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MACCORMICK'S INTEGRATIVE THEORY: ANALYSIS OF THE RATIONALITY OF THE JUSTIFICATION OF JUDICIAL DECISIONS

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Abstract: The article explores the theory of legal argumentation of the Scottish philosopher Neil MacCormick, known for its integrative approach. The work is based on a theoretical approach that seeks to harmonize elements of legal positivism and its formal logic with a pragmatic and critical perspective. The methodology adopts a dual analysis of legal justification: the internal scheme, which uses deductive logic for easy cases; and the external level, which evaluates the consistency and practical consequences of judicial decisions in difficult cases. In connecting the two schemes, the principle of universality is central to ensuring that decisions are fair and democratically applicable to future cases. The main results indicate that MacCormick's integrative theory provides a legal framework capable of justifying decisions in both easy and difficult cases, and contributes to the development of a more robust theory of standard legal argumentation by emphasizing rationality, pragmatism, and fairness in judicial decisions, integrating normative principles with analysis of the assessment of the practical consequences of decisions.

Keywords: Theory of Legal Argumentation, Justification, Consistency, Universality and Coherence.

INTRODUCTION

Legal argumentation occupies a central place in the practice and theory of law, being essential for the justification of judicial decisions and for the legitimization of legal institutions in a democratic society. The relevance of the subject is manifested at both the factual and normative levels.

In the first, it highlights insufficient justification as a cause of human rights violations, as illustrated by Brazil's conviction before the Inter-American Court of Human Rights (IACHR) in the Márcia Barbosa de Souza Case in 2021 (OAE, 2021). In the second, Sustainable Development Goal (SDG) 16 of the United Nations 2030 Agenda emphasizes the need to establish fair, effective, accountable and inclusive institutions, reinforcing the role of legal foundations in strengthening the rule of law (UN, 2024).

The subject of this article is the integrative theory of Neil MacCormick, one of the most prominent theorists of legal argumentation. His approach offers a paradigmatic contribution to the process of justification and substantiation of judicial decisions, especially in contexts where there is normative and factual complexity. By delimiting the object of study to integrative theory, we seek to explore how this approach can be used to improve the Brazilian legal system.

The research problem can be summarized in the following questions: how does integrative theory shape a reasoned decision? What is the procedure used by the theory to verify the justification of decisions? And, more specifically, how can this theory contribute to the process of justification and proof of justification in Brazil?

The general objective of this research is to analyze the process of verification of the justification of legal decisions in the light of MacCormick's integrative theory. To achieve this purpose, the specific objectives are divided into: identifying syllogisms as the core of the internal plane logic; testing the universalization of decisions; and examining the principles and consequences in the external plane.

The methodology used will be theoretical and qualitative, focusing on a doctrinal review with no empirical intention or specific case study. This is a study that aims to contribute to the strengthening of the Brazilian legal framework, especially with regard to the criteria for justification and justification of State decisions.

The theoretical framework will be based mainly on the work of Neil MacCormick, complemented by authors who commented on his theory, such as Manuel Atienza, as well as contributions by Ronald Dworkin[1], H.L.A. Hart and Robert Alexy. The integration of these authors provides a solid basis for the analysis and understanding of the integrative theory and its practical implications.

The structure of the article is divided into four main parts. Initially, a biographical and intellectual summary of Neil MacCormick will be presented, highlighting the evolution of his work and his contribution to the philosophy of law. Next, we will explore the internal plane of argumentation, focusing on deductive logic and the limitations faced in difficult cases. Subsequently, we will address the external plane of justification, with emphasis on normative coherence and consequentialist arguments. Finally, we will discuss the results obtained in response to the research questions, consolidating an integrated view of the theory and its applicability in the Brazilian legal context.

In a legal and social context that demands transparency, rationality and effectiveness of state decisions, this study aims not only to examine MacCormick's theory, but also to point out paths for its practical use as an instrument of institutional transformation and improvement of the Rule of Law. in Brazil. Sound reasoning and clear justification of decisions are pillars of a Judiciary that responds to contemporary demands for justice and equity with a right such as integrity.

THE INTEGRATING THEORY OF NEIL MACCORMICK

THE INTEGRATIVE THEORY AS A STANDARD THEORY OF LEGAL ARGUMENTATION

Neil MacCormick (1941-2009) was a prominent Scottish jurist and legal philosopher, whose work has profoundly influenced contemporary legal argumentation theory. Professor of Public Law at the University of Edinburgh, MacCormick had an extensive academic and professional career, including as a member of the European Parliament and legal advisor in various instances. His most renowned work, *Legal Reasoning and Legal Theory* (1978), is one of the fundamental pillars in the study of legal reasoning and legal theory.

MacCormick's importance in the field of law lies in his ability to integrate different philosophical and legal approaches, establishing a theory of argumentation that combines elements of legal positivism with a critical and pragmatic perspective. His approach differs from other contemporaries, such as Robert Alexy, in his attempt to harmonize British philosophical traditions, especially those of Hume and Hart, with elements of Scottish and English *Common Law.* Through his integrative theory, MacCormick seeks to establish a theoretical framework that overcomes the limitations of purely deductive or rhetorical conceptions of legal argumentation.

MacCormick presents his theory as a response to the inadequacies of previous models of legal argumentation. While theories such as Viehweg's topicality, Perelman's new rhetoric and Toulmin's informal logic reject the deductive logic model, MacCormick defends an integrative conception that combines elements of deductive and non-deductive reasoning.

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1. For DWORKIN, "according to law as integrity, legal propositions are true if they are contained in, or derived from, principles of justice, fairness, and due process that offer the best constructive interpretation of the community's legal practice. Law as integrity is thus more **uncompromisingly** interpretive than either conventionalism or pragmatism" (DWORKIN, 2003, p. 272) (emphasis added).

His theory focuses on the justification of legal decisions, both from an internal (deductive)[2] and external (consequentialist and coherent with the legal system) perspective.

In this sense, MacCormick's theory is considered a standard theory in contemporary philosophy of law, since it offers a more complex and developed explanation than previous theories by integrating formal logic and the normative principles underlying legal reasoning. His approach seeks a synthesis between a theory of practical reason, which considers both human passions and normative elements, and a theory that is both descriptive and normative.

Therefore, according to jurist Manuel Atienza, the Maccormickian integrative theory is one of "the most interesting and perhaps also the most widely discussed and disseminated. [....] conceptions that, in some way, come to constitute what could be called the standard theory of legal argumentation"[3]. The diffusion and importance of his theory also results from the fact that it is situated "between the extremes"[4] of the ultra-rationalism of Ronald Dworkin, who defends the existence of a single correct answer for each case, and the skepticism of Alf Ross, who argues that legal decisions are essentially arbitrary.

MacCormick also stresses that law must be understood as an argumentative practice that seeks to justify decisions in a rational manner, respecting both the established norms and the principles of justice that underlie the legal system. In his opinion, legal argumentation must not only be "persuasive" but, above all, "justifying"[5], in the sense that it must conform to the facts and norms in force, thus guaranteeing justice in accordance with the law.

In summary, Neil MacCormick's work stands out for its integrative approach to the theory of legal argumentation, making it a central reference in contemporary philosophy of law. His theory offers a comprehensive framework that allows to address both easy cases, in which deductive reasoning predominates, and difficult cases[6], which require a broader evaluation of principles and consequences. This approach has contributed significantly to the evolution of legal theory, providing valuable tools for the justification of judicial decisions and for the critical analysis of legal reasoning.

THE INTERNAL LEVEL OF JUSTIFICATION OR FIRST LEVEL OF ARGUMENTATION

Neil MacCormick's theory of legal argumentation presents a dual structure of justification, in which the internal plane of justification (first level) plays a fundamental role in the resolution of legal cases. This level of justification refers to the use of deductive logic to arrive at legal decisions, especially in easy cases. However, MacCormick points out that this deductive approach is insufficient for difficult cases, where additional justification is required to ensure the universality and consistency of judicial decisions.

2. On the internal level of justification, to verify the consistency of arguments, MacCormick argues that "there are those who deny that legal arguments can be strictly deductive. If this claim is made in the strictest sense, with the implication that legal argumentation never is, or can never be, exclusively deductive in form, then it is clear and demonstrable that this decision is false" (MACCORMICK, Neil. **Argumentação Jurídica e Teoria do Direito**. Translation by Waldéa Barcellos. 1st Ed. São Paulo: Martins Fontes, 2006, p. 23) (our translation).

3. ATIENZA, Manuel. **Las Razones del Derecho: Teorías de la Argumentación Jurídica (The Reasons of Law: Theories of Legal Argumentation)**. 1st Ed. Mexico City: Universidad Autónoma de México, 2005 (p. 106).

4. MACCORMICK, Neil. **Legal Reasoning and Legal Theory.** Oxford University Press, 1978 (p. 265).

5. MacCormick instrumentalizes the same distinction between persuasion, as something subjective, and justification, as something objective, made in PEREMAN, Chïm. **La lógica jurídica y la nueva retórica.** Translation by L. Díez Picazo. Madrid: Civitas, 1979 (p. 89).

6. A concept of difficult case is the one defined by the legal philosopher Theodor Viehweg, according to whom it should be understood as "any question that apparently allows more than one answer and necessarily requires a prior understanding" (VIEHWEG, Theodor. **Tópica y Jurisprudencia**. 2nd Ed. Madrid: Civitas, 2007 (p. 57).

In easy cases[7], in which there are no significant ambiguities or disputes about the facts or the content of the applicable rules, the judge may employ strictly deductive logic to justify his decision. Deductive justification involves the application of a general rule to the specific facts of a particular case by means of a logical syllogism. This reasoning process is based on two types of premises: a normative premise (the applicable general rule) and a factual premise (the proven facts of the case).

HART exemplifies what would be an easy case, narrating the situation of identifying a certain subject as bald or not, stating that "if the subject has a 'shiny and polished' head, no one will have any doubt that he is a bald person. Likewise, if the head is completely covered with hair, there is no doubt that he is not. However, someone who has a few sparse hairs, scattered over the head, cannot safely be included in the list of bald persons, any more than he can be on the list of the hairy."[8]

MacCormick illustrates this type of deductive justification with examples from British case law, such as *Daniels v. R. White and Sons and Tarbard* (1938), in which the judge employs a series of *modus ponens-type* logical inferences to reach his conclusion. Deductive justification, in this context, ensures that the judge's decision is in line with existing rules, thus ensuring internal logical consistency within the legal system.

However, MacCormick recognizes that deductive justification has its limits and is not sufficient to resolve all cases. In "hard cases," the judge faces complex problems of interpretation, relevance, proof or qualification that go beyond the simple application of a rule to a fact (deductive logic). These difficult cases reveal the inadequacy of that logic to ensure a fair and adequate decision.

Problems of interpretation and relevance are problems in the normative premise. In problems of interpretation, even if there is certainty as to which rule is applicable, there may be multiple possible interpretations. For example, a rule might prohibit discrimination on the basis of national origin, but there may be doubts as to whether or not this prohibition includes current nationality. Similarly, problems of relevance arise when it is unclear whether or not a specific rule is applicable to a particular case.

Evidentiary and qualification problems may occur in the factual premise. Problems of proof involve difficulties in establishing the facts of the case conclusively, which may depend on the assessment of circumstantial evidence or testimony. MacCormick emphasizes that deductive logic cannot always provide a clear solution when the factual evidence is disputed or insufficient. On the other hand, qualification problems arise when the proven facts do not fit neatly into the established legal categories, in which it is debated whether the facts attract one or the other applicable standard.

In summary, the internal plane or first level of MacCormick's legal justification focuses on the use of deductive logic in easy cases and the need to maintain a universalist approach in difficult cases. Although deductive logic provides a basic framework for the resolution of easy cases, MacCormick argues that in difficult cases additional justification is required that takes into account broader principles and ensures the coherence and consistency of the legal system as a whole.

7. Regarding the differentiation between easy and difficult cases developed by the jurist Herbert Hart, as I had the opportunity to investigate in *SUS E A JUDICIALIZAÇÃO DA SAÚDE: O Direito à Proteção da Saúde na Audiência Pública do STF*, they are "easy cases, cases whose justification can be made only on the internal plane of the consistency of the argument, and difficult cases, cases whose justification needs to go beyond the mere relationship between the elements of reasoning" (ASSIS NETO, Nilson Dias. **SUS E A JUDICIALIZAÇÃO DA SAÚDE: o Direito à Proteção da Saúde na Audiência Pública do STF**. Curitiba: Juruá, 2022, p. 102 (translation ours).

8. HART, Herbert L. A. **O Conceito de Direito**. Lisbon: Fundação Calouste Gulbenkian, 1996 (p. 8) (translation ours).

THE PRINCIPLE OF UNIVERSALITY CONNECTING THE TWO PLANS OR LEVELS

Furthermore, according to MacCormick, one of the essential requirements in the justification of decisions in difficult cases is the principle of universality. This principle requires that any decision be supported by a general rule or principle that can be consistently applied in similar cases. In other words, a decision should not only be based on the particular circumstances of a case, but also on a general normative statement that allows the decision to be justified in a consistent and applicable manner in future similar situations.

For MACCORMICK, the application of the criteria of a decision in cases arising under the same circumstances, even as an egalitarian foundation of the democratic and social rule of law, is a condition "of the rationality of the system of precedents dependent on this fundamental property of normative justification, within any framework of justification: its universalizability. Any commitment to fairness among different people and different cases requires that the reasons for the ruling in this case be considered repeatable in future cases"[9], noting still that:

> There is no justification without universalization; motivation does not need universalization; explanation requires generalization. For particular facts - or particular reasons - to be justifying reasons, they have to be subsumable under a universally asserted relevant principle of action, even if the respective universal proposition is recognizably defeasible. This applies to practical argumentation very generally, and legal argumentation is a field of practical argumentation.[10]

The principle of universality, also referred to as "formal justice" by MacCormick, ensures that decisions are consistent with prior decisions and remain within a coherent normative framework. This principle applies both retrospectively (to maintain consistency with prior decisions) and prospectively (to establish a valid precedent for future cases). MacCormick emphasizes that this principle is fundamental to the rationality and legitimacy of legal decisions, as it ensures that decisions are predictable and understandable to citizens and other legal operators.

In fact, according to Manuel Atienza, in his work *The Reasons of Law*, "MacCormick calls this requirement a requirement of formal justice (in fact, it coincides with Perelman's rule of formal justice) and, in his opinion, it has a scope that extends both to the past (a present case must be decided according to the same criterion used in previous cases) and, above all, to the future"[11]. In addition, Atienza also considers that it is very important not to mix the conceptions of generality with universality in the macrocormiquian theory, because

> More important than the above is that MacCormick, following Hare, clarifies that universality is not the same as generality. That is, a rule can be more specific than another, but be equally universal, since universality is a logical requirement, which has nothing to do with whether a rule is more or less specific.[12]

In conclusion, the criterion of the universality of the decision connects the justification of the internal plane with that of the external plane, because the decision as a product of justification will have to be universalizable, whe-

9. MACCORMICK, Neil, **Retórica e Estado de Direito**. Translation by Conrado Hubner Mendes. 1st Ed. São Paulo: Elsevier, 2008 (p. 110) (our translation).

10. MACCORMICK, Neil, **Retórica e Estado de Direito**. Translation by Conrado Hubner Mendes. 1st Ed. São Paulo: Elsevier, 2008 (p. 131) (our translation).

11. ATIENZA, Manuel. **Las Razones del Derecho: Teorías de la Argumentación Jurídica (The Reasons of Law: Theories of Legal Argumentation)**. 1st Ed. Mexico City: Universidad Autónoma de México, 2005 (p. 115).

12. ATIENZA, Manuel. **Las Razones del Derecho: Teorías de la Argumentación Jurídica (The Reasons of Law: Theories of Legal Argumentation)**. 1st Ed. Mexico City: Universidad Autónoma de México, 2005 (p. 116).

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ther it is a general decision or a specific one. Therefore, the principle of universality relates to the first level, in which it requires the formulation of an abstract norm, and to the second level, in which it universalizes the result of justification. This approach highlights the importance of integrating the different phases of justification to provide a reasoned and rational content to decisions, thus overcoming the limitations of mere deductive reasoning.

THE EXTERNAL LEVEL OF JUSTIFICATION OR SECOND LEVEL OF ARGUMENTATION

In Neil MacCormick's theory of legal argumentation, the external or second level of justification refers to the evaluation of legal decisions in terms of their coherence within the normative system and the practical consequences that such decisions may have in the real world. This external justification complements internal justification by introducing broader considerations that go beyond the mere deductive application of rules to the specific facts of the case.

MacCormick argues that for a legal decision to be fully justified, it must meet the requirements of *consistency and coherence*. A decision is *consistent* when it is based on normative premises that do not contradict other validly established norms in the legal system. This criterion of consistency ensures that judicial decisions do not violate the law in force or deviate from the evidentiary reality in matters of proof. According to the Scottish doctrine and politician:

> A decision satisfies the consistency requirement when it is based on normative premises that do not contradict validly established norms. And this requirement - although MacCormick does not - can also be extended to the factual premise; thus, when there is a problem of proof, propositions about the past (the fact whose existence is inferred) must not contradict true statements about the present.[13]

However, consistency alone is insufficient for full justification, since it is a minimum and necessary condition, but not sufficient. This is where the concept of *consistency* comes into play, understood as a more demanding criterion that implies the logical and evaluative integration of the rules within a legal system. A rule or set of rules is coherent when it can be subsumed under general principles or values that are acceptable in the sense that they shape a satisfactory way of life. For the European parliamentarian:

> In relation to both rules and facts, decisions must also be *consistent*, although consistency is not always a necessary condition for consistency: while consistency is a matter of degree, consistency is a property that is either simply given or not given.[14]

Thus, Jesus, Martins and Roesler state that "in MacCormick's theory we see a cooriginality between coherence and principle. [...] Principled argumentation and also by analogy is an important application of the idea of coherence in justifying decisions in difficult cases. [...] What is certain is that, following MacCormick's theory, whether arguing by principle or by analogy, it is necessary to justify the solution by connecting it to the principles and values that constitute the legal system as a whole"[15] .

13. ATIENZA, Manuel. **Las Razones del Derecho: Teorías de la Argumentación Jurídica (The Reasons of Law: Theories of Legal Argumentation)**. 1st Ed. Mexico City: Universidad Autónoma de México, 2005 (p. 116).

14. ATIENZA, Manuel. **Las Razones del Derecho: Teorías de la Argumentación Jurídica (The Reasons of Law: Theories of Legal Argumentation)**. 1st Ed. Mexico City: Universidad Autónoma de México, 2005 (p. 116).

15. MARTINS, Argemiro Cardoso Moreira; ROESLER, Claudia Rosane Roesler; JESUS, Ricardo Antonio Rezende de. "Argumentação Jurídica em Neil Maccormick: Caracterização, Limitações, Possibilidades". In: **Revista NEJ - Eletrônica**, vol. 16, n. 2, pp. 234-250, May-Aug, 2011. Available at: http://www6.univali.br/seer/index.php/nej/article/view/3239/2046. Site accessed on 10/09/2024 (translation ours).

MacCormick differentiates between *normative coherence* and *narrative coherence*. Normative coherence[16] refers to the relationship between the rules and the principles underlying the legal system, ensuring that individual rules not only do not contradict each other, but also consistently reflect the fundamental values of the legal system. Narrative coherence[17], on the other hand, is used in the justification of factual issues when direct proof is not possible, allowing to infer the truth of certain facts from their consistency with other known facts.

Both types of coherence are essential for external justification, since they reinforce the idea that law must be a rational enterprise that allows citizens to understand and foresee the legal consequences of their actions. However, MacCormick recognizes that coherence is a formal criterion and, therefore, is not sufficient to guarantee the material justice of a decision. It is possible for a coherent legal system itself to be unjust if the principles underlying it are unacceptable or contrary to fundamental and human rights.

External justification also involves the use of consequentialist arguments, which evaluate legal decisions in terms of the practical consequences that may follow from them. MacCormick argues that a legal decision must make sense not only within the normative framework, but also in terms of its actual implications for society. Thus, the judge must not only look to the past with precedents and applicable norms, but also to the future, considering the consequences of his or her decision in the world.

The *legal consequentialism* proposed by MacCormick is not limited to classical utilitarianism that seeks to maximize utility or general welfare. Rather, it is an ideal consequentialism that considers a variety of values, such as justice, fairness, legal security, public order, and other important social goods. These values must be weighed in such a way that legal decisions are not only justified in terms of their immediate effects (outcomes), but also in terms of their consistency with a broader, equitable social order. For Neil MacCormick:

> What I call law as consequentialist argumentation focuses not so much on estimating the likelihood of behavioral changes but on the possible behavior and its normative status given in light of the decision under consideration.[18]

MacCormick illustrates this position with case law examples, such as *Donoghue v. Stevenson* (1932), in which the justification for imposing liability based on the principle of reasonable care was supported by the positive social consequences of protecting consumers from harm caused by defective products. This type of consequentialist reasoning evaluates judicial decisions not only in terms of their internal logical correctness, but also in terms of their desirable effects on society.

16. For ATIENZA, "normative coherence is a mechanism of justification, because it presupposes the idea that law is a rational enterprise; because it is in accordance with the notion of universality - as a component of rationality in practical life - by allowing us to consider norms not in isolation, but as sets endowed with meaning; because it promotes the certainty of law, since people cannot know in detail the legal order -but they can know its basic principles-; and because a legal order that was simply non-contradictory would not allow guiding people's conduct as law does" (ATIENZA, Manuel. **Las Razones del Derecho: Teorías de la Argumentación Jurídica (The Reasons of Law: Theories of Legal Argumentation**), 1st Ed. Mexico City: Universidad Autónoma de México, 2005, pp. 118-119).

17. According to ATIENZA, "narrative coherence provides a test in relation to matters of fact when there is no direct proof, by immediate observation, of them. [...] The test of narrative coherence justifies that we assume beliefs -and reject others- in relation to facts of the past, because we consider the phenomenal world as something explicable in terms of rational principles" (ATIENZA, Manuel. **Las Razones del Derecho: Teorías de la Argumentación Jurídica (The Reasons of Law: Theories of Legal Argumentation**), 1st Ed. Mexico City: Universidad Autónoma de México, 2005, p.119).

18. MACCORMICK, Neil. **Argumentação Jurídica e Teoria do Direito**. Translation by Waldéa Barcellos. 1st Ed. São Paulo: Martins Fontes, 2006 (p. 197) (our translation).

Despite the importance he attaches to consequentialist arguments, MacCormick also warns of the limitations inherent in this approach. Practical rationality, he argues, has its limits, and it is not always possible to determine a single correct answer for every legal case. In many difficult cases, decisions must be based on a balance between different principles, consequences and considerations, which implies recognizing that there may be multiple justifiable solutions from the point of view of law and justice.

Thus, without considering judicial decisions to be the product of an act of the will like jurist Alf Ross, MacCormick rejects the idea of an absolute ultra-rationalism in law, such as that advocated by Dworkin[19], who argues that there is always a single right answer to every case found by a Hercules magistrate. In contrast, MacCormick advocates a more pragmatic approach, which recognizes both the complexity of legal situations and the need to integrate diverse perspectives and values in judicial decision-making, producing different justifiable outcomes.

In conclusion, the external plane of justification in integrative or institutional legal argumentation theory provides a framework for evaluating legal decisions not only in terms of their consistency and coherence within the normative system, but also in terms of their practical consequences for society. This integrative approach stresses the importance of considering both the formal and material aspects of legal argumentation, recognizing that the full justification of a judicial decision requires a balance between these two levels of analysis, as we will observe below in this research.

CONCLUSION

Neil MacCormick's integrative theory is presented as a fundamental framework for contemporary legal argumentation, bringing together descriptive and normative elements that allow addressing the complexities of judicial decisions in easy and difficult cases. In this article we review his biography and theoretical contributions, emphasizing the internal plane of justification, focusing on deductive logic, and the external plane, which encompasses coherence and legal consequentialism. In this conclusion we summarize the analyses developed and respond to the research problems in the light of the stated objectives.

The first level of legal argumentation, the internal level, showed that deductive logic is effective in resolving easy cases, when the rules and facts are clear. However, difficult cases involving normative conflicts or factual ambiguities require more complex reasoning and the principle of universality to ensure consistency in future decisions. The external plane of justification transcends formal logic, assessing the consistency of decisions with the legal system and the practical impacts on the social fabric . Consequentialist arguments play a central role in promoting decisions that reconcile normative principles with desirable social outcomes.

From the analyses developed, it is possible to answer the proposed questions. MacCormick's theory requires that a decision be based on two levels. Internally, the use of the legal syllogism guarantees logical validity; externally, normative coherence and the consequent impacts confer practical legitimacy to the decision. The conjunction of these elements creates a solid foundational model, which can be applied universally.

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19. For DWORKIN, "according to law as integrity, legal propositions are true if they are contained in, or derived from, principles of justice, fairness, and due process that offer the best constructive interpretation of the community's legal practice. Law as integrity is thus more **uncompromisingly** interpretive than either conventionalism or pragmatism" (DWORKIN, Ronald. **O Império do Direito**. Translation by Jefferson Luiz Camargo. São Paulo: Martins Fontes, 2003 (p. 272) (translation and emphasis ours).

This procedure begins with a deductive analysis at the internal level, verifying the subsumption of the facts to the norms. Then, externally, the consistency of the decision with the legal system and its practical consequences is tested. These steps ensure that the decision is both formally and materially valid. In the Brazilian context, where insufficient justification has generated international condemnations, as in the Márcia Barbosa de Souza Case before the IACHR (OAS, 2021), MacCormick's theory offers clear guidelines for more informed decisions and systematic tests of justification. The universality of decisions and the evaluation of their social consequences are aligned with SDG 16 of the 2030 Agenda, promoting fairer and more effective institutions.

The application of the integrative theory in Brazil represents a significant advance in the improvement of the legal system. In a country already condemned by inconsistent and ill-founded judicial decisions, the adoption of criteria such as normative coherence and consequentialist analysis can contribute to the predictability and legitimacy of decisions. In addition, the integration between internal and external plans offers a model of justification tests, capable of identifying argumentative flaws and reinforcing transparency in decisions.

MacCormick's theory also speaks to the contemporary challenges of a changing rule of law. By emphasizing the need for legally based and socially responsible decisions, it aligns with the demands of a democratic society that demands greater accountability from its public agents. In this way, the theory not only improves judicial practice, but also strengthens the fundamental principles of justice and equity in the country.

Neil MacCormick's integrative theory is consolidated as a standard model of legal argumentation, offering theoretical and practical tools to improve the reasoning of judicial decisions. Its application in Brazil may contribute to overcome historical challenges related to inconsistency and lack of justification in decisions, promoting a more coherent, consistent and fair legal system. Therefore, integrative theory is relevant as an essential instrument for Brazilian legal development and adequate to the demands of an increasingly complex world, in which citizens have the human right to know the basis of the State's decisions.

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