

DESCRIPTION FOR THE GENERAL PUBLIC (IN ENGLISH)

The talk about reasons pervades philosophy of law and legal argumentation. In traditional understanding, “a reason” is usually perceived as a consideration that “counts in favor” (or justifies) arguments and legal decisions. It is therefore a quintessential part of legal reasoning. In recent philosophy of law, reasons are understood as considerations that explain, justify or motivate certain actions, so they become a component not only of theoretical, but also of practical deliberation. However – leaving apart the intuitive understanding of the term – what does it exactly mean to be a *reason*, and a *reason for action* specifically? Can we distinguish reasons that are specifically *legal reasons*? Are legal reasons obligatory and in what sense?

The proposed research strives to answer these questions, still widely debated in contemporary literature on legal reasoning and on normativity of law (understood as *reason*-giving capacity of law). This is to be conducted by presenting a semantic analysis of what does it mean to be “a reason” in the context of a legal situation that the addressees to legal norms find themselves in. For this aim, the logic of J. Horty's arguments will be used (to formalize the reasoning of the participants of the practice) and the theory of action assumed by inferentialists headed by R. B. Brandom and J. Peregrin (to identify inter-subject relationships). The hypothesis is that the reasons possess an inferential structure. The research would also comprise analysis of the structure of inferences in the selected actual rulings of Polish and international courts by using methods of computational analysis, that is supposed to shed light on the structure of reasons applied by judges.

The main reasons for addressing the research problem are (1) the inconclusiveness of debates around the problem of the meaning of terms: reason, legal situation and normativity of law, (2) no positive definition of what is a ‘legal reason’ in theoretical and legal literature, and (3) the need to present a way of understanding how legal practice might be considered obligatory for the subjects to legal norms, that would embrace the contemporary achievements of philosophy of action.

The results of the project include a better understanding of what a *reason* and *legal reason* mean, which may also prove of use in dogmatic legal sciences, as a method for specific description of different legal institutions. The project is also expected to shed new light as to the standard patterns of inferences in judicial decisions.