

Legal Argumentation: Correct and Incorrect Ways of Drawing Conclusions

Abstract

This master's thesis addresses the issue of legal argumentation and its significance within the context of the Czech legal environment. Legal argumentation represents a key element in the process of legal implementation, especially in the phase of its discovery, and it has a fundamental impact on the legitimacy of decision-making. The aim of this thesis is to provide a comprehensive overview of this issue, ideally covering its entirety. Argumentation is broadly conceived as presenting reasons for a certain conclusion with the aim of convincing the recipient to accept such conclusion. In this conception, both correct, appropriate methods of argumentation, as well as incorrect methods of argumentation, are included. The thesis thus strives to define the boundary between correct and incorrect argumentation and to identify criteria for evaluating the correctness of argumentation.

The first part of the thesis situates legal argumentation within the context of the process of legal implementation, examining its role in the discovery of law and the assurance of the process's legitimacy. The second part focuses on argumentation itself, defining its essence and specifics in the legal context, including the judicial one. The third part addresses the evaluation of the correctness of argumentation and proposes rationality as the guiding criterion for distinguishing between correct and incorrect methods of argumentation. The final part build upon the previous parts with the introduction of the argument as the basic unit of argumentation. It analyzes various classifications based on their usage in law. This part also deals with the evaluation of individual arguments, which depends on their type as well as the specific context in which they are used, similarly to the evaluation of argumentation.

The intended outcome of this master's thesis is to provide a comprehensive overview of the issue of legal argumentation, emphasize its significance in law, and propose criteria for its correct application.

Key Words

Legal Argumentation, Argument, Correctness, Rationality