

PHILOSOPHY AND THEORY OF LAW

Lecturer

dr. KERESTEŠ TOMAŽ

Prerequisites

None

Content (Syllabus outline)

Introduction: notion of philosophy of law, relation to theory of law, relation to sociology of law, relation to dogmatic. Development of philosophy of law: old Greece, old Rome, medieval philosophy, modern period philosophy, development after the second world war, new trends. Notion and origin of law: positions about notion of law, legal concepts, correct law, validity of law, basic norm, development of law in history. Language and law: structure of legal language. Logical and semantic structure of legal language, legal terminology. Values and law: legal axiology, on justice, legal positivism and natural law, perspective of law, argument of non-law. Argumentation in law: notion of law application, interpretation of law, methods of interpretation, syllogism, norms and facts, foundation of decisions. Boundaries of law: goal of legal regulation, area of human free activities, models of legal regulation. Economic analysis of law: economic model of law, economic efficiency of law, game theory and law.

Textbooks

Mark Tebbit (2005) *Philosophy of Law. An Introduction*, London: Routledge; Chapter: Morality, justice and natural law (partially)

Brian Bix (2010) *Natural Law Theory v Dennis Petterson* (ed.), *A Companion to Philosophy of Law and Legal Theory*, Malden: Wiley-Blackwell (partially)

Gustav Radbruch (2006) *Five Minutes of Legal Philosophy*, *Oxford Journal of Legal Studies*, Vol. 26, No. 1, pp. 13-15.

Raymond Wacks (2006) *The Philosophy of Law. A Very Short Introduction*, Oxford: Oxford University Press; Chapter: Legal positivism (partially); Chapter: Law as interpretation (partially)

Tomaz Kerestes (2017) *Philosophy and Theory of Law* (PPT - 56 slides)