

Program: Doctoral Academic Studies			
Course title: LEGAL HERMENEUTICS			
Teachers: Dr. Jasminka Hasanbegović, Full Professor; Dr. Bojan Spaić, Assistant Professor			
Course status: optional			
Number of ECTS: 10			
Requirements: None			
Aims of the course: Students are introduced with hermeneutics as a method, as a type of philosophy and as a critical current in contemporary social theory and philosophy, in order to understand the position of legal hermeneutics within the general theory of interpretation and understanding. Contemporary currents in theories of legal interpretation are discussed and analyzed in detail, along with the basic problems of legal interpretation. Issues of philosophical and linguistic basis of legal interpretation are discussed in relation to the problems of understanding and applying law in judicial interpretation and legal interpretation in general.			
Course result: Students are acquainted with hermeneutics as one of the central disciplines in legal theory and philosophy of law. Students are able to critically discuss basic problems of interpretation of legal texts and can understand the relations of these problems with philosophical explanations and justifications of interpretations. Students develop skills of understanding legal text from the perspective of various theories of legal interpretation.			
Course content: <ol style="list-style-type: none"> 1. What is hermeneutics? <ol style="list-style-type: none"> a. History of hermeneutics; b. Hermeneutics as a general methodology of the humanities (Wilhelm Dilthey, Emilio Betti); c. Currents in contemporary hermeneutics (Martin Heidegger, Hans-Georg Gadamer, Jürgen Habermas); d. Philological, theological and juristic hermeneutics: Specificities of legal hermeneutics; 2. Legal hermeneutics <ol style="list-style-type: none"> a. The basic problems of interpreting legal texts; b. Theories and doctrines of legal interpretation: Formalism/Cognitivism c. Theories of legal interpretation: Antiformalism/Skepticism; d. Doctrines of Legal Interpretation I: Savigni's canons of legal interpretation; e. Doctrines of Legal Interpretation II: Betti's canons of interpretation; 3. Contemporary debates in legal hermeneutics <ol style="list-style-type: none"> a. Textualism, intentionalism, purposivism; b. Interpretation and construction; c. Institutional approaches to legal interpretation. 			
Literature: Kurt Mueller-Vollmer, <i>The Hermeneutics Reader: Texts of the German Tradition from the Enlightenment to the Present</i> , Bloomsbury Academic, 1988. Hans-Georg Gadamer, <i>Wahrheit und Methode</i> , any edition; Emilio Betti, <i>Zur Grundlegung Einer Allgemeinen Auslegungslehre</i> , any edition; Andrei Marmor, <i>Interpretation and Legal Theory</i> ; Brian G. Slocum, <i>The Nature of Legal Interpretation: What Jurists Can Learn about Legal Interpretation from Linguistics and Philosophy</i> ; Anne Wagner, Wouter Werner, Deborah Cao, (Eds.), <i>Interpretation, Law and the Construction of Meaning</i> , Springer Publishing, 2007. Suggested books can be used in any translation. Additional literature in English, German, French, Italian or Spanish will be determined in accordance with the candidate's knowledge of foreign languages, his country of origin and his knowledge of the topic.			
Number of lectures – active classes	Theoretical classes: 15	Practical classes: None	
Instruction method: Lectures			
Grading system (maximum number of points 100)			
Pre-exam obligations	points	Final Exam	points
Activities during lectures	20	Oral exam	60
Seminar classes	20		