

Phd-seminar JUR9010 Vitenskapsfilosofi, vitenskapsteori og metode - May 29. 2017

May 30. Day 1 : Vitenskapsfilosofi og vitenskapsteori - Law as texts, communication and societal change

Lecturers : Inger-Johanne Sand, IOR, Christoffer Eriksen, IOR
All sessions will include discussions.

- 09.00 Welcome and coffee. Introduction to the seminar.
- 09.15 Methodological problems/challenges in Phd-projects.
All Ph.d-researchers give short (5min) presentations of a methodological problem in their project.
- 10.25 Overview of current legal theories: Law as text, communication, and as part of society (lecture Inger-Johanne Sand) (texts by Gadamer, Gestel/Micklitz/Maduro, Luhmann)
- 11.30 Lunch
- 12.30 Different types of legal rationality (lecture Christoffer Eriksen) (texts on Habermas)
- 13.30 Group discussions, on the lectures and with examples from participants' projects.
- 14.15 Plenary
- 15.00 End of seminar

Literature :

Hans-Georg Gadamer, "Truth and Method", London: Sheed and Ward, 1975, (part II, ch.II, 1 A, p.265-277), (in German: "Wahrheit und Methode", 1960), (på norsk: *Sannhet og metode*, Oslo: Pax, 2010, (del II, kap.II, 1 A, s.302-314) (10p)

Rob van Gestel, Hans-W. Micklitz, Miguel Poyares Maduro, "Methodology in the New Legal World", EUI Working Papers, Law 2012, no.13, p.1-23,
http://www.eui.eu/DepartmentsAndCentres/Law/Publications/PublishedWorkingPapers.aspx?item_id=27218&pagenum=4

Jürgen Habermas, "Between Facts and Norms", 1996, ch.1.3, p.28-41, 12p.
Niklas Luhmann, "Ch.12. Society and its Law", in "Law as a Social System", 2005 ("Das Recht der Gesellschaft", 1993), p.465-475, 11 p.

(Relevant Norwegian texts (for oversikt og fordypning):

Jan Fridthjof Bernt/David Doublet: Vitenskapsfilosofi for jurister, kap. 2, 6, 7, 9 og 10 (120 s.)
Inger-Johanne Sand, "Retten i det polykontekstuelle samfunn. Hvordan skal vi analysere og forstå den?", *Retfærd*, vol.28, no.4, 2005, s.1-28, 28 p.
Thomas Ugelvik: Michel Foucault: Juridiske magtformer og det juridiske subjekt (21 s.)
Jørgen Dalberg Larsen: Ret rationalitet, argumentation: Jürgen Habermas og Robert Alexy (24 s.)
Henrik Palmer Olsen og Bjarke Viskum: Den skandinaviske realisme (27 s.)
Christoffer Eriksen: "Kritikk av rett", Oslo: Universitetsforlaget, 2016,

Supplementary literature:

Duncan Kennedy, "Three globalizations of Law and Legal Thought" in "*The New Law and Economic Development*", Cambridge University Press, 2006,

James Penner, David Schiff, Richard Nobles *Jurisprudence*, red., Oxford: Oxford University Press, 2005

Richard Nobles, David Schiff, *A Sociology of Jurisprudence*, Oxford: Hart, 2006, 230 s

Neil MacCormick, *Institutions of Law*, Oxford: Oxford University Press, 2007, ch.16, p.281-305, 24 p,

Alf Petter Høgberg: *I språkets bilde*, Oslo: Universitetsforlaget, 2015

Jürgen Habermas, ch.4.2.1 og "Postscript" i "Between Facts and Norms", 1996, p.151-157, 447-450, 11s.

Niklas Luhmann, "The Self-Description of the Legal System", in "Law as a Social System", (2005/1993), p.423-426, 4p,

Niklas Luhmann, "Demands on Politics", in "Risk: A Sociological Theory", 1993, (s.145-150), 5 sider.

Inger Johanne Sand (1) : *Nyere tysk retssosiologi: Refleksiv ret, vitenssamfund og globalisering* (25 s.)

Kaarlo Tuori, "ch.10 Legal Science" o Critical Legal Positivism, Ashgate, 2002

Niklas Luhmann, "Risiko og fare", i *Iakttagelse og paradoks*, red.Thyssen, Københ., 1997

Thomas Wilhelmsson, *Senmodern ansvarsrett*, Helsinki: Kaupakari, 2003

Michel Foucault, "Lecture 14.01.76" i *Society must be defended*, New York: Picador, 2003

Jørgen Dalberg-Larsen, *Retten mange ansigter*, København: DJØF-forlaget, 1998