

INTRODUCTION TO JURISPRUDENCE AND LEGAL THEORY

Brief description:

What is law? Must law be rules? How does law modulate human behaviour in a social group? Does a citizen have a moral duty to always obey the law? What is the difference between legal rights and moral duties? These sorts of questions are essential themes of contemporary jurisprudence and legal theory. The aim of this course is to introduce students to a number of these jurisprudential questions and to provide an explanation through the perspective of modern legal theory with particular emphasis on the work of the most influential schools of thoughts and individual theorists.

Thematic contents:

The course comprises of three units of study.

Section 1.- *Institutionalisation of Law: Law as a means of structuring the society*

In this unit we will examine different doctrinal approaches to the understanding of law as a prevalent instrument to control and transform the external behaviour of individuals and groups in a society.

Section 2.- *Formalisation of law: The rule of law*

This unit is devoted to the study of a selection of normative questions that deal with the rule of law and its legitimacy.

Section 3.- *Idealization of law: Law as principle*

The third and last unit analyzes law as an instrument to connect societies to ideals and principles. We will explore some of the fundamental concepts in the legal philosophy and the most important doctrinal controversies surrounding the rule of law and the social function of laws.

Evaluation and grading:

Assessment is by examination and some of other activities.

- Exam (written or oral): 60% of the final grade. The examination will consist of in total six questions corresponding to Section 1 and Section 2 and students are required to respond to only three questions covering both sections.
- Written essay – Section 3: 15% of the final grade
- Participation in a group of debate – Section 3: 15% of the final grade
- Active participation in classes: 15% of the final grade

Material:

Readings for the course are photocopied materials. Readings will include some illustrative cases and commentaries of writings of jurists focusing on debates in contemporary jurisprudence between legal positivists (H.L.A. Hart, Joseph Raz) and their opponents (Lon Fuller, Ronald Dworkin, John Finnis). In addition to the readings, a key teaching aid during the classes will be the showing and analysing of films, documentaries and on-line resources.