Course title	Introduction to Legal Systems and Legal Reasoning
Course Code	LAW106.1
Category (core/elective)	Core
Level	LLB in European Law and BA in European Law and Governance
Duration (semesters)	1
Semester when taught (autumn/spring)	Autumn
ECTS:	6
Access requirements	None
Responsible	Professor David Duarte

Course objectives

Obtaining a graduation in European Law depends on a general and basic preparation on what law is and on what are its main features. The present course is, precisely, the course where students are introduced to the concept of law and start to understand the legal phenomena. The main purpose of the course is to give the students the necessary introductory skills in order to deal with legal materials and to realize all the methodological operations needed to solve legal problems. This presupposes the understanding of the basic concepts of law, as presupposes as well the mastery of all techniques necessary to the application of law, such as how to interpret a norm sentence or how to solve a conflict of norms. At the same time, the course pursues the goal of giving to students a general idea about the comprehension of law and about its role in our societies.

Course Description

The course is organized in 12 lectures, which are the sequence for teaching the 4 main areas of its content: (i) all issues related with the concept of law, the identity of legal orders, and the sources (lectures 1, 2 and 3); (ii) the understanding of what a norm is and how it works and interacts (lectures 4 and 5); (iii) the main point of interpretation of normative sentences (lectures 6 and 7); (iii) norms, their conflicts, and their application (lectures 8, 9, 10, and 11); (iv) the comprehension of how a case is solved what are the main problems within that solution (lecture 12).

Course Outline

1. The concept of a legal order.
    1.1. Rule of recognition.
    1.2. Identification of legal orders.
    1.3. Interlacement of legal orders.
2 Sources of law.
    2.1. Rule of recognition and sources.
    2.2. Acts of normative authorities
    2.3. Customary norms.
3 Law and language.
    3.1. Linguistic formulation of legal orders.
    3.2. Norm sentences and norms.
4 Norm structure.
    4.1. Antecedent.
    4.2. Deontic operator.
    4.3. Consequence.
5. Classifications of Norms.
    5.1. Substantive classifications.
    5.2. Relational classifications.
    5.3. In particular: principles and rules.
6. Interpretation of norms sentences.
    6.1. Interpretative norms.
    6.2. Interpretation outcomes.
7. Linguistic uncertainty and criteria of interpretation.
    7.1. Natural languages.
    7.2. Certainty and uncertainty
    7.3. Categories of uncertainty.
8. Conflicts of norms.
    6.1. Requirements for normative conflicts.
    6.2. Types of conflicts.
9. Norms of conflicts.
    7.1. Primary and secondary norms of conflicts.
    7.2. Formal and material norms of conflicts.
10. Subsumption and balancing
    8.1. Subsumption.
    8.2. Balancing.
11. Defeasibility
    9.1. *Prima facie* character of norms.
    9.2. Over and under inclusiveness.
10. Legal argumentation in hard cases
    10.1. Hard and easy cases.
    10.2. Legal arguments.

Educational Outcomes

	With this course, students are required: - to understand law as a concept and to understand what are its main properties; - to identify a legal order and its sources; - to understand the interlacement of legal orders, mainly domestic and international; - to deal with sources and to interpret norm sentences; - to solve conflicts of norms; - to apply norms of conflicts and to do balancings; - to deal with real or apparent gaps in legal orders; - to understand of is legal science; - to solve a legal problem under the internal point of view.
Basic Textbook(s)	- Hart, Hebert - 1994. The Concept of Law. 2ª edition. Oxford: Oxford University Press. - MacCormick, Neil - 2005. Rhetoric and the Rule of Law. Oxford: Oxford University Press.

Basic Bibliography	- Aarnio, Aulis, 1987. The Rational as Reasonable. Dordrecht: Kluwer.
	- Alexy, Robert, 2002. Theory of Constitutional Rights. Oxford: Oxford University Press.
	- Brożek, Bartosz,
	  2007. Rationality and Discourse. Warsawa: Oficyna.
	  2004. Defeasibility of Legal Reasoning. Krakow: Zakamycze.
	- Bulygin, Eugenio, 2015. Essays in Legal Philosophy. Edited by Carlos Bernal, and others. Oxford: Oxford University Press.
	- d´Almeida, Luis Duarte, 2015. Allowing for Exceptions. Oxford: Oxford University Press.
	- Dworkin, Roland, 2000. Law´s Empire, 11ª edition. Cambridge: Harvard University Press.
	- Guastini, Riccardo, 1993. Le Fonti del Diritto e L´Interpretazione. Milano: Giuffrè.
	- Honoré, Tony, 2013. About Law. Oxford: Oxford University Press.
	- Kelsen, Hans, 2009. Pure Theory of Law. Reprint. Oxford: Oxford University Press.
	- Marmor, Andrei, 2005. Interpretation and Legal Theory. 2nd edition. Oxford: Hart Publishing.
	- Navarro, Pablo / Rodríguez, Jorge, 2014. Deontic Logic and

	Legal Systems. Cambridge: Cambridge University Press.
	- Patterson, Dennis, 1996. Law and Truth. Oxford: Oxford University Press.
	- Pino, Giorgio, 2010. Diritti e Interpretazione. Bologna: Il Mulino.
	- Raz, Joseph, 1980. The Concept of a Legal System. 2nd edition. Oxford: Oxford University Press.
	- Ross, Alf, 1968. Directives and Norms. London: Routledge & Kegan Paul.
	- Santiago Nino, Carlos, 2003. Introducción al Análises del Derecho. 11ª edición. Barcelona: Ariel.
	- Schauer, Frederick, 1991. Playing by the Rules. Oxford: Clarendon Press.
Additional Bibliography	Additional bibliography will be offered specifically for each lecture.
Teaching Methodology	Lectures 13 x 2 = 24 h Tutorials 7 x 2 = 12 h Total = 36 h
Evaluation	Final Exam 90 % Course Participation 10 % Paper(s) 0 % 100%
Language	English
Traineeship	No
Location	Legraina
General note	While the 'Course Objectives' and 'Educational Outcomes' above remain immutable, the 'Course Content' and 'Course Outline' may be altered in order to accommodate student's needs and individual professor's approaches. Bibliography and reading materials may vary accordingly.