



## 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>	2024 - 2025

### Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	4	First term
1921 - Double Degree Program BMA & Law	Faculty of Law	4	First term
1922 - Double Degree Prog. Law-Political Science	Faculty of Law	5	First term
1923 - Double Degree Programme Law-Criminology	Faculty of Law	5	First term

### Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	20 - Philosophy of law	Obligatory
1921 - Double Degree Program BMA & Law	5 - Year 4 compulsory subjects	Obligatory
1922 - Double Degree Prog. Law-Political Science	6 - Year 5 compulsory subjects	Obligatory
1923 - Double Degree Programme Law-Criminology	7 - Year 5 compulsory subjects	Obligatory

### Coordination

Name	Department
COLOMER SEGURA, ANA MARIA	364 - Political Legal Philosophy
MONZON ARAZO, AUGUST	364 - Political Legal Philosophy
TALAVERA FERNANDEZ, PEDRO AGUSTIN	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.
4. The main problems of Philosophy of Law: Environment, biotechnology, posthuman. Globalization, multiculturalism, citizenship and civil 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.

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 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 (RD 1393/2007) // NO CONTENT (RD 822/2021)**

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**

5. Human life and the sense of the Law
6. Contemporary Theories of Justice

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

7. Environment, biotechnology and posthumanism
8. Globalization, multiculturalism, citizenship and rights.
9. Peace and its philosophical and legal bases.



## 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

**Theoretical 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.

**Applied activities:** 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 to Unit IV: *Current Problems in Philosophy o Law*.

## EVALUATION

The elements and the criteria of evaluation are the following:

1. Final global exam on the content of the subject (70 %)
2. Mrks obtained in applied/complementary activities for evaluation (30%)
3. The student's participation in activities will be valued by the teacher to modulate the final grade.



Regardless of the general evaluation system established for all students (written or oral exam), the professor in charge of the subject will be able to reasonably determine in the annex to the course syllabus the possibility of changing the modality of the final exam when a student's needs to take it on a date different from the official one, in application of the rules for exam clashing, or any other cause established by the examination regulation (e.g., cases of justified force majeure). In these cases, the new modality of exam to be taken must maintain the same level of stringency and difficulty as the one generally given to the rest of the group.

The students who have followed the continuous evaluation and have obtained a grade for but decided not to take the final exam on the official dates (both in the 1st and 2nd call), will be graded as "NOT PRESENTED".

## REFERENCES

### Basic

- BALLESTEROS, J., *Sobre el sentido del Derecho*. Madrid, Tecnos, 2001.
- GARCÍA PASCUAL, C., *Norma mundi. La lucha por el derecho internacional*. Madrid, Trotta, 2015.
- 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.
- SANDEL, M., *Justice: What's the Right Thing to Do?*. London, Penguin Books, 2009.
- TALAVERA, P., *Filosofía del Derecho*, Valencia, Tirant lo Blanch, 2022.
- ZAGREBELSKI, G., *El Derecho dúctil. Ley, derechos y justicia*, Madrid, Trotta, 1995.
- LUBAN, D.: *The Rule of Law and Human Dignity: Reexamining Fullers Canons*. 2 Hague J. on Rule L. 2947, 2010.
- YOUNG, I.M.: *Polity and group difference: A Critique of the ideal of Universal Citizenship*, *Ethics* 1999, p.250-274
- BESSON, S.: *Evolutions in Non-Discrimination Law within the ECHR and the ESC Systems: It takes two to tango in the Council of Europe*, *The American Journal of Comparative Law*, Vol. 60, 2012, p. 147-180
- CUSACK, S.: *Ángela González Carreño v. Spain*, *Cedaw Communication nº 47/2012: Amicus Curiae Brief*, February 2014.
- PERONI, L. and A. TIMMER: *Vulnerable groups: the promise of an emerging concept in European Human Rights Convention Law*, *I-CON* 2013, vol. 11, Nº4, p. 1056-1085



### Additional

- ALEXY, R., Teoría de la argumentación jurídica. Barcelona, Gedisa, 1994.
- BALLESTEROS, J., Repensar la paz. Madrid, EIUNSA, 2005.
- BALLESTEROS, J., Postmodernidad: Decadencia o resistencia. Madrid, Tecnos, 1989.
- BARRERE UNZUETA, M., "Filosofías del Derecho antidiscriminatorio: ¿qué Derecho y qué discriminación? : una visión contra-hegemónica del Derecho antidiscriminatorio". Anuario de filosofía del derecho, ISSN 0518-0872, Nº 34, 2018, págs. 11-42.
- BOBBIO, N., El Positivismo jurídico. Madrid, Debate, 1993.
- 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.
- RAWLS, J., Teoría de la justicia, (2ª ed.). México, Fondo de Cultura Económica, 1995.
- YOUNG, I., La justicia y la política de la diferencia. Cátedra, col. feminismos, 2000.