Content

Course Code	Course Name	Semester	Theory	Practice	Lab	Credit	ECTS
PH441	Philosophy of Right	7	3	0	0	3	4

Prerequisites	
Admission Requirements	

Language of Instruction	Turkish
Course Type	Elective
Course Level	Bachelor Degree
Objective	1- Students will start the key question: what are the core values, above and beyond all legal system, that law exist to realize them? 2- In order to go further and improve their answer, students will review the history of philosophy of law, especially focus on some miles stone of this history just as ancient Greek, Hellenistic, Scholastic, Islamic, modern and postmodern. 3- Students will review and find out the links among major philosophical theories of law and fundaments of our legal system. 4- As a crucial point, students can differentiate 'legal states' which have a lot of legal regulations just as acts, bylaws etc. and Rule of Law or Constitutional States which every institutions and officers of the State subject to legal reviews.
Content	This course will introduce students to the fundamental components of legal theory and philosophy of law. Differences, intersections and debates between various theories will be analyzed
References	ÜSKÜL ENGİN, Zeynep Özlem, Bireyciliğe Tarihsel Bakış, Büke Yayınları, İstanbul, 2003. ÖKTEM, Niyazi; TÜRKBAĞ, Ahmet Ulvi, Felsefe, Sosyoloji, Hukuk ve Devlet, 7. Baskı, Der Kitabevi Yayınevi, İstanbul, 2017. DWORKIN, R., Hakları Ciddiye Almak, (Çev. Ahmet Ulvi Türkbağ), Dost Yayınları, Ankara, 2007. FULLER, L., Hukukun Ahlakı, (Çev. Engin Arıkan), Tekin Yayınevi, İstanbul, 2016. AUSTİN, John, Hukukun Belirlenmiş Alanı, (Çev. Ülker Yükselbaba & Saim Üye & Umut Koloş), Tekin Yayınevi, İstanbul, 2015. Articles ÜSKÜL ENGİN, Zeynep Özlem, "Olan Hukuk-Olmayan Hukuk", HFSA 23, İstanbul Barosu Yayınları, 2012, s. 150-164. ÜSKÜL, Zeynep Özlem, "Ortaçağ'da Teologların Akılla Buluşmasının Bir Örneği: St. Thomas D'Aquin", Prof. Dr. Necip Kocayusufpaşaoğlu için Armağan, Ankara, Seçkin Yayınları, 2004, s.759-784. TÜRKBAĞ, Ahmet Ulvi, "Descartes'in Üç Rüyası", İstanbul Üniversitesi Hukuk Fakültesi Mecmuası, Cilt 55, Sayı 4, 1997, s. 25-43. TÜRKBAĞ, Ahmet Ulvi, "Immanuel Kant'ta Özgürlük, Ahlak, Hukuk ve Devlet", Hukuk Felsefesi ve Sosyolojisi Arkivi, 2. Sayı, Şubat 1995, s. 71-80. TÜRKBAĞ, Ahmet Ulvi, "Hart-Dworkin Tartışmasının Ana Hatları", Anayasa Yargısı, 27. Sayı, Haziran 2011, s. 71-82.

Theory Topics

Week	Weekly Contents
1	What is philosophy?
2	Philosophy as a base of law, Main philosophical perspectives
3	The relationship between law and other social norms

Week	Weekly Contents
4	Fundamental Schools of philosophy of law
5	Natural Law and Natural Rights
6	Justice and Fairness, different kinds of justice
7	Freedom as a criterion of legitimacy in a legal systems
8	Short History of Natural law
9	Legal Positivism: Austin and Kelsen
10	Normativism: Kelsen, American Legal Realism
11	Current debate in philosophy of law: Hart, Fuller and Dworkin
12	Critical Legal Studies and Feminist Jurisprudence
13	Law and Economics, Postmodernism and Law
14	Philosophy and current issues