

## DESCRIPTION OF COURSE UNIT

1.

Course unit title	Code
<b>THE PROBLEMATICS OF LEGAL PHILOSOPHY</b>	100208

2.

Name of lecturer(s)	Department(s)
<b>Coordinator:</b> Assoc. Prof. Dr. T. Berkmanas <b>Other:</b> Assoc. Prof. Dr. E. Spruogis	MRU Law School, Institute of Public Law <a href="mailto:vti@mruni.eu">vti@mruni.eu</a>

3.

Cycle of course unit	Level of course unit	Type of course unit
Third cycle	Not applicable	Compulsory

4.

Mode of delivery	Year of study and semester when the course unit is delivered	Language of instruction
Face-to-face	Spring semester	Lithuanian, English

5.

Study requirements	
<b>Prerequisites:</b> Master's or equivalent degree	<b>Co-requisites:</b> Not applicable

6.

Recommended optional programme components
Not applicable

7.

Number of ECTS credits allocated	Student's workload	Contact work hours	Independent work hours
8	216	32	184

8.

<b>Purpose of the course unit: programme competences to be developed</b>			
<p>The course aims to introduce doctoral students to the classical and contemporary philosophical theories of law, justice and human rights and the possibilities to apply these theories in practice. Interdisciplinary, critical and analytical thinking, ability to identify problems and provide reasoned solutions are developed during seminars.</p>			
Learning outcomes of the programme	Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
	Understanding of the specifics of the methodology of legal philosophy, ability to apply various research methods in practice.	Analysis of scientific literature and legal documents, discussion, group work	Presentation, scientific essay, exam
	Understanding of the place of legal philosophy in the system legal science and its impact on the solution of legal problems.	Analysis of scientific literature and legal documents, discussion, group work	Presentation, scientific essay, exam
	Ability to explain the content and role of legal values and legal principles in legal discourse.	Analysis of scientific literature and legal documents, discussion, group work	Presentation, scientific essay, exam
	Ability to analyze and evaluate	Analysis of	Presentation,

	different situations from the point of view of legal philosophy, to provide guidelines for solution of practical legal issues.	scientific literature and legal documents, discussion, group work	scientific essay, exam
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9.

Course contents										
Topics	Contact work hours and planned learning activities							Independent work hours and tasks		
	Lectures	Consultations	Seminars	Training exercises	Laboratory work	Internship	Assessment	All contact work hours	Independent work hours	Tasks
1. <i>Introduction to the course.</i> Subject, purpose, objectives and methodology of Legal Philosophy.			4					4	10	
2. <i>Philosophical theories of law.</i> Classical and modern concept of natural law. Legal positivism. Contemporary trends in analytical jurisprudence. Sociological jurisprudence. American and Scandinavian legal realism. Critical Law Studies. Historical and anthropological jurisprudence. Postmodernist jurisprudence.			8					8	49	Presentation Evaluation Case studies
3. <i>Philosophical theories of justice.</i> Legal-procedural justice. Socio-economic justice.			6					6	30	Legislation, case studies
4. <i>Philosophy of human rights.</i> Doctrine of human rights in the context of the relationship between an individual and society. Philosophical genesis of the main human (civil) rights and the problems of their implementation. Procedural approach to politics, law and political human rights. Socioeconomic and cultural human rights in the context of social justice. The philosophical genesis of solidarity rights and the rights of vulnerable social groups.			6					6	45	A scientific essay Presentation (conference) Case studies
5. <i>Philosophical problems of constitutional, administrative, civil, criminal law.</i>			6					6	50	A scientific essay Presentation (conference) Case studies
<b>Overall</b>			<b>30</b>				<b>2</b>	<b>32</b>	<b>184</b>	

10.

Assessment strategy	Weighting percentage	Period or date of assessment	Assessment criteria
Scientific essay	40%	During seminars	- Originality, creativity and presentation of own approach. - The knowledge, understanding the scientific

			<p>theories studied during the course, ability to apply them in dealing with topical issues.</p> <ul style="list-style-type: none"> <li>- Ability to express the thoughts clearly, consistently and logically, to argument and summarize.</li> <li>- The level of academic language. The paper should contain minimum of spelling and grammatical mistakes.</li> <li>- Ability to draw the text, to quote, overlook, paraphrase, create a list of bibliographic references.</li> <li>- Ability to present the topic in a clear and concise way, to justify own position, to respond reasonably to the questions of the audience.</li> </ul>
Exam	60%	At the end of the course	<p><i>10 points:</i> excellent, comprehensive knowledge. Excellent understanding and application of concepts, ability to analyze them in the broader context of the subject. Original, creative and independent thinking.</p> <p><i>9 points:</i> strong, comprehensive knowledge. Very good awareness of studied material, properly application of concepts. Original and independent thinking.</p> <p><i>8 points:</i> better than average knowledge. Familiar with the material, understands the concepts and principles and applies them properly.</p> <p><i>7 points:</i> average knowledge, there are inessential errors. Acquainted with the basic material. Understands and uses the concepts and principles.</p> <p><i>6 points:</i> lower than average knowledge, there are errors. Acquainted with the basic material. Satisfactorily understands the concepts, is able to describe in his/her own words the information received.</p> <p><i>5 points:</i> knowledge meets the minimum requirements. A simple listing of the concepts, narration of the text.</p> <p><i>1-4 points:</i> knowledge and skills does not meet the minimum requirements.</p>

## 11.

### Required reading:

1. Freeman, M. D.A. *Lloyd's Introduction to Jurisprudence*. 9<sup>th</sup> ed. London: Sweet & Maxwell: Thomson Reuters, 2014.
2. Bix, B. *Jurisprudence: Theory and Context*. 7th ed. London: Sweet & Maxwell, 2015.

### Recommended reading:

1. Adams, D. M. *Philosophical Problems in the Law*. 5<sup>th</sup> ed. Wadsworth Publishing Co Inc., 2012. Donnelly, J. *Universal Human Rights in Theory and Practice*. 3<sup>rd</sup> ed. Ithaca and London: Cornell University Press. 2013.
2. Douzinas, C. *The End of Human Rights*. Oxford: Hart Publishing, 2000.
3. Dworkin R. *A Matter of Principle*. Cambridge, Massachusetts: Harvard University. Press, 1985.
4. Dyzenhaus D., Thorburn M. *Philosophical Foundations of Constitutional Law*. Oxford Scholarship Online, 2016.
5. Finnis J. *Natural Law and Natural Rights*. Oxford: Clarendon Press, 1993.
6. Fredman, S. *Human rights transformed: positive rights and positive duties*. Oxford : Oxford University Press, 2008.
7. Griffin, J. *On human rights*. Oxford: Oxford University Press, 2009.
8. Habermas J. *Between Facts and Norms: Contributions to a Discourse theory of Law and*

- Democracy*. Cambridge: Polity Press, 2007.
9. Hayden, P. *The Philosophy of Human Rights*. St. Paul (Minn.): Paragon House, 2001.
  10. *Human rights: old problems, new possibilities*. Ed. by D. Kinley, W. Sadurski, K. Walton. Cheltenham; Northampton (Mass.): Edward Elgar, 2013.
  11. Kant, I. *The Metaphysics of Morals*. Cambridge: Cambridge University Press, 1991.
  12. Lucy, W. *Philosophy of Private Law*. Oxford Scholarship Online, 2010.
  13. MacIntyre A. *Dependent Rational Animals. Why Human Beings Need the Virtues*. London: Gerald Duckworth & Co. Ltd., 1999.
  14. Rainey, B. *Human rights law*. Oxford; New York: Oxford University Press, 2013.
  15. Rawls J. *Theory of Justice*. Revised ed, Oxford: Oxford University Press, 1999.
  16. Simmonds, N. *Central Issues in Jurisprudence: Justice, Law and Rights*. 5<sup>th</sup> ed. London: Sweet & Maxwell, 2018.
  17. Tebbit, M. *Philosophy of Law. An Introduction*. 3<sup>rd</sup> ed. New York: Routledge, 2017.
  18. *The Oxford handbook of philosophy of criminal law*. Ed. by Deigh J. and Dolinko D. Oxford: Oxford University Press, 2011.
  19. *The Philosophy of Human Rights: Contemporary Controversies*. Ed. by G. Ernst and J. Heilinger. Berlin; Boston (Mass.): De Gruyter, 2012.
  20. *The Philosophy of Law. An Encyclopedia*. Routledge, 1999.
  21. Wacks, R. *Understanding Jurisprudence: an Introduction to Legal Theory*. Oxford: Oxford University Press, 2015.
- Other literature: [https://www.mruni.eu/en/university/library/duomenu\\_bazes/subscribed\\_databases/](https://www.mruni.eu/en/university/library/duomenu_bazes/subscribed_databases/)

Approved by Mykolas Romeris University and Vytautas Magnus University Doctoral Committee in Law on 4 March 2020, Decision No. 8DS-TK-3; renewed on 23 October 2020, Decision No. 8DS-TK-25 and on 10 March 2022, Decision No. 8DS-TK-3.