



**EUROPEAN MASTER
IN LAW & ECONOMICS**

Introduction to Law

EMLE 2024-2025

Coursebook 2024 – 2025

October – November period 1

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- Monday, Tuesday, Thursday from 13:00-16:00 (appointments preferred)

Introduction

This course provides a general introduction to the law and to the study of law. Students will become acquainted with the main fields of law: private law, criminal law, constitutional and administrative law. Specific attention will be paid to the basic differences between common law and civil law systems and to the relationship between national laws and European law. Besides the study and discussion of literature, students will train specific legal skills, such as the use of statutes, the analysis of judgments and the solution of legal cases. This course seeks to:

- Harmonize levels of understanding of law among lawyers and economists in the EMLE program.
- Facilitate among lawyers from various countries an understanding of basic legal concepts and doctrines across legal systems.
- Introduce both lawyers & economists to legal concepts and methods that are instrumental in the field of law and economics.

Methodology

- Basic legal concepts will be explained and discussed using examples and cases.
- Students are asked to actively participate in class and lectures.
- Come prepared to class, in case students have not been able to prepare, they should notify the teacher before the start of the tutorial.

Literature

- Hage, Jaap, Antonia Waltermann, and Bram Akkermans, eds. *Introduction to law*. Springer, 2017. (Free on EUR library online)
 - At the end of each chapter there is recommended further reading suggestions, you are strongly encouraged to look at these materials for topics that interest you, or that you feel need more explanation.

How to access the book:

1. Make sure you have the extension integrated in your browser:
 - Extension version: 2024.20.0
2. Go to: <https://eur.on.worldcat.org/discovery>
3. Search for: Hage, Jaap, Antonia Waltermann, and Bram Akkermans, eds. 2017. *Introduction to Law*. 2nd ed. 2017. Cham: Springer International Publishing : Imprint : Springer. <https://doi.org/10.1007/978-3-319-57252-9>.
4. Click: **Ebook bekijken**
5. You are probably redirected to:
 - <https://link-springer-com.eur.idm.oclc.org/book/10.1007/978-3-319-57252-9>
6. Download and save as pdf.

The required reading may initially appear extensive; however, the material is presented in a clear and concise manner. It is essential that you complete the reading prior to each lecture. Afterward, take time to review the self-study questions provided. During the lecture, aim to comprehend at least 80% of the topics covered. The following day, attempt to answer the self-study questions without referring to the readings or lecture notes. Lecture slides will be made available online before class to enable you to focus on understanding the material and actively engage in discussions.

It is recommended that you take notes that support your comprehension of the material, rather than merely reproducing the lecture slides. Please keep in mind that mastering the law, even at a foundational level, requires repetition. While it may not be feasible to read the textbook multiple times, be sure to annotate, highlight, and take notes as you study—the self-study questions are designed to assist with this process.

Whether this course serves as a review or your first introduction to legal studies, I encourage you to enjoy the learning experience. Should there be additional topics you would like to explore, feel free to raise them during class or contact me via email.

Law in context

While some – or even most – courses throughout your studies, including this one, prescribe certain mandatory material, this is of course not all the material that is relevant or interesting to you. In order to put what you are studying in context; I recommend staying up to date on the news and keeping an eye out for additional materials. These can be blogs written by faculty members or other scholars (for example <https://www.eur.nl/en/esl/news/overview>), reports or activities by organizations such as Amnesty international, articles or seminars.

Assignments and Assessments

Written exam (75%):

Date: 6 November - 13:30 - 15:30 The exam will be comprised of cases and questions based on the materials taught in class.

Take home assignment (25%):

Submission deadline: Sunday 10 November 23:00

(You can start your assignments as soon as we finish lecture 4, the deadline indicated is the Sunday after your written exam, to provide you ample time for studying and preparing.)

For the take home assignment, you are asked to pair up in teams of 2 to max. 4 people. Within one of the topics discussed in weeks 2 /3/4, compare the sources of law and

legal reasoning in different legal systems (e.g., civil law vs. common law, or European vs. American systems). You are advised to team up with students from different jurisdictions. Focus on the differences and similarities between systems and underlying theories.

Video Format: Present the comparison in a simulated debate or panel discussion format, with each team member representing a different legal system or perspective. The video should be around 10-15 minutes, recorded in e.g., cameo / conference call format with PowerPoint slides/whiteboard as guidance. Each team member should contribute both to the research and 'presentation'. For submission both the video and slides need to be uploaded.

Course Policies

Participation

Active participation is a key component of this course. Students are expected to attend all lectures, arriving on time and prepared to engage in discussions. Attendance is mandatory. If you must miss a session, please inform the instructor in advance.

Late Submissions

All assignments are due by the specified deadline. Late submissions will be penalized at a rate of 10% per day, up to a maximum of 5 days, after which the assignment will no longer be accepted. If you anticipate needing an extension due to unforeseen circumstances, you must request one at least 5 days before the deadline. Extensions are granted at the discretion of the instructor and will require valid argumentation.

Plagiarism and Academic Integrity

This course adheres to the university's academic integrity policy. Plagiarism, cheating, and other forms of academic misconduct are strictly prohibited. All work submitted must be your own and appropriately referenced. For group projects, all members are

responsible for ensuring that the final submission complies with academic integrity guidelines.

Technology Use

Students are encouraged to bring laptops or tablets for note-taking and accessing course materials. However, the use of technology during lectures and seminars should be strictly for academic purposes. Mobile phones should be silenced during class, and texting or using social media is not permitted. In cases where technology becomes a distraction, students may be asked to close their devices for the remainder of the session. If you need to use your phone for personal reasons (e.g., family emergencies or the like), please notify the instructor beforehand.

Important links and sources

- You can find many sources, the textbook and many more journal articles via the university website: [LibSearch](#)
- Make sure you use the appropriate extension to access the materials (LeanLibrary etc.)

Category	Source	Description	Link
European Law	EUR-Lex	Access to European Union law, including treaties, legislation, case law, and legislative proposals.	EUR-Lex
	European Court of Justice (ECJ)	Official website of the ECJ, providing case law, judgments, and opinions.	European Court of Justice
	European Commission	The executive branch of the EU, responsible for proposing legislation and implementing decisions.	European Commission
	European Parliament	The directly elected parliamentary	European Parliament

		institution of the EU, providing legislative documents and reports.	
Context Pieces on European Law	European Law Blog	Provides analysis and discussion on current developments in European law.	European Law Blog
	European Journal of International Law (EJIL)	A scholarly journal covering a wide range of topics in international and European law.	EJIL
	EU Observer	Independent online newspaper providing news, analysis, and opinions on EU affairs.	EU Observer
	Academy of European Law (ERA)	Provides training and research in European law for legal practitioners.	Academy of European Law
Law and Economics	Journal of Law and Economics	A leading journal that publishes research on the intersection of law and economics.	Journal of Law and Economics via lean library
	European Journal of Law and Economics	A scholarly journal focusing on the economic analysis of law and legal institutions.	European Journal of Law and Economics
	Law and Economics Society at Oxford University	Provides resources and information on the study of law and economics.	Oxford Law and Economics Society
	Society for Institutional & Organizational Economics (SIOE)	Focuses on the study of economic institutions and organizations, relevant for law and economics research.	SIOE
Dutch law	Rechtspraak.nl	Dutch judicial cases and proceedings	https://www.rechtspraak.nl/
	Wetten.nl	Dutch legislative database	https://wetten.overheid.nl/

Schedule of lectures and reading material

Lecture 1: Legal Concepts and Context

Date: Thursday, 3 October | Time: 13:00 - 14:45

Topics:

- Sources of law
- Philosophy of law
- Legal reasoning

Mandatory Reading: Chapters 1-3 and 15

Recommended Reading: Syllogism Tip Sheet (Canvas)

Lecture 2: Private Law Focus

Date: Tuesday, 8 October | Time: 11:00 - 12:45

Topics:

- Property law
- Tort law
- Contract law

Mandatory Reading: Chapters 4-6

Lecture 3: Criminal Law

Date: Thursday, 10 October | Time: 13:00 - 14:45

Topics:

- Substantive criminal law
- Procedural criminal law
- Philosophy of crime

Mandatory Reading: Chapter 7

Lecture 4: Constitutional Law

Date: Thursday, 17 October | Time: 13:00 - 14:45

Topics:

- General principles
- Comparative European and American constitutional law

Mandatory Reading: Chapter 8

Lecture 5: Administrative and Tax Law

Date: Tuesday, 21 October | Time: 11:00 - 12:45

Topics:

- General principles
- Judicial review

Mandatory Reading: Chapters 9 and 11.1 / 11.2 / 11.3

Lecture 6: European and International Law

Date: Thursday, 24 October | Time: 13:00 - 14:45

Topics:

- EU Institutions and timeline
- Sources and hierarchy
- Human rights
- Competition law

Mandatory Reading: Chapters 10, 12, and 13 (Chapter 13: superficial reading)

Lecture 7: TBA (Review Lecture)

Date: Thursday, 31 October | Time: 13:00 - 14:45

Details: Not yet specified.

Study tasks per chapter

In order to familiarize you with the study tasks and using them to study the book, we will discuss a study task in the first meeting. Normally, study tasks are only discussed if you ask questions.

Chapter 1: Law Fundamentals

- a. What defines the essential characteristics of law?
- b. How is positive law understood?
- c. What benefits does positive law offer compared to the concept of 'true justice'?
- d. How does civil law differ from common law systems?
- e. Can you explain the concept of **stare decisis**?
- f. What role does equity play within common law?
- g. What is the **ius commune** and what are its primary sources?
- h. How is natural law characterized?
- i. What is codification, and how does it relate to the development of nation-states?
- j. What is the meaning of the term 'Westphalian duo'?
- k. How are legal families categorized?
- l. Can you list three examples of transnational law?

Chapter 2: Sources of Law

- a. What are the two primary roles of legal sources?
- b. How does the legal syllogism function?
- c. What purpose does classification serve in legal reasoning?
- d. Which sources of validity are recognized in civil law traditions?
- e. Which sources of validity are acknowledged in common law traditions?
- f. In common law, what does the *ratio decidendi* represent in a case?
- g. How do case broadening and distinguishing work in legal reasoning?
- h. Is identifying the *ratio decidendi* the only way to use cases in legal reasoning?
- i. What is the 'sources thesis'?
- j. List and explain three rules of legal interpretation.

k. Identify three principles that govern conflicts of rules.

Chapter 3: Legal Systems and Concepts

a. Can you list seven fields of law?

b. How is public law different from private law?

c. What distinguishes substantive law from procedural law?

d. How do rules, operative facts, and legal consequences interrelate?

e. Are juridical acts considered legal consequences? Why or why not?

f. How are juridical acts, competence, and nullity interconnected?

g. What is the opposite of a duty? How about a prohibition?

h. What distinguishes permission from competence? And how does permission differ from immunity?

i. How does a duty differ from an obligation in civil law?

j. Identify three types of legal rights.

k. What is the relationship between a right and a duty?

Chapter 4: Contracts

a. What are the sources of contract law?

b. How does a promise differ from a contract?

c. When does a contract become legally binding?

d. What is pre-contractual liability?

e. How do offer and acceptance shape a contract?

f. Once a contract is binding, how do you resolve unclear terms?

g. What remedies are available for breach of contract?

Chapter 5: Property Law

a. What distinguishes property rights from personal rights?

b. How does the principle of **droit de suite** relate to the concept of **erga omnes**?

c. How does the 'tragedy of the commons' support the idea of private ownership?

d. How do ownership, possession, and detentorship differ?

- e. What is the difference between unitary and fragmented systems of property law?
- f. How do the terms 'fee simple' and 'term of years' fit into land law?
- g. How does 'title' operate in personal property law?
- h. What is equity in the context of property law?
- i. How many types of primary property rights exist?
- j. What are the two categories of secondary property rights?
- k. How do *paritas creditorum* and secondary property security rights connect?
- l. What are the main principles and rules governing property law?

Chapter 6: Tort Law

- a. What defines a tort?
- b. What is the concept of liability?
- c. Is 'tort law' or 'law of torts' the better term?
- d. What types of liability are recognized? Can you provide examples?
- e. How does corrective justice influence tort law?
- f. What role does distributive justice play in tort law?
- g. What are the elements needed to establish a tort of negligence?
- h. How does the Learned Hand formula compare to the 'neighbour principle'?
- i. What does the 'Deep pocket theory' suggest?
- j. Why might someone be held liable for their pets' actions?
- k. What mechanisms exist for distributing damage?
- l. What limitations exist on damage compensation?

Chapter 7: Criminal Law

- a. What principles influence the criminalization debate?
- b. How do utilitarian and retributive theories justify punishment?
- c. What is the bi-partite structure of crime?
- d. How is the tri-partite structure of crime explained?

- e. How can omissions be considered actus reus?
- f. How can negligence be classified as mens rea?
- g. What justifications and excuses are recognized in criminal law?
- h. What is conditional intent?
- i. How do intent and motive differ?
- j. What are the differences between adversarial and inquisitorial systems?
- k. What rights and principles shape criminal procedure?
- l. Under what circumstances can a suspect be held before trial while maintaining the presumption of innocence?
- m. What are the essential elements of a fair trial?
- n. How do the principles of proportionality and legality relate?

Chapter 8: Constitutional Law

- a. What is constitutional law and what are its sources?
- b. In constitutional law, what distinguishes monist from dualist states?
- c. When can an entity be considered a state?
- d. How does sovereignty relate to statehood?
- e. What is the distinction between a state and a nation?
- f. According to Montesquieu, what are the state functions, and what is the Trias Politica?
- g. How can state power be divided?
- h. What is the rule of law and its core elements?
- i. What is the difference between a federation and a confederation?
- j. Explain three forms of government in Western democracies.
- k. Identify three national and three international instruments codifying fundamental rights.
- l. Why is judicial review of legislation seen as controversial?
- m. What are the different types of democracy and how do they differ?
- n. In representative democracy, what is the concept of recall?
- o. What types of referenda exist?
- p. What are the major electoral systems and how do they vary?

