



## Course Outline

<b>Course number</b>	<b>RBE259</b>				
Course title	Argumentation and Legal Reasoning				
Credit points	2 CP (3 ECTS)				
Total hours	30				
Lecture hours	14				
Seminar and other hours	16				
Course level	Bachelor				
Prerequisites	None				
Category	Mandatory		<b>Restricted elective</b>	<b>X</b>	Free elective

### COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Sandis Bērtaitis	Mg. iur, Bc. phil.	Visiting Lecturer

### COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Sandis Bērtaitis	Mg. iur, Bc. phil.	Visiting Lecturer
Helmutis Caune	Mg. phil.	Visiting Lecturer
Rasmuss Filips Geks	Bc. oec.	Visiting Lecturer

### COURSE ABSTRACT

The course is an introduction in various ways of making a good argument, as well as recognizing strong and weak arguments. The course focuses less on theory and more on practical training in both spoken and written argumentation. It has five main parts in which different aspects of argumentation are explored: principles for creating a good (strong) argument, basic fallacies in argumentation (and how to recognize them), the role of empiricism in argumentation and the best ways to address and present arguments in public communication. Finally, the last part deals with the specifics of argumentation within legal context. The course will provide necessary basic knowledge and skills for the legal reasoning and argumentation on any other topic.

### COURSE OBJECTIVES

The objectives of the course are:

- 1) to provide understanding of what an argument is and what it consists of, as well as what are the main principles of building strong arguments;
- 2) to provide tools for critical evaluation of arguments and recognition of mistakes in argumentation and judgement;

- 3) to enhance the skills of students to present their arguments in a proper manner, both orally and in writing;
- 4) to enhance knowledge of what are the specifics of legal argumentation.

### GRADING CRITERIA

Criteria	Weighting
Class quizzes	10%
Written assignment during the course (mandatory for passing the course)	25%
Final exam (mandatory for passing the course)	40%
Activity in seminars	25%

### COURSE PLAN – MAIN SUBJECTS

No.	Main subjects	Planned hours
1	Introduction	2
2	Creation of an argument / argument scheme	6
3	Fallacies in argumentation	6
4	Empiricism in argumentation	4
5	Public communication of arguments, debates, settlement	6
6	Basics of legal reasoning	6

### COURSE PLAN – SESSIONS

Session	Session subjects and readings	Lecture/seminar
1	Introduction to the course (HC) <ul style="list-style-type: none"> <li>• What is an argument</li> <li>• Why is it important to argue well</li> <li>• Brief introduction to formal logic</li> </ul>	Two lectures
2	Creation of an argument (RG) <ul style="list-style-type: none"> <li>• Recognizing various forms of argumentation</li> <li>• ARE argumentation model</li> <li>• Typical reasoning patterns</li> <li>• Backing up arguments with empirical evidence or relevant authority, strength of an argument</li> </ul>	Lecture and seminar
3	Creation of an argument (RG) <ul style="list-style-type: none"> <li>• Identifying arguments in written communication</li> <li>• Counterarguments</li> </ul>	Lecture and seminar
4	Creation of an argument (RG) <ul style="list-style-type: none"> <li>• Case preparation, doing research</li> </ul>	Two seminars
5	Fallacies in argumentation (HC) <ul style="list-style-type: none"> <li>• What is a fallacy in argumentation</li> </ul>	Lecture and seminar

<b>Session</b>	<b>Session subjects and readings</b>	<b>Lecture/seminar</b>
	<ul style="list-style-type: none"> <li>• Typical examples of fallacies (part I)</li> </ul>	
6	Fallacies in argumentation (HC) <ul style="list-style-type: none"> <li>• Typical examples of fallacies (part II)</li> <li>• Recognizing fallacies in written text</li> </ul>	Lecture and seminar
7	Fallacies in argumentation (HC) <ul style="list-style-type: none"> <li>• Assignments in groups</li> </ul>	Two seminars
8	Empiricism in argumentation (HC) <ul style="list-style-type: none"> <li>• What is empirical evidence</li> <li>• Importance of empirical evidence in strong arguments</li> <li>• Anecdotal evidence, evidence scale</li> <li>• Experiments, control group, natural experiments</li> </ul>	Lecture and seminar
9	Empiricism in argumentation (HC) <ul style="list-style-type: none"> <li>• Correlation and causation</li> <li>• Falsification, replication, meta-studies</li> <li>• Empirical evidence in a legal context</li> <li>• Assignments in groups</li> </ul>	Lecture and seminar
10	Public argumentation (RG) <ul style="list-style-type: none"> <li>• Main principles of public speech</li> <li>• Training in public speech skills</li> </ul>	Lecture and seminar
11	Public argumentation (SB) <ul style="list-style-type: none"> <li>• Normative (pragmatic, ethical and legal) aspects in debates</li> <li>• Aspects of rhetoric (verbal / para-verbal / non-verbal expressions, repetitions, metaphors)</li> </ul>	Lecture and seminar
12	Public argumentation (SB) <ul style="list-style-type: none"> <li>• Mediation elements in debates (listening, gaining of trust, research of problems, questioning, dealing with emotions, orientation to solution)</li> <li>• Training in mediation skills</li> </ul>	Lecture and seminar
13	Basics of legal reasoning (SB) <ul style="list-style-type: none"> <li>• Main perspectives on legal reasoning</li> <li>• Reasoning with policies and reasoning with rules</li> </ul>	Lecture and seminar
14	Basics of legal reasoning (SB) <ul style="list-style-type: none"> <li>• Division between law and facts</li> <li>• Legal syllogism and application of law</li> <li>• Claims of legal realism</li> </ul>	Lecture and seminar
15	Basics of legal reasoning (SB) <ul style="list-style-type: none"> <li>• Burden of proof and presumptions</li> </ul>	Lecture and seminar

<b>Session</b>	<b>Session subjects and readings</b>	<b>Lecture/seminar</b>
	<ul style="list-style-type: none"> <li>• Oral and written argumentation in court</li> <li>• Tips in legal reasoning</li> </ul>	

#### **COURSE LITERATURE**

<b>No.</b>	<b>Author, title, publisher</b>
1	Armstrong W.S., Fogelin R.J. Understanding arguments. An Introduction to Informal Logic. 8 <sup>th</sup> edition. Belmont: Wadsworth, 2010.
2	Feteris E.T. Fundamentals of Legal Argumentation. A Survey of Theories on the Justification of Judicial Decisions. Dordrecht: Kluwer Academics Publishers, 1999.
3	Schauer F. Thinking Like a Lawyer: a New Introduction to Legal Reasoning. London: Harvard University Press, 2012.
4	Vandavelde K.J. Thinking Like a Lawyer. An Introduction to Legal Reasoning. 2 <sup>nd</sup> edition. Middletown: Westview Press, 2011.
5	Aldisert R.J. Logic for Lawyers. A Guide to Clear Legal Thinking. 3 <sup>rd</sup> edition. NITA, 1997.