

## **Conditions for the doctoral state examination the study programme "Legal Theory and Public Affairs"**

**Conditions for applying for the State Doctoral Examination:** the student shall apply for the State Doctoral Examination no later than together with the application for the defence of the dissertation.

### **Topics for academic discussion at doctoral state examination**

The committee will predetermine three theoretical topics and one methodological topic for the student upon the supervisor's proposal within 30 days after applying the dissertation defence.

#### **Theoretical topics**

1. **Modern law:** sources of modern law; rationalisation of law; analytical studies of modern law.
2. **Modern law in the modern state:** sovereignty; limits to the sovereignty; the role of the administration.
3. **Ideology and law:** relations between law and ideology; the importance of ideology in modern law; ideological dimension of positivism and non-positivism.
4. **The legitimisation of law:** the rational legitimisation of law; non-rational legitimisation of law; law and values; illegitimate law; law and solidarity.
5. **The law in the global context:** the position of law in a global system; law and international corporations; law in the supra-state system (EU, NATO, UN, etc.); law and global crises.
6. **Law and morality:** meta-ethical part of law; law without morality; immoral law.
7. **Sources of law:** sociological and legal sources of law; differences between lists of formal sources of law; form and content of the law.
8. **Law and language:** linguistic approaches to law; law as language; interpretational approaches to law; discretion and vagueness of law; law and narratives.
9. **Law and justice:** modern forms and sources of justice in law and jurisprudence; law and social responsibility; utilitarian law (law and economics); the role of justice in law; cultural determination of justice.
10. **Power and law:** relation between law and power; violence in law; discipline and law; social control.
11. **Interpretation of law:** methods of interpreting the law; objectivity and subjectivity in legal interpretation; "correct" interpretation.

12. **The subjects (entities) in law:** political means of defining the subject of law (person); differences between legal and moral agents; equality of persons.
13. **Critical legal theory:** a systematic critique of law; law of inequality; law as the source of repression.
14. **Law and gender (including feminist approach):** equality in law; representations; feminist and gender critique of the law.
15. **Law and evidence:** (different conceptions of evidence; burdens of proof; questions of law vs questions of fact; expert testimony; legal limits of evidence; reasonable doubt)

## Methods

1. **Doctrinal legal methodology.**
2. **Empirical legal studies:** qualitative research.
3. **Empirical legal studies:** quantitative research.
4. **Analytical jurisprudence:** reflective equilibrium (Rawls); conceptual analysis (Hart, Raz); performative self-contradiction (Alexy); interpretivism (Dworkin); naturalising jurisprudence (Leiter).
5. **Comparative legal method:** the concept of legal culture - use of comparative arguments in legislative and judicial practice - differences and similarities between common law and civil law - the unification of law
6. **Critical legal methodology:** methodological features of critical legal theory; postmodern legal methods.