

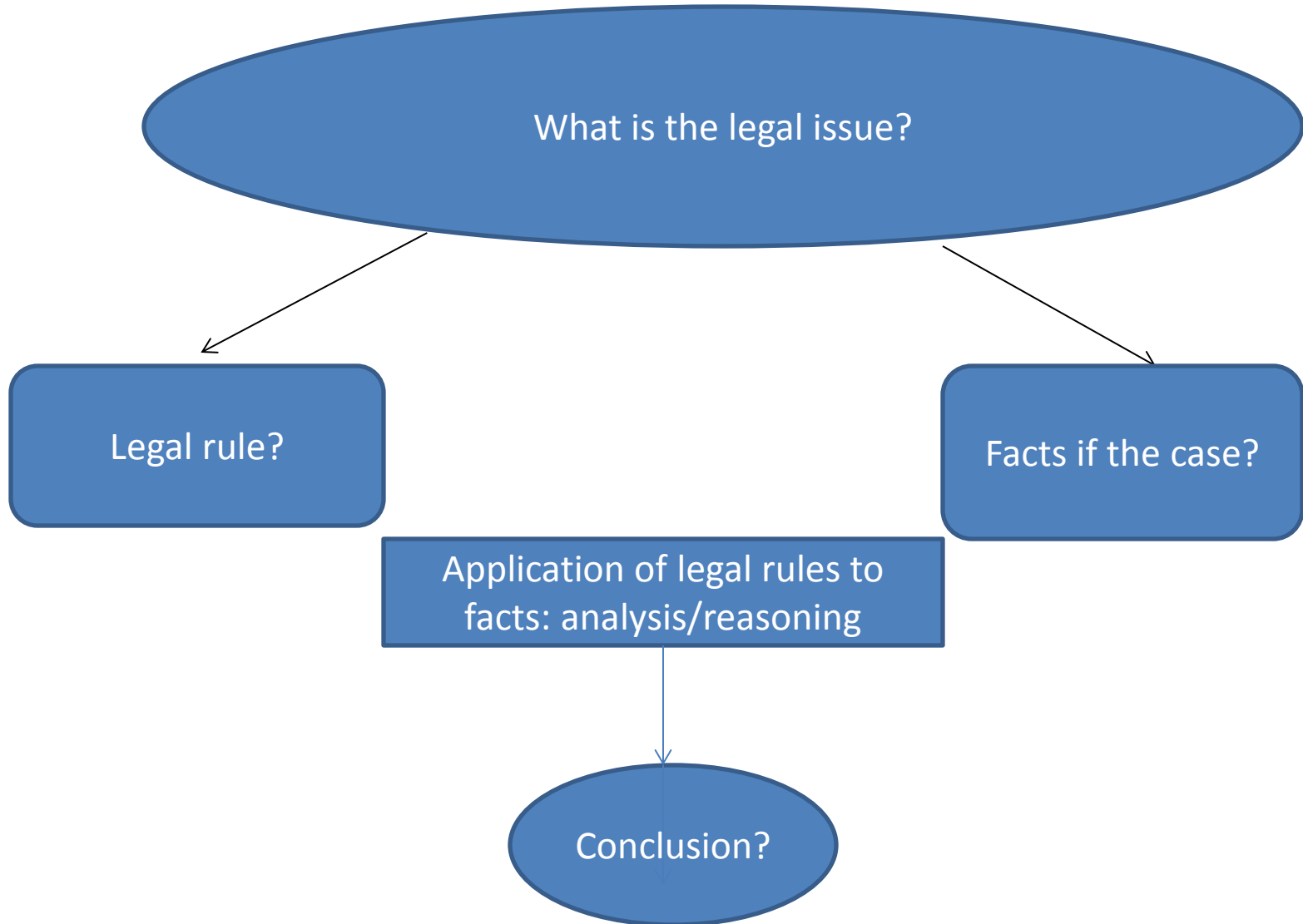
L101: LEGAL AND ACADEMIC WRITING

LEGAL REASONING

What is reasoning?

- 'To reason' is to think something through
- Therefore 'reasoning' is 'thinking through' in order to deduce one judgment from another or others which are given

Simple legal reasoning



Example 1

- Ms Dazzling Beauty, popularly referred to by his followers as 'Papa' was denied entry in to the country two weeks ago for reasons that remain unclear. The Spokesperson for The Department of Immigration stated that Papa was denied entry in to the country pursuant to The Immigration and Deportation Act of 2010. Papa feels that this action amounted to a violation of is human rights. He has instructed his lawyers in Zambia to commence legal proceedings based om the provisions of The Universal Declaration of Human Rights. It is a multilateral treaty that has Zambia has ratified but not domesticated. Advise Papa on the success, or lack thereof, of his action.

Example 1

- What are the material facts?
- What is the legal issue?
- Legal rule?
- Analysis/reasoning?
- Conclusion?

Example 2

Professor Loveness Dundumwezi, S.C is scheduled to attend a conference of The Law Society next month. She has been asked to present a paper on the sources of law in the Zambian legal system. One of the sources of law that she is expected to discuss is the Constitution. As one of her Research Assistants, she has asked you to prepare a memorandum that explains how the Constitution is applied as a source of law, when compared to other written laws.

Example 2

- What are the material facts?
- Legal rule?
- Reasoning/analysis?
- Conclusion?