

Jurisprudence and Legal Theory

Course code: LEG 254

Semester and year: Fall 2025

Day and time: Wednesday 15:00-17:45

Instructor: Jiří Kašný

Instructor contact: jiri.kasny@aauni.edu

Consultation hours: Monday 11:00-12:00

Credits US/ECTS	3/6	Level	Bachelor
Length	15 weeks	Pre-requisite	None
Contact hours	42 hours	Grading	Letter grade

1. Course Description

This course will address the nature of jurisprudence and western theories of law, especially the classical, modern and contemporary natural law theories, the imperative and command theories of law, legal positivism, Marxist legal theory, liberalism and utilitarianism in law, Kelsen's theory of law, Hart's concept of law, Dworkin's integrity and interpretation theory of law.

2. Student Learning Outcomes

Upon completion of this course, students should be able to:

- Elaborate upon the nature of jurisprudence, discuss legal positivism, the Hart-Fuller debate, Dworkin's criticism; moral theory; natural law; legal reason, and give an in-depth analysis of select legal texts and cases.
- Demonstrate critical assessment of legal theories and debate by questioning their internal consistency and coherence as well as their foundational assumptions.
- Apply abstract philosophical argument to given cases.
- Produce a sustained and well-constructed argument orally and in written form.

3. Reading Material

Required Materials

Selected chapters (Limited copies available in the library or on web)

- Aquinas, Thomas, *Treatise on Law, Summa Theologica*, Questions 90-97, (1271).
- Dworkin, Ronald, *Law's Empire*, 1986; *A Matter of Principle*, 1985; and *Taking Rights Seriously*, 1997.
- Finnis, John, *Natural Law and Natural Rights*, 1980.
- Hart, H. L. A. *The Concept of Law*, 3rd Edition, 2012.
- Sophocles. *Antigone*.

Recommended Materials

Selected chapters (Available in the Library)

- Dworkin, Ronald. *Law's Empire*. Bloomsbury, 1986.
- Kelsen, Hans, *Introduction to the Problems of Legal Theory*, 2002.
- *Lloyd's Introduction to Jurisprudence*. M.D.A. Freeman ed. Sweet and Maxwell, 2008.
- Penner, J. *Jurisprudence and legal theory: commentary and materials*, 2002
- Rawls, John. *A Theory of Justice*. Harvard University Press, 1971.
- Simmonds, Nigel E. *Central Issues in Jurisprudence*. Thomson Reuters, 2018.
- Aristotle, *Politics*.
- Plato, *Republic*.
- Socrates, *Apology*.

- Sophocles, *Antigone*.

4. Teaching methodology

The format of this seminar is primarily lecture – research – presentation – discussion. Students are expected to participate in class presentations and discussions, to read and study the required and suggested materials and to do their own research-reading. The module will be taught over the period of one semester.

5. Course Schedule

Date	Class Agenda
1. 3/9 2025	Topic: Law and jurisprudence Description: We will introduce and discuss the following topics: How to study jurisprudence; research, reading, and terminology. The key questions of jurisprudence: Where does the power of law come from? Why should we obey the law? <i>Antigone</i> by Sophocles – the conflict between family law and positive law. Reading: Sophocles, <i>Antigone</i> . Research commentaries on Sophocles and <i>Antigone</i> . Assignments/deadlines: Prepare a short summary of the drama <i>Antigone</i> and identify the conflict between family law and positive law in <i>Antigone</i> .
2. 10/9	Topic: Natural law Description: Classical natural law theories. We will read and discuss mainly the legal theory of Thomas Aquinas. Reading: Thomas Aquinas. <i>Treatise on Law</i> . Question 91, 94, and 95. Research commentaries on Aquinas's theory of law. Assignments/deadlines: Discuss various kinds of law – eternal, natural, divine, and human law – according to Thomas Aquinas.
3. 17/9	Topic: Natural law Description: Modern natural law theories: John Finnis. We will discuss the development of the natural law theories since the era of Enlightenment. Reading: Module Guide, chapter 2.4-8, pages 11-24. Assignments/deadlines: Home Essay 1 – instructions
4. 24/9	Topic: Modern law and legal positivism Description: We will discuss the development of the positive law theories, especially Jeremy Bentham and utilitarianism. Reading: Module Guide, chapter 3.1, pages 27-37. Assignments/deadlines: Home Essay 1 – discussion
5. 1/10	Topic: Modern law and Immanuel Kant Description: We will discuss hypothetical imperative and categorical imperative according to Kant and the modern understanding of autonomy and freedom in the legal context. Reading: Kant, Immanuel. <i>Groundwork of the Metaphysics of Morals</i> . Cambridge: Cambridge University Press, 1997. (In NEO) Roger Scruton, <i>Kant</i> . (In NEO) Assignments/deadlines: Home Essay 1 – due
6. 8/10	Topic: Twentieth century positive law and Gustav Radbruch Description: We will discuss the development of positive law and natural law with Gustav Radbruch during the first half of twentieth century. Reading: Module Guide, chapter 6.1, pages 83-87. Radbruch, Gustav. <i>Five Minutes of Legal Philosophy</i> . In NEO Assignments/deadlines: Home Essay 1 – evaluation and feedback
7.	Topic: Twentieth century law and Hart and Fuller

15/10	Description: We will discuss Hart's idea on the union/system of primary and secondary rules, Hart's defense against natural law, and Fuller's criticism. Reading: Module Guide, chapter 6.1, pages 83-94. Hart. <i>The Concept of Law</i> . Assignments/deadlines: none
8. 22/10	Topic: Case study Description: We will discuss the IRAC method and apply this method to the selected case study. Reading: Case study Assignments/deadlines: Read the case and prepare the IRAC analysis. Home Essay 2 – Instructions
29/10	Midterm break
9. 5/11	Topic: Case study Description: We will analyze and discuss the case from the positive law perspective and the natural law perspective. Reading: Case study Assignments/deadlines: Home Essay 2 – discussion
10. 12/11	Topic: Ronald Dworkin Description: We will discuss Dworkin's interpretive theory of law as integrity to complement twentieth century legal positivism. Reading: Module Guide, chapter 9, pages 127-143. Case study Assignments/deadlines: Home Essay 2 – due
11. 19/11	Topic: Ronald Dworkin Description: We will discuss Dworkin's interpretive theory of law and the role of legal rules and legal principles. We will introduce a set case and discuss the context and the method of reading the case. Reading: Module Guide, chapter 9, pages 127-143. Case study: Assignments/deadlines: Home essay 3 – instructions
12. 26/11	Topic: Case study Description: We will read and discuss the case. Reading: Case study Assignments/deadlines: Home Essay 3 – discussion
13. 3/12	Topic: Case study Description: We will discuss the case from the natural law perspective and Dworkin's perspective. Reading: Case study Assignments/deadlines: Home Essay 3 – due
14. 10/12	Topic: Final exam - review of the selected topics Description: Home essay 3 – presentation and defense of home essay 3 – discussion – feedback – evaluation Reading: none Assignments/deadlines: Home Essay 3 – defense and feedback

6. Course Requirements

Assessment in this course will be based upon attendance, class participation, presentation and discussion (10%), home essays 1, 2 and 3 (30% each). Preparation and writing of the essays (workload) include participation in classes, reading and individual research reading.

Assignment	Workload (average)	Weight in Final Grade	Evaluated Course Specific Learning Outcomes	Evaluated Institutional Learning Outcomes*
Class participation and two class presentation	42	10 %	Students will participate in class presentation and discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2, 3
Home essay 1	36	30%	Students will discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2
Home essay 2	36	30%	Students will discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2
Final exam home essay 3	36	30%	Students will discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2
TOTAL	150	100%		

*1 = Critical Thinking; 2 = Effective Communication; 3 = Effective and Responsible Action

7. Detailed description of the assignments

Class participation and presentations:

Each student will prepare and present two short (5 minutes) presentations in class, first presentation before the midterm break (Sept 10 – Oct 22, 2025), second presentation after the midterm break (Nov 11 – Dec 3, 2025). The topics and the schedule of the presentations will be distributed and discussed in the first and the following classes. Each presentation is 5%.

Assessment breakdown

Assessed area	Percentage
Content	40%
Presentation	40%
Discussion	20%

Home essay 1:

Home essay 1 should be about 6 pages long. The detailed instructions incl. the style, the topics of the home essay will be distributed and discussed in class on September 17, 2025. Submit the essay by October 1, 2025 in electronic version via Neo-Turnitin. Assessed areas include content, resources, structure and argument, and style and form of the essay; the result makes 30% of the final grade.

Assessment breakdown

Assessed area	Percentage
Content	30%
Resources	20%
Structure and argument	30%
Style and form	20%

Home essay 2:

Home essay 2 should be about 6 pages long. The detailed instructions incl. the style, the topics of the home essay will be distributed and discussed in class on October 22, 2025. Submit the essay by November 12, 2025 in electronic version via Neo-Turnitin. Assessed areas include content, resources, structure and argument, and style and form of the essay; the result makes 30% of the final grade.

Assessment breakdown

Assessed area	Percentage
Content	30%
Resources	20%
Structure and argument	30%
Style and form	20%

Final Exam - Home essay 3:

Final exam - home essay 3 should be about 6 pages long. The detailed instructions incl. the style, the topics of the home essay will be distributed and discussed in class on November 19, 2025. Submit the essay by December 3, 2025 in electronic version via Neo-Turnitin. Assessed areas include content, resources, structure and argument, and style and form of the essay; the result makes 30% of the final grade.

Assessment breakdown

Assessed area	Percentage
Content	30%
Resources	20%
Structure and argument	30%
Style and form	20%

8. General Requirements and School Policies

General requirements

All coursework is governed by AAU's academic rules. Students are expected to be familiar with the academic rules in the Academic Codex and Student Handbook and to maintain the highest standards of honesty and academic integrity in their work. Please see the AAU intranet for a [summary of key policies](#) regarding coursework.

Course specific requirements

There are no special requirements or deviations from AAU policies for this course.