

Tbilisi State University Institute for European Studies

Institute of International Law

Course Syllabus

Course Title	სამართლის თეორია Theory of Law
Author (Authors)	Nino Lapiashvili, PhD candidate at TSU, Master of Science from University of Edinburgh (UK), LL.M from Central European University (Budapest, Hungary), Law Faculty of Tbilisi State University
Lecturer (Lecturers)	Nino Lapiashvili, Office 2 22 78 99; E-mail: ninolapiashvili@yahoo.com
Course Code	Code is granted under the general regulation of the University
Course Status	Tbilisi State University Institute for European Studies Master's Program in European Studies Course is elective
Aim of the Course	The aim of the course is an in-depth study of selected topics of theory of law for Master's students of IES as well as application of the skills obtained in their professional activities
ECTS Credits and Hours Taught	ECTS: 5 credits (125 hours) Lectures - 45 hours Preparation for Presentation and Presentation itself: 20 hours Preparation for mid-term and mid-term writing: 30 hours Preparation for the final exam and exam writing: 30 hours
Admission Precondition	none
Course Output	After successful completion of the course, Master's students will be in a position – A. to apply systemic approach for explanation and identification of the concept, nature and moral justification of law, its practical consequences and essential priorities. B. to assess critically the foundations of legal system, legal institutes and legal reasoning. C. to offer practical solutions of the dilemmas related to concept law in general through analytical jurisprudence.
Course Contents	See Annex 1
Teaching Method	The course is designed to be interactive as well as student analytical-skills development

	oriented. The course will use collaborative, demonstrative, comparative and systemic methods.
Assessment Criteria	Attendance – 10% Presentation – 25 % Mid-term – 25 Final Exam – 40% Minimal requirement – 51 % Presentation will last for 10 min. within which the student should make an overview of the problem and give an in-depth analysis. Mid-term and Final Exam will be based on the basic literature discussed during the course
Basic Literature	H.L.A. Hart, <i>The Concept of Law</i>, Clarendon Law Series, 1991; John Rawls, <i>A Theory of Justice</i>, Universal Law Publishing Co. Pvt. Ltd., 2008; Frederic Bastiat, <i>The Law</i>, 2004; John Stuart Mill, <i>On Liberty</i>, 1859; Malcolm N. Shaw, <i>International Law</i>, 2012.
Additional Literature	<i>Some Thoughts about Natural Law</i>, Author(s): Phillip E. Johnson, Source: California Law Review, Vol. 75, No. 1, Seventy-Fifth Anniversary Issue (Jan., 1987), pp. 217-226, Published by: California Law Review, Inc.; <i>Structuring Legal Institutions</i> Author(s): Dick W. P. Ruiter Source: Law and Philosophy, Vol. 17, No. 3, Laws, Institutions, and Facts (May, 1998), pp. 215- 232, Published by: Springer; <i>The Place of Legal Positivism in Contemporary Constitutional States</i>, Author(s): Giorgio Pino Source: Law and Philosophy, Vol. 18, No. 5, Laws, Facts, and Values (Sep., 1999), pp. 513-536, Published by: Springer; <i>Recognition and Justice: Outline of a Plural Theory of Justice</i>, Author(s): Axel Honneth Source: Acta Sociologica, Vol. 47, No. 4, Recognition, Redistribution, and Justice (Dec.,

	2004), pp. 351-364, Published by: Sage Publications, Ltd.; <i>Review: Some Features of Justice and "A Theory of Justice"</i> Author(s): Joe Feldman Reviewed work(s): A Theory of Justice by John Rawls Source: California Law Review, Vol. 61, No. 6 (Dec., 1973), pp. 1463-1478, Published by: California Law Review, Inc.; <i>Review: Principles, Positivism, and Legal Theory</i> Author(s): David Lyons Reviewed work(s): Taking Rights Seriously by Ronald Dworkin Source: The Yale Law Journal, Vol. 87, No. 2 (Dec., 1977), pp. 415-435 Published by: The Yale Law Journal Company, Inc.; <i>Justice, Efficiency, and the Economic Analysis of Law: A Comment on Fried</i> Author(s): Gerald P. O'Driscoll, Jr. Source: The Journal of Legal Studies, Vol. 9, No. 2, Change in the Common Law: Legal and Economic Perspectives (Mar., 1980), pp. 355-366 Published by: The University of Chicago Press;
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Annex 1

Course Work-Plan

N	Topic of the Lecture	Literature
1	Nature of Law: general knowledge and perceptions; deviations from standard and borderline cases. Difference between legal obligations vs. orders backed by threats vs. moral rules vs. rules interpreted by courts	Perplexities of Legal Theory, Hart pp. 1-18
2	Standard ways in which law functions: role of authority vs. generalized nature of law. What makes law enforceable – a general belief that threats are likely to be implemented in the event of disobedience, Or an internally supreme and externally independent body ?	Laws, Commands, and Orders, Hart pp. 18-26
3	Content of Law, mode of its origin and the range of its application. Public legal power (orders backed by threats) vs. Private legal power (power conferring rules). Law – is it order backed by threats (Austin) or just precondition for applying sanctions (Kelsen)? Issue of Custom as a source of law.	The Variety of Laws, Hart pp. 26-49
4	Who makes law, what makes the continuity of every normal legal system and are there any legal limitations on legislative authority? Doctrine of sovereignty. Social rules vs. habits.	Sovereign and Subject, Hart pp. 49-70
5	Presentations	

6	Understanding the idea of obligation/ standard behavior: primary rules of obligation vs. secondary rules of recognition, change and adjudication.	Law as the Union of Primary and Secondary Rules, Hart pp. 77-97
7	International law – a borderline case in the Theory of Law.	International Law, Hart pp. 208-226 Shaw pp. 1-65
8	Justice as Fairness	Rawls pp. 3-46
9	The Principles of Justice	Rawls pp. 54-114
10	Presentations	
11	The Original Position – the Veil of Ignorance	Rawls pp. 118-183
12	Equal Liberty	Rawls pp. 195-251
13	Duty and Obligation	Rawls pp. 333-382
14	Whether the Law can become a tool for injustice in the hands of power holders?	Bastiat, <i>The Law</i> , pp. 1-82
15	What can make law safeguard against the tyranny of majority?	Mill, <i>On Liberty</i> , Chapter 4, Of the Limits to the Authority of Society Over the Individual