

## **New Approaches to Legal Reasoning as Used in Case-Law - Summary**

The phenomenon of legal interpretation and argumentation theory has become increasingly popular in the Czech Republic. The thesis first aims to summarize theories (or methodologies) of three Anglo-Saxon scholars, Neil MacCormick, Ronald Dworkin and William N. Eskridge. In the thesis, three respective theoretic chapters are dedicated to theories of legal interpretation as presented by each of them. After exploring philosophic backgrounds of the theories briefly, main focus was put on sets of different interpretation methods and interpretive arguments these scholars find most relevant. Subsequently, I tried to analyse the arguments and to examine role different legal arguments play in the process of interpretation as described in works of the three scholars. Each theory is eventually explicated on a convenient law case mentioned in one of its author's books.

The second aim of the thesis is to apply the theories as summarised in the theoretical part on Czech law cases to find out whether the theories are successfully applicable considering differences of Czech (continental) legal system and common-law-based legal orders as well as whether such application might prove helpful to a Czech law interpret. For that reason several important Czech "hard" cases were selected and the theories were used solve interpretation problems of the cases. Before the theories were applied on Czech cases, the method was tested on a notorious European Court of Justice case "Van Gend en Loos" as the European law represents a connecting line between the aforementioned legal systems.

The conclusions of the research were following: all three theories proved to be successfully applicable on Czech cases. On the one hand, each theory has its advantages and has a potential to effectively provide useful guidance in the process of legal reasoning. On the other hand, each theory has its drawbacks which might cause difficulties to an interpret who chooses to follow them.