learning.

### Personalized assistance

Methodologies	Description
Problem solving	Resolution of theoretical and practical doubts. The tutorials will be carried out using all the technical means available, according to the needs of the students, and by prior arrangement.
Autonomous problem solving	The tutorials will be carried out using all the technical means available, according to the needs of the students, and by prior arrangement.

### Assessment

	Description	Qualification	Training and Learning Results			
Essay questions exam	Application of the knowledge of the subject to situations of practical relevance. Learning outcome assessed: The basic objective of this subject is the use of legal basic objective of this subject is the use of legal logic and argumentation for the peaceful resolution of social conflicts.	40	A1 A2 A3 A4 A5	B1 B2 B3 B4	C58	D1 D2 D3 D4 D5
Problem and/or exercise solving	Resolution of practical cases	30	A1 A2 A4			D1 D3
Debate	Exhibition and debate	30	A1 A2 A3	B3 B4	C58	D4

### Other comments on the Evaluation

1. ASSESSMENT CRITERIA FOR ASSISTANTS IN THE 1ST EDITION OF ACTS. Theoretical and practical part: To pass the *Argumentation and Legal Interpretation* subject will be necessary to pass both the theoretical and practical parts. The tests are specified in the previous sections.

2. ASSESSMENT CRITERIA FOR NON-ATTENDEES OF THE 1ST EDITION OF ACTS. An objective test is consisting of a final written exam on the subject. The exam requires answer questions, case solving and debate.

3. ASSESSMENT CRITERIA FOR THE 2ND EDITION OF ACTS AND THE END OF THE PROGRAMME. The acquisition of competencies in the second edition will be assessed through an objective test consisting of a final written examination of the competencies. The exam requires answer questions, case solving and debate. In the tests mentioned above, the competencies not previously acquired and which are the same as those required in the previous assessments will be assessed. The parts - theoretical or practical - of the subject approved in the continuous assessment will be retained. The learning outcomes to be assessed are the use of logic and legal Argumentation for the peaceful resolution of social conflicts (CB1,2,3,4,5; CG1,2,3,4; CE58 and CT1,2,3,4,5).

The dates, times and place of the evaluation tests of the different calls will be those indicated in the calendar of exams approved by the Faculty Board for the academic year 2023-2024 and related documentation.

The qualifications will be published on the internal platform or official virtual classroom of the University of Vigo with access limited to the teaching staff of the subject and the enrolled students.

If it is necessary, for exceptional reasons, to modify or clarify the examination methods outlined in the guide, such modifications or clarifications will be published on the same online support.

Once the period of one month has elapsed from the beginning of the term in which the subject is taught, a period of 10 working days will be allowed for registered students to formally express their intention to participate in the continuous assessment system.

The tutorships of the professors of the subject can be consulted and/or requested in the following link: <http://dereito.uvigo.es/gl/docencia/profesorado/pablo-raul-bonorino-ramirez/>

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## Sources of information

### Basic Bibliography

### Complementary Bibliography

- Alchourrón, C. y Bulygin, E., **Análisis lógico y derecho**, CEC,
- Bonorino Ramírez, Pablo Raúl, **Argumentación en debates**, SPUV,
- Bonorino Ramírez, Pablo Raúl, **Introducción a la lógica jurídica**, Ediciones Suárez,
- Bonorino Ramírez, Pablo Raúl, **El imperio de la interpretación**, Dykinson,
- Alchourrón, C. y Bulygin, E., **Introducción a la metodología de las ciencias jurídicas y sociales**, Astrea,
- Atienza, Manuel, **Las razones del derecho**, CEC,
- García Amado, Juan Antonio, **El derecho y sus circunstancias. Nuevos ensayos de filosofía jurídica**, Universidad del Externado,
- Feteris, Evelin, **Fundamentos de la argumentación jurídica. Revisión de las teorías sobre la justificación de las decisiones judiciales**, Universidad del Externado,
- Copi, Irving M., y Cohen, Carl, **Introducción a la lógica**, Limusa,
- Lifante Vidal, Isabel, **La interpretación jurídica en la teoría del derecho contemporánea**, CEC,
- Marmor, Andrei, **Interpretación y teoría del derecho**, Gedisa,
- Aarnio, Aulis, **Lo racional como razonable. Un tratado sobre la justificación jurídica**, CEC,
- Hernández Marín, Rafael, **Interpretación, subsunción y aplicación del derecho**, Marcial Pons,
- Iturralde Sesma, Victoria, **Aplicación del derecho y justificación de la decisión judicial**, Tirant lo Blanch,
- Vernengo, Roberto, **La interpretación literal de la ley**, Abeledo-Perrot,
- Gimeno Presa, María Concepción, **Interpretación y derecho. Análisis de la obra de Riccardo Guastini**, Universidad del Externado,
- Guastini, Riccardo, **Distinguiendo. Estudios de teoría y metateoría del derecho**, Gedisa,
- Alexy, Robert, **Teoría de la argumentación jurídica. La teoría del discurso racional como teoría de la fundamentación jurídica**, CEC,
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- Perelman, Chaim, **Tratado de la argumentación. La Nueva Retórica**, Gredos,
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- Gascón Abellán, Marina, **Argumentación jurídica**, Tirant lo Blanch,
- Bonorino, Pablo (ed.), **Argumentación, derecho y justicia**, Eolas,
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- Walton, Douglas, **Informal Logic**, CUP,
- Marmor, Andrei, **Law and Interpretation**, OUP,
- Vander Nat, Arnold, **Simple formal logic**, Routledge,

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## Recommendations