

METHODOLOGY OF LEGAL THEORY EXAM

Theories, Definitions, Concepts and Conceptions of Law

- 1) What is a semantic theory?
- 2) What is an explanatory-conceptual theory?
- 3) What is explanatory-empirical theory?
- 4) What is a normative theory?

Conceptual Analysis I

- 5) What is the difference between the material and the formal subject matter of a legal theory?
- 6) What is the Determination Stage?
- 7) What is a concept?
- 8) What is conceptual analysis?
- 9) Traditional view of conceptual analysis?
- 10) Pragmatist view of conceptual analysis?
- 11) Aims of conceptual analysis?
- 12) How conceptual analysis is done?
- 13) Intuition elitism and intuition populism?
- 14) 'Folk' theory?
- 15) Distinction between the modest and immodest conceptual analysis?

Conceptual Analysis II

- 16) The Clarification Principle in Hart's methodology?
 - Legal theory vs legal policy?
- 17) The Conceptual Analysis Principle in Hart's methodology?
 - Linguistic, hermeneutic, and philosophical tools?
- 18) The Not-Upon-Other-Books Principle in Hart's methodology?
- 19) The No-Mystery Principle in Hart's methodology?
- 20) The Nirvana Principle in Hart's methodology?

Indirectly Evaluative Legal Theory I and II

- 21) Is/ought distinction?
- 22) What is analytical jurisprudence?
- 23) What are the criteria which demarcate a good or successful analytical theory of law?
- Why necessarily true propositions?
 - When is an explanation adequate?
- 24) Kinds of values which can be applied in the course of constructing an adequate account of law?
- Purely meta-theoretical (epistemic) values?
 - The value of importance (according to Dickson)?
 - Moral values?
- 25) Directly and indirectly evaluative propositions?
- 26) The ways to support the claim that X is important to explain?
- 27) Directly evaluative legal theory?
- 28) Indirectly evaluative legal theory?

Naturalised Jurisprudence

- 29) What is naturalism?
- 30) Substantive naturalism?
- 31) Methodological naturalism?
- Results and methods continuity?
- 32) Replacement naturalism?
- 33) Normative naturalism?
- Instrumental and ought-implies-can constraints?
- 34) Naturalising the theory of adjudication (Leiter)?
- Replacement- and normative-naturalistic theories of adjudication?
 - CA's instrumental role?
- 35) Legal theory as a part of the social sciences of law (Leiter)?
- 36) Modest methodological naturalism?
- Hermeneutic concept of law?

Central Case Methodology

37) Methodological positivism vs methodological anti-positivism?

38) What is a central case analysis?

- Central vs peripheral cases?

39) How do we identify the central case of law?

40) Central and peripheral cases of the internal point of view?

41) Why does Finnis claim that we need to privilege the moral point of view to identify the central case of law?

Constructive Interpretation

42) Preinterpretive stage

- Preinterpretive material?
- Legal paradigms?
- Why do we need a degree of consensus about the preinterpretive material?
- Which assumptions does the interpretive attitude include?

43) Interpretive stage

- What an interpreter has to do with preinterpretive material (institutional history)?
- What is the criterion of fit and what is its goal?
- What is the criterion of justification and what is its goal?

44) Postinterpretive stage

- Why is it called 'reforming'?