Syllabus.

Professor Kashnikov

**Philosophy of Law**

1. Course Description.
   1. Title of a Course. Philosophy of Law.
   2. Pre-requisites. The pre-requisites of the course include the knowledge of the standard course of History of Philosophy, Ethics and Logic for HSE Philosophy students, who have already passed through 3 years of study. The students are also supposed to be well trained in English, at the level not lower than that of an excellent mark in terms of the standard program at HSE.
   3. Course Type (compulsory, elective, optional). Compulsory.
   4. Abstract. The course will be based on the assessment of different theories and approaches in the philosophy of law. The basic theories for us will be natural law theory and legal positivism. The rest of the theories we will be interpreted related to some basic problems of jurisprudence such as interpretation, justice and right, the societal role, criticism.
2. Learning Objectives. The students are supposed to get acquainted with some basic theories and approaches in the Philosophy of Law.
3. Learning Outcomes. The outcome of the study is the knowledge of the basic theories of the philosophy of law as well as the capability to analyze the normative adequacy of different legal approaches and attitudes.
4. Course Plan: 1. Natural law. 2. Legal Positivism. 3. Law as Interpretation. 4. Rights and Justice. 5. Law and Justice. 6. Law and Society. 7. Critical Legal Theory.
5. Reading List
   1. Required: Raymond Wacks. *Philosophy of Law. A Very Short Introduction*. Oxford: Oxford University Press, 2006.
   2. Optional: Jeffry G. Murphy and Jules L. Coleman. *Philosophy of Law. An Introduction to Jurisprudence*. Revised Edition. Boulder: Westview Press, 1990. John Finnis. *Natural Law and Natural Rights*. Clarendon Press, 1980. John Austin. The Province of Jurisprudence Determined and the Uses of the Study of Jurisprudence. Weidenfeld and Nicholson, 1954. H.L.A. Hart. *The Concept of Law*. Clarendon Press, 1961. Hans Kelsen. General Theory of Law and State. Harvard University Press, 1949. Ronald Dworkin. *Taking Rights Seriously*. Duckworth, 1978. John Rawl. *A Theory of Justice*. OUP, 1973. Hugh Collins. *Marxism and Law*. Clarendon Press, 1982. Alf. Ross. *On Law and Justice*. Stevens and Sons, 1958. Mark Kelman. *A Guide to Critical Legal Studies.* Harvard University Press, 1987. Richard Rorty. *Philosophy and the Mirror of Nature*. Basil Blackwell, 1990. Patricia Smart. Feminist Jurisprudence. Clarendon Press, 1993.
6. Grading System. We will use the following means of evaluation: homework assignments, quizzes, the written midterm test, the final exam. The intermediate grade is computed at the end of the first module taking into consideration the average homework grade and the midterm grade.
7. Guidelines for Knowledge Assessment. The final grade is computed at the end of the term taking into consideration the cumulated grade, intermediate grade and final exam grade.
8. Methods of Instruction. Methods of instruction will be based on lectures, seminars and home assignments.
9. Special Equipment and Software Support is not required.