

Program: Doctoral Academic Studies			
Course title: FUNDAMENTAL ISSUES IN PHILOSOPHY OF LAW			
Teachers: Dr. Jasminka Hasanbegović, Full Professor; Dr. Bojan Spaić, Assistant Professor			
Course status: Mandatory			
Number of ECTS: 10			
Requirements: None			
Aims of the course: The aim of the course is to broaden and deepen the students' knowledge in the field of philosophy of law.			
Course result: Students have advanced knowledge and skill in the field, allowing them to prepare for critical thinking about the problems of philosophy of law that is necessary for completing their Master program.			
Course content:			
<ol style="list-style-type: none"> History of legal philosophy: a) Antiquity: The idea of justice in statutes and in courts – from mythos to logos; Sophists; Classical teachings – Plato and Aristotle; Epicurus and the Stoics; Cicero; b) Middle ages: Early Cristian thought; Patristics – Augustine of Hippo; Scholasticism – Thomas Aquinas. c) New age: Beginnings in the Renaissance, reformation and counterreformation; Rational natural law; Constitutionalism and revolutionary natural law; German idealism; d) Modern age: Philosophy of positive law; Law, phenomenology and existentialism; Topics and the new rhetoric, Marxist criticism of law. Philosophical approaches to law: Being and value; Concept of law; Value of law; Purpose of law; Validity of law; Form and matter of law trough history; Law, morality and custom; Legal values (justice, fairness, legal certainty, purposefulness, equality, freedom, solidarity); Power, force and law; Religions, political ideologies, political parties, legal consciousness, legal culture and law; The issue of the best form of government; Law as a life form and alternative life forms; Aesthetics of Law, Logic of law and legal science; The language of law and legal discourse; Law and literature. Philosophical approaches to legal concepts: Legal system and legal order (creation of law, supervision and punishment, legal change, legal transplants); Norms and legal norms; Will and decision; Subject-object relation in law; Person and legal person; Identity (individual, collective, institutional); Legal relation; Legality, constitutionality; Legal states; Legal processes; Sanctions; Grace, pardon and amnesty; Public and private law; Property; Contract; Marriage; Church, state and law; International law. 			
Literature:			
Jules Coleman, Scott Shapiro eds., <i>The Oxford Handbook of Jurisprudence & Philosophy of Law</i> , Oxford University Press, 2002; Guido Fassò, <i>Storia della filosofia del diritto</i> , Vols. I, II, III, Editori Laterza, 2006; Enrico Pattaro (Editor-In-Chief), <i>A Treatise of Legal Philosophy and General Jurisprudence</i> , Springer Publishing, 2005-2016 (selected volumes and chapters). 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 on the topic.			
Number of lectures – active classes	Theoretical classes: 75	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		