

**COURSE DATA****Data Subject**

<b>Code</b>	35227
<b>Name</b>	Philosophy of Law
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	4.5
<b>Academic year</b>	2020 - 2021

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1303 - Degree in Law	Faculty of Law	4	First term
1921 - D.D. in Business Management Administration-Law	Doubles Studies Faculty of Law - Faculty of Economics	4	First term
1922 - D.D. in Law-Political and Public Administration Sciences	Faculty of Law	5	First term
1923 - D.D. in Law-Criminology	Faculty of Law	5	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Degree in Law	20 - Philosophy of law	Obligatory
1921 - D.D. in Business Management Administration-Law	5 - Year 4 compulsory subjects	Obligatory
1922 - D.D. in Law-Political and Public Administration Sciences	6 - Year 5 compulsory subjects	Obligatory
1923 - D.D. in Law-Criminology	7 - Year 5 compulsory subjects	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
MONZON ARAZO, AUGUST	364 - Political Legal Philosophy
VIDAL GIL, ERNESTO	364 - Political Legal Philosophy



## SUMMARY

In the last stage of learning of the student, the subject Philosophy of Law tries to overcome the fundamentally dogmatic approach of the disciplines (identification of the Law with the codes) opening his horizon towards the wider perspective of the 'juridical phenomenon'. The purpose is to make him think about the sense of the Law and its anthropologic implications (the sense of the Law in the life of the human being); axiological implications (Justice as dimension of the Law and the possibility of its rational treatment) and existential implications (the Law and the big problems of the contemporary world: the different types of violence, the globalization, the multiculturalism, the biotechnology, the defense of the nature, etc.). From these principles, the thematic areas of the subject are:

1. The concept of Law. The philosophical approach about Law.
2. The ontology of Law. The sense of the Law. The Law as non discrimination and non violence.
3. The Axiology of Law. Values and goals of the Law. Theories of the justice.

The main problems of Philosophy of Law: Environment, biotechnology, posthuman. Globalization, multiculturalism, citizenship and rights. Peace and both philosophic and juridical basis.

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

Its recommended to have followed two courses of the Law degree.

## OUTCOMES

### 1303 - Degree in Law

- Recognise the importance of law as a system for regulating social relations.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Be able to apply constitutional principles and values, the respect for human rights, with special attention to equality between men and women, sustainability and the culture of peace as working tools in the interpretation of the legal system.



- Be able to communicate correctly both orally and in writing in the field of law.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Know, understand and know how to apply the interrelation between law and other non-legal disciplines.

## LEARNING OUTCOMES

1. To be capable of knowing the importance of the Law (E: 1, 3)
2. To be capable of knowing and understanding the juridical Ontology: the Law as not discrimination and not violence (E: 1, 4)
3. To be capable of knowing and understanding the juridical Axiology: theories of justice (E: 4, 16, 18)
4. To be capable of knowing, understanding, reasoning and debating on the problems of the Philosophy of Law in the age of the globalization (E: 4, 9, 11)
5. Aptitude to understand the Law in its historical dimension and its relations with the philosophical schools (E: 16, 18).

## DESCRIPTION OF CONTENTS

### 1. INTRODUCTION

1. The philosophical approach about the Law

### 2. EVOLUTION OF THE MODERN PHILOSOPHY OF LAW

2. Philosophical basis of the juridical modern science
3. The positivist philosophy of Law and its crisis
4. Possibility of an integral comprehension of the Law.

### 3. ONTOLOGY AND AXIOLOGY OF THE LAW

1. Human life and the sense of the Law
2. Contemporary Theories of Justice

**4. CURRENT PROBLEMS IN THE PHILOSOPHY OF LAW**

7. Medioambiente, biotecnología y posthumanismo
8. Globalización, multiculturalidad, ciudadanía y derechos
9. La paz y sus bases filosóficas y jurídicas

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	2,50	0
Development of group work	5,00	0
Development of individual work	10,00	0
Study and independent work	30,00	0
Readings supplementary material	10,00	0
Preparation of evaluation activities	5,00	0
Preparing lectures	5,00	0
<b>TOTAL</b>	<b>112,50</b>	

**TEACHING METHODOLOGY**

**Theoretic teaching:** The theoretical contents will be showcased through the conferences. Students will actively participate in learning through advance reading materials that have been pointed out and debates proposed for each topic.

**Activities applied:** Reading and comments about texts of classics and moderns authors, resolution of practical cases and exhibition of works by the students. It's intended to develop specific competencies and complete the theoretical content. In each case, the teacher shall designate which will be subject to evaluation.

**Complementary activities:** In the latter part of the course will be scheduled activities, coordinated with other disciplines, and related Unit IV: *Current Problems in Philosophy of Law*.



## EVALUATION

The elements and the criteria of evaluation are the follows:

1. Final global test on the content of the subject (70 %)
2. Write or oral test on the two applied / complementary activities for evaluation (15%)
3. Valuation of the works, memories / reports and / oral presentations (10 %)

Assistance, participation and implication of the student in the process of learning and during the development of the activities (5 %)

## REFERENCES

### Basic

- ALEX, R., Teoría de la argumentación jurídica, Barcelona, Gedisa, 1994
- BALLESTEROS, J., Sobre el sentido del Derecho, Madrid, Tecnos, 2001.
- BALLESTEROS, J., Repensar la paz. Madrid, EIUNSA, 2005
- BOBBIO, N., El Positivismo jurídico, Madrid, Debate, 198
- COTTA, S., El derecho en la existencia humana, Pamplona, EUNSA, 1987
- DE LUCAS, J., El desafío de las fronteras, Madrid, Temas de Hoy, 1994.
- FERRAJOLI, L., Derechos y garantías. La ley del más débil, Madrid, Trotta, 1999
- HABERMAS, J., Facticidad y Validez, Madrid, Trotta, 1999.
- HART, H.L.A., El concepto de Derecho, Buenos Aires, Abeledo Perrot, 1992
- KAUFMANN, A., Pensamiento jurídico contemporáneo, Madrid, Debate, 1992.
- KELSEN, H., Teoría pura del Derecho, México, Porrúa, 1991
- PEREZ LUÑO, A.E., Estado de Derecho, derechos humanos y Constitución, Madrid, Tecnos, 1995
- RODRIGUEZ PANIAGUA, J.M., Historia del pensamiento Jurídico, Madrid, Universidad Complutense, 1988.
- RAWLS, J., Teoría de la justicia, (2ª ed.), México, Fondo de Cultura Económica, 1995.
- ZAGREBELSKI, G., El Derecho dúctil. Ley, derechos y justicia, Madrid, Trotta, 1995





### **Additional**

- PARA CONCRETAR CADA DOCENTE

## **ADDENDUM COVID-19**

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

### **1. CONTENTS**

All the contents of the subject are maintained, which will be distributed according to the different types of sessions (face-to-face or by synchronous/asynchronous videoconference).

### **2. VOLUME OF WORK AND TEMPORARY PLANNING OF TEACHING**

The activities and workload of the Teaching Guide are maintained. Session planning will be specified at the beginning of the course.

### **3. TEACHING METHODOLOGY**

- Classes will be taught in person or by synchronous/asynchronous videoconference.
- The individual tutorials will preferably be online.
- In the event that the health situation dictates that all teaching be carried out online, the face-to-face sessions will be replaced by one of the following elements: uploading of materials to the Virtual Classroom, synchronous videoconference or recorded transparencies. For practical activities, interaction with students will be guaranteed through videoconference, forum or chat in a Virtual Classroom. If this were the case, the corresponding adaptations will be communicated through the Virtual Classroom by the teaching team.

### **FOR VULNERABLE OR AFFECTED STUDENTS**

The methodology will be adapted to the following non-contact activities:



- Synchronous video conference classes o asynchronous
- Written teaching material
- Materials posted in Virtual Classroom
- Videoconference tutoring

#### **4. EVALUATION**

The criteria of the Teaching Guide regarding the weighting of the evaluation of each type of activity are maintained. For vulnerable or affected students, the grading proportion of the evaluable group activities will be computed in individual activities.

If the health situation requires the final test to be carried out online, said test may be carried out through one of the following modalities, which each teacher will specify in the corresponding annex:

- Individual written test, of a synchronous nature/ asynchronous , by means of a questionnaire through the Virtual Classroom.
- Individual written test, of a synchronous nature/ asynchronous , through development questions through the Virtual Classroom.
- Oral test by BBC videoconference.

#### **5. BIBLIOGRAPHY**

The bibliography provided in the Teaching Guide is maintained. If the health situation forced the closing of the libraries, the basic bibliography would be provided through the Virtual Classroom.