SYLLABUS

1. Information about the study programme

1.1 Institution of higher education	West University of Timisoara
1.2 Faculty	Faculty of Law
1.3 Department of	Public Law
1.4 Field of study	Law
1.5 Study cycle	Bachelor Studies
1.6 Study programme	European and International Law

2. Information about the subject/discipline

2.1 Name			**Legal Methodology I**				
2.2 Course coordinator			Alexandra Mercescu				
2.3 Seminar coordinator			Adam Czarnota; Alexandra Burdulea				
2.4 Year of study	1	**2.5 Semester**	1	**2.6 Type of assessment**	E[1]	**2.7 Type of discipline**	mandatory

3. Total estimated time (hours of teaching per semester)[2]

3.1 Number of hours per week	**4**	**3.2 course**	**2**	**3.3 seminar/laboratory**	**2**
3.4 Total hours in the curriculum	**56**	**3.5 course**	**28**	**3.6 seminar/laboratory**	**28**
Distribution of time:					**hours**
Study based on Instructions, course materials, bibliography and notes					**42**
Additional documentation library, specialized electronic platforms / field					**20**
Training seminars / laboratories, homework, essays, portfolios and essays					**22**
Tutoring					**8**
Examinations[3]					**2**
Other activities					**-**

3.7 Total hours of individual study	**92**
3.8 Total hours per semester[4]	**150**
3.9 Number of credits	**6**

4. Prerequisites (where applicable)

[1] According to article 37, paragraph (1) of the Higher Education Law no. 199/2023, with subsequent amendments and additions, "the academic success of a student during a study program is determined by verifying the acquisition of the expected learning outcomes through exam-type evaluations and evaluation throughout the semester".

[2] The total number of contact hours and individual study hours will be aligned with the number of credits allocated to the course. One credit corresponds to a total between 25 and 30 hours of teaching activities and individual study. At the level of academic departments may establish, by discipline categories, the exact equivalence between one credit and the number of hours.

[3] The hours corresponding to examinations are added only to the point 3.8 – The total hours per semester, not to be added to the point 3.7 – Total hours of individual study.

[4] Total hours per semester = total hours in the curriculum + total hours of individual study + hours allocated to examinations.

4.1 of curriculum	none
4.2 of skills	At least B2 English level

5. Conditions (where applicable)

5.1 for the course	none
5.2 for the seminar	none

6. Discipline objectives - expected learning outcomes which contribute to the completion and passing the discipline

Knowledge	This course examines what it means to rely on a method or methodology in the theory and practice of law. It combines philosophical reflections on the concepts of *method* and *discipline* with historical insights into the diverse approaches that have shaped legal reasoning over time. Students will gain the tools to critically assess the role and limits of method in legal thought and practice. After outlining the methodological traditions into which lawyers—particularly within the civil law tradition—have been socialized, the course will turn to contemporary developments such as the growing use of comparative perspectives in law. A substantial part of the course will be devoted to judicial reasoning, drawing on examples from both common law and civil law jurisdictions, with particular attention to the case law of the European Court of Human Rights and the Court of Justice of the European Union. The course will conclude by considering the future of legal methodology in light of law's ongoing digitalization. According to the general learning plan: Identifies the sources of law applicable to a specific situation. C23. Identifies the sources of law and applies their fundamental principles in the process of legal interpretation. Understands the techniques for drafting legal documents in accordance with legal requirements. C30. Understands theories, concepts, and methodologies in the legal field for the analysis and resolution of legal cases. C33. Explains and compares the legal systems of different states in order to identify best legislative practices. C34. Identifies and analyzes the case law of national and international courts to substantiate legal solutions.

Skills	Understand complex theoretical concepts such as method, methodology, epistemology, discipline, positivism, judicial reasoning, comparison. Understand the epistemological and methodological difference between the common law and the civil law; Understand the main methods of interpretation employed by judges; Critically examine legal and non-legal materials. According to the general learning plan: CP3. Interprets legislation — interprets the law in the course of investigating a case in order to identify the correct procedural steps, the specific status of the case and the parties involved, the possible outcomes, and the most effective way to present arguments to achieve the most favorable results. CT4. Communicates clearly, coherently, and persuasively in professional interactions, using appropriate legal terminology and adapting the message to different interlocutors — colleagues, clients, authorities, or courts. Has a critical and constructive reflection on theoretical and jurisprudential aspects, expressed through studies, legislative proposals, and comparative legal research. A27. Applies critical and analytical thinking to evaluate legal arguments and identify optimal solutions. A28. Uses advanced techniques of legal rhetoric and argumentation in pleadings, debates, and negotiations. A30. Applies methods of legal interpretation to correlate national and international legal norms and to analyze European and international case law. A56. Interprets and uses the case law of the Court of Justice of the European Union and the European Court of Human Rights to support well-reasoned legal solutions.
Responsibility and autonomy	The course will contribute to the development of students' responsibility and autonomy through critical thinking. According to the general learning plan: CT7. Actively promotes the fundamental values of the rule of law and human rights by engaging in civic initiatives and activities aimed at ensuring equitable access to justice and enhancing institutional accountability. CT8. Works and communicates effectively in an international and multicultural context, demonstrating an understanding of differences between legal systems and making use of diversity in addressing legal cases with a cross-border component. R22. Shares with others the specific legal norms applicable in the analysis of legal situations. R27. Collaborates with national and international institutions, promoting good legal practices. R28. Initiates and supports legislative reforms based on the needs of society and of the legal system. R29. Formulates and proposes public policies grounded in research and in the analysis of the impact of legal norms.

7. Contents

The platform through which the course materials in electronic format and other learning/bibliographic resources can be accessed: e-learning.uvt

7.1 Courses	Teaching methods	Observations

1.Introductory course: Why does one need methods? Methodological Pluralism	lecture	
2. Disciplines and Their Methods	lecture	
3. A Brief History of Methods in Law	lecture	
4. Does Law Have a Method?	lecture	
5. The Doctrinal Method	Lecture	By Prof. dr. Adam Czarnota (Visiting Professor)
6. The Socio-Legal Method	lecture	By Prof. dr. Adam Czarnota (Visiting Professor)
7. The Comparative Method	lecture	By Prof. dr. Adam Czarnota (Visiting Professor)
8.The Historical Method	lecture	By Prof. dr. Adam Czarnota (Visiting Professor)
9.Schemes of Intelligibility and the Law		
10. Judicial Reasoning and its Methods in the Common law World	lecture	
11. Judicial Reasoning and its Methods – National and Supranational courts (ECHR)	lecture	
12. Judicial Reasoning and its Methods – National and Supranational courts (CJEU)		
12. The Comparative Method Revisited. The Politics of Method	lecture	
12. Legal Methodology in the Age of Digitalization	lecture	

Bibliography:

<u>Mandatory readings (alphabetically):</u>

John Bell, “The relevance of foreign examples to legal development”, (2011) 21 *Duke Journal of Comparative and International Law* 431.

Sorina Doroga and Alexandra Mercescu, “A Call to Impossibility: The Methodology of Interpretation at the European Court of Justice and the PSPP Ruling” 13(2) *European Journal of Legal Studies* 87 (2021).

Janneke Gerards, General principles of the European Convention on Human Rights law, Cambridge University Press, 2019 (chapter 2 only: “The Court’s Overall Argumentative Approach – Mediating

Between the Abstract and the Concrete").

Simone Glanert, "Method?", in *Methods of Comparative Law*, ed. by Pier Giuseppe Monateri, Cheltenham, Edward Elgar, 2012.

J.A. Holland and J.S. Webb, *Learning Legal Rules*, 8th edition, Oxford, Oxford University Press, 2013 (only chapters 6 & 7 – precedents).

Pierre Legrand, "What Is That, To Read Foreign Law?", (2019) 14:2 Journal of Comparative Law.

Mehrdad Payandeh, "Book Review: Marc Jacob. Precedents and Case-based Reasoning in the European Court of Justice. Cambridge University Press, 2014" , I•CON 12 (2014), 808–840.

Geoffrey, Samuel, "Taking Methods Seriously (Part One)", Journal of Comparative Law, vol. 2, no. 1, 2007, pp. 94-119.

Frederick Schauer, "Has Precedent Ever Really Mattered in the Supreme Court?", (2007) 24 Georgia State University Law Review.

Sally Engle Merry, Human Rights Law and the Demonization of Culture (And Anthropology Along the Way)

+

All information to be found on the power point presentations

Other recommended books, book chapters, articles:

Methodologies of Legal Research, ed. by Mark Van Hoecke, Oxford, Hart, 2013;

The Politics of European Legal Research: Behind the Method, ed. by Marija Bartl and Jessica C. Lawrence, Edward Elgar, 2022.

Gunnar Beck, The Legal Reasoning of the Court of Justice of the EU (Modern Studies in European Law), Hart Publishing (UK), Bloomsbury UK, Oxford, 2012.

Pier Giuseppe Monateri, *Advanced Introduction to Comparative Legal Methods*, Edward Elgar, 2021;

Pierre Legrand, *Negative Comparative Law*, CUP, 2022.

Simone Glanert, Alexandra Mercescu and Geoffrey Samuel, *Rethinking Comparative Law*, Cheltenham, Edward Elgar, 2021;

Aleksandra Mężykowska, Magdalena Młynarska & Eliza Sobaczewska, Persuasion and Legal

Reasoning in the ECtHR Rulings: Balancing Impossible Demands", Routledge.

Michal Bobek, "A Fourth in the Court: Why are there Advocates-General in the Court of Justice?" 14 Cambridge Yearbook of European Legal Studies 529-561 (2011 - 2012).

Vlad Perju, Reason and Authority in the European Court of Justice, (2009) 49 Virginia Journal of International Law.

Véronique Champeil-Desplats, *Méthodologies du droit et des sciences du droit*, 3d ed., Dalloz, 2022 ;

Christian Atias, *Science des légistes, savoir des juristes*, 3d ed, Aix-en-Provence, Presses universitaires d'Aix-Marseille, 1993 ;

Alexandra Mercescu, "Non-binding Sources in Law: On their Merits (and their Limits)" *International Journal for the Semiotics of Law* (2021);

Legal cases and other materials:

Case of *Lautsi And Others v. Italy* (Application No. 30814/06)

Case C-592/14, European Federation for Cosmetic Ingredients v Secretary of State for Business, Innovation and Skills, Opinion of Advocate General Bobek

Citizens United vs. Federal Election Commission, US Supreme Court, 558 US 310 (2010).

Judgment of the Supreme Court - Criminal Chamber of 13 December 2016.
II KK 281/16

The Vistula Case

Roe v Wade, US Supreme Court

Hammalainen v. Finlad, ECHR

Dobbs v. Jacksons Women Health

Verfassungsblog: https://verfassungsblog.de.

European Law Blog: https://www.europeanlawblog.eu.

7.2 Seminar / laboratory	Teaching methods	Observations
1. Disciplines and Their Methods	Interactive (discussions, team work, quizzes, reading, writing)	
2. A Brief History of Methods in Law	Interactive (discussions, team work, quizzes, reading, writing)	

3. Does Law Have a Method?	Interactive (discussions, team work, quizzes, reading, writing)	
4. The Doctrinal Method	Interactive (discussions, team work, quizzes, reading, writing)	
5. The Socio-Legal Method	Interactive (discussions, team work, quizzes, reading, writing)	
6. The Comparative Method	Interactive (discussions, team work, quizzes, reading, writing)	
7. The Historical Method	Interactive (discussions, team work, quizzes, reading, writing)	
8. Schemes of Intelligibility and the Law. Interdisciplinarity in Law	Interactive (discussions, team work, quizzes, reading, writing)	
9. Judicial Reasoning and its Methods in the Common law World	Interactive (discussions, team work, quizzes, reading, writing)	
10. Judicial Reasoning and its Methods at the European Court of Human Rights (ECHR)	Interactive (discussions, team work, quizzes, reading, writing)	
11. Judicial Reasoning and its Methods at the Court of Justice of the European Union (CJEU)	Interactive (discussions, team work, quizzes, reading, writing)	
12. The Comparative Method Revisited. The Politics of Method	Interactive (discussions, team work, quizzes, reading, writing)	
12. Legal Methodology in the Age of Digitalization and AI	Brainstorming, discussions, students' presentations	

Bibliography:

<u>Mandatory readings (alphabetically):</u>

John Bell, "The relevance of foreign examples to legal development", (2011) 21 *Duke Journal of Comparative and International Law* 431.

Sorina Doroga and Alexandra Mercescu, "A Call to Impossibility: The Methodology of Interpretation at the European Court of Justice and the PSPP Ruling" 13(2) *European Journal*

of Legal Studies 87 (2021).

Janneke Gerards, General principles of the European Convention on Human Rights law, Cambridge University Press, 2019 (chapter 2 only: "The Court's Overall Argumentative Approach – Mediating
Between the Abstract and the Concrete").

Simone Glanert, "Method?", in *Methods of Comparative Law*, ed. by Pier Giuseppe Monateri, Cheltenham, Edward Elgar, 2012.

J.A. Holland and J.S. Webb, *Learning Legal Rules*, 8th edition, Oxford, Oxford University Press, 2013 (only chapters 6 & 7 – precedents).

Pierre Legrand, "What Is That, To Read Foreign Law?", (2019) 14:2 Journal of Comparative Law.

Mehrdad Payandeh, "Book Review: Marc Jacob. Precedents and Case-based Reasoning in the European Court of Justice. Cambridge University Press, 2014" , I•CON 12 (2014), 808–840.

Geoffrey, Samuel, "Taking Methods Seriously (Part One)", Journal of Comparative Law, vol. 2, no. 1, 2007, pp. 94-119.

Frederick Schauer, "Has Precedent Ever Really Mattered in the Supreme Court?", (2007) 24 Georgia State University Law Review.

Sally Engle Merry, Human Rights Law and the Demonization of Culture (And Anthropology Along the Way)

Other recommended books, chapters, articles:

Methodologies of Legal Research, ed. by Mark Van Hoecke, Oxford, Hart, 2013;

The Oxford Handbook of Empirical Legal Research, ed by Peter Cane, Herbert Kritzer, OUP, 2012.

The Politics of European Legal Research: Behind the Method, ed. by Marija Bartl and Jessica C. Lawrence, Edward Elagr, 2022.

Pier Giuseppe Monateri, *Advanced Introduction to Comparative Legal Methods*, Edward Elgar, 2021;

Simone Glanert, Alexandra Mercescu and Geoffrey Samuel, *Rethinking Comparative Law*, Cheltenham, Edward Elgar, 2021;

Véronique Champeil-Desplats, *Méthodologies du droit et des sciences du droit*, 3d ed., Dalloz, 2022 ;

Christian Atias, *Science des légistes, savoir des juristes*, 3d ed, Aix-en-Provence, Presses universitaires d'Aix-Marseille, 1993 ;

Alexandra Mercescu, Non-binding Sources in Law: On their Merits (and their Limits)" *International Journal for the Semiotics of Law* (2021);

Legal cases and other materials:

Case of *Lautsi And Others v. Italy* (Application No. 30814/06)

Case C-592/14, European Federation for Cosmetic Ingredients v Secretary of State for Business, Innovation and Skills, Opinion of Advocate General Bobek

Citizens United vs. Federal Election Commission, US Supreme Court, 558 US 310 (2010).

Judgment of the Supreme Court - Criminal Chamber of 13 December 2016.
II KK 281/16

The Vistula Case

Roe v Wade, US Supreme Court

Hammalainen v. Finlad, ECHR

Dobbs v. Jacksons Women Health

Verfassungsblog: https://verfassungsblog.de.

European Law Blog: https://www.europeanlawblog.eu.

8. Corroboration of the course contents with the epistemic expectations of the community representative, professional associations and representative employers of the programme itself

The content of the course corresponds to the expectations of the academic and professional community. Graduates will be able to purse PhD programmes and do research work in a law firm or as law clerks.

According to the general learning plan:

CT8. Works and communicates effectively in an international and multicultural context, demonstrating an understanding of the differences between legal systems and making use of diversity in solving legal cases with a cross-border component.

9. Use of tools based on generative artificial intelligence

To complete the tasks defined in the assessment section (both lecture and seminary), the use of generative AII tools the use of AII is permitted for generating images, rewriting, editing and reviewing of texts. The most well-known examples of generative AII tools include, but are not limited to: ChatGPT, Google Gemini, Copilot for text, or MidJourney for images. Each student will specify, in a statement written separately for each assignment, according to the model in Annex 3 of the Regulation on the use of generative artificial intelligence in the educational process at UVT, the tool they used, how it was used, and the part of the assignment in which it was used. The statement will be included by the student at the beginning of the submitted assignment. The professor will verify the assessment produced by the student with Pangram AI detector and reserves the right to disregard the assessment should the percentage of the text presented be higher than 25.

10. Evaluation

Type of activity	10.1 Evaluation criteria	10.2 Evaluation methods	10.3 Percentage of the final mark
10.4 Course	Ability to reproduce information; Ability to answer indirect questions starting from the content Critical reading skills; originality;	Written, in-class examination (4 subjects) Model available on the e-learning platform	100 %
10.5 Seminar	Students will be required to complete two to three assignments. Failure to submit an assignment will result in a *one-point deduction* from the final grade for each missed assignment.		-

	Late submissions will be treated as non-submissions. Students will have the possibility to gain *one additional point* to their final grade by 1. Being active at the seminar & 2. Conducting a lecture on legal methodology and AI		
10.6 Minimum performance standards			
Grade 5/10			

Date of submission: **24.09.2026** **Titular of the course**:

Signature:

Date of approval in department: **Seminary titular**:

Signature:

HEAD OF THE DEPARTMENT: