**Legal Theory 1 – JOJB204XX0**

**Course description – 6ETCS**

The course provides an introduction to the history of legal thought through the presentation of its main thinkers and questions. The course will follow a seminar format where we will read, discuss and interpret classical texts in legal philosophy from antiquity to the 19th century.

**Requirements and evaluation**

Attendance, prior reading and active class participation are basic requirements. Four absences will result in your failing the course. Evaluation will be based partly on oral examination and partly on class participation.

**Detailed Contents and Readings**

**Week 1: Introduction**

**Week 2-3: Ancient Legal Thought**

Aristotle, *Nicomachean Ethics* Book 5, Chapters 1-2, 6-7 and 10

Aristotle, *On Rhetoric* Book 1, Chapters 13 and 15

*The Digest* *of Justinian* Book 1, Title 1

Marcus Tullius Cicero, *On the Laws* Book 1, Sections 15-63

**Week 4-5: Medieval Doctrines of Natural Law**

St. Thomas Aquinas, *Summa Theologiae* IIa IIae Question 57 Articles 1-2, Ia IIae Question 90 Articles 1-2, Question 91 Articles 1-4 and Question 94 Articles 2 and 4-5

William of Ockham, A *Dialogue* Part 3, Tract 2, Book 3, Chapter 6

William of Ockham, *The Work of Ninety Days* Chapter 65

**Week 6-7: Legal Philosophy of the Renaissance Period**

Francisco Suárez, *On Laws and God the Lawgiver* Book 2, Chapter 6

Hugo Grotius, *The Rights of War and Peace* Preliminary Discourse, Sections 1-26 and Book 1, Chapter 1, Sections 1-15

**Week 8-9: Social Contract Theory and the Enlightenment**

Thomas Hobbes, *Leviathan* Chapters 13-14

John Locke, *Two Treatises of Government* Book 2, Chapter 9

Charles-Louis de Montesquieu, *The Spirit of Laws* Book 1 and Book 11, Chapters 1-6

**Week 10-11: Legal Positivism and the Historical School of Law**

John Austin, *The Province of Jurisprudence Determined* Lecture 1

Friedrich Carl von Savigny, *Of the Vocation of Our Age for Legislation and Jurisprudence* Chapters 2-3

**Week 12: Oral Examination**