

Academic Year: ( 2019 / 2020 )

Review date: 28-04-2020

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: SAUCA CANO, JOSE MARIA

Type: Compulsory ECTS Credits : 6.0

Year : 1 Semester : 1

**REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)**

A previous degree on Law is suitable. Degrees in other studies related to legal issues as Labour sciences, criminology, politics, etc. are also welcome. As well, previous knowledge on philosophy of science, methodology of social sciences or history of social thought are also well appreciated.

**OBJECTIVES****BASIC COMPETENCES:**

CB6 Capacity to provide basis to be original mainly in the research context.

CB7 Apply the acquired knowledge to resolve problems in new or unknown wider or multidisciplinary contexts relating to the study issue.

CB8 Integrate knowledge and face complexity when formulating judgments with limited or incomplete information including social and ethical liability.

CB9 Communicate properly conclusions and their deepest reasons to specialised and no specialised publics.

CB10 Develop learning skills to keep self-guided studies.

**GENERAL COMPETENCES:**

CG3 Notice the unity character of torts and the multidisciplinary approach it demands.

CG5 Learn to identify legal problems and look for a solution.

CG6 Make assessments on legal issues related to torts.

CG7 apply legal analytical methods to study and synthesize the obtained information.

**SPECIFIC COMPETENCES:**

CE12 Know how to apply methodological tools to help student in the torts issues¿ comprehension process.

**LEARNING RESULTS:**

1. Developing capacity to analyse and interpret law from a complete perspective including historical and philosophical evolution as well its nowadays configuration.
2. Acquire legal interpretation methods.
3. Use of value dimensions when interpreting and argumenting in law.
4. Learning and improving processes and methods about scientific research on legal issues and about technics for performance its results.

**DESCRIPTION OF CONTENTS: PROGRAMME**

- a) Conceptual and historical approach to legal methodology.
- b) Legal Methodology and axiology.
- c) Introduction to legal interpretation. Theories, concepts and issues.
- d) Interpretative and argumentative techniques on law enforcement.
- e) Legal methodological opening to other social sciences including the Law and Economics approach.

## LEARNING ACTIVITIES AND METHODOLOGY

The subject comprises five types of activities:

- Lectures. The professor will explain general approaches to the content of the subject.
- Compulsory readings. Students must read some text included in the program of the subject.
- Expositions by students on the context and influence of the compulsory readings of the subject.
- Write a short essay. Students must write a short essay on any specific issue at his/her choice using as much as possible the compulsory readings of the subject.
- Take part at the electronic forum of the subject and at the personal tutorials made by the professor.

## ASSESSMENT SYSTEM

### EVALUATION SYSTEMS IN REFERENCE TO SYLLABUS

|     |                         |
|-----|-------------------------|
| SE1 | Room work               |
| SE2 | Personal or group works |
| SE3 | Final exam              |

|                             |                 |
|-----------------------------|-----------------|
| Evaluation systems:         | Ponderation (%) |
| SE1 Room work               | 15%             |
| SE2 Personal or group works | 40%             |
| SE3 Final examen            | 45%             |

|                     |                         |                 |                         |
|---------------------|-------------------------|-----------------|-------------------------|
| Evaluation systems: | Mínimum Ponderation (%) | Ponderation (%) | Máximum Ponderation (%) |
| SE1                 | 0                       |                 | 15                      |
| SE2                 | 0                       |                 | 35                      |
| SE3                 | 20                      |                 | 50                      |

At extra call for exam, students could choose for this system or for being evaluated exclusively by means of an exam.

**% end-of-term-examination:** 50

**% of continuous assessment (assignments, laboratory, practicals...):** 50

## BASIC BIBLIOGRAPHY

- Arnaud, A. J. y M<sup>a</sup> J. Fariñas Dulce Sistemas Jurídicos: Elementos para un Análisis Sociológico del Derecho, Madrid, BOE-Universidad Carlos III, 1996
- Atienza, M. El Derecho como argumentación, Ariel, 2006
- Bobbio, N. Contribución a la teoría del Derecho, Debate, 1991
- Chiassoni, Pierluigi Técnicas de interpretación jurídica, Marcial Pons, 2011
- Dworkin, R.M. ¿Es el derecho un sistema de reglas?, Instituto de Investigaciones Filosóficas. Universidad Nacional de México,, 1977
- Dworkin, R.M. Justicia para erizos, Fondo de Cultura Económica, 2016
- García Amado, J.A. «Sobre formalismos y antiformalismos en la Teoría del Derecho», Eunomía. Revista en Cultura de la Legalidad, nº. 3, septiembre 2012-febrero 2013
- Hart, H.L.A. Postscriptum al Concepto de Derecho, IJ-UNAM, 2000
- Hierro, L.L. Invitación al realismo jurídico, Working Papers Series, nº 23, University of Girona, 2000
- Kelsen, H. ¿Qué es Justicia?, Ariel, 1991
- Kelsen, H. La teoría pura del Derecho, Universidad Nacional Autónoma de México, 1983
- Lyons, D. Ethics and the rule of law, Cambridge University Press, 1984
- Melero de la Torre, M.C. Dworkin y sus críticos. El debate sobre el imperio de la ley, Tirant lo Blanch, 2012
- Núñez Vaquero, A. «Ciencia jurídica realista. Modelos y justificación», Doxa. Cuadernos de filosofía del Derecho, núm. 35, 2012, pp. 718-747
- Ross, A. Sobre el Derecho y la justicia, Editorial Universitaria de Buenos Aires, 1994
- Ross, A. Sobre el Derecho y la justicia, Editorial Universitaria de Buenos Aires, 1994
- Sauca, José María (ed.) El legado de Dworkin a la filosofía del Derecho. Tomando en serio el imperio del erizo, Centro de Estudios Políticos y Constitucionales, 2015

#### ADDITIONAL BIBLIOGRAPHY

- BENGHAM, T. The rule of law, Penguin Books, 2011
- Bingham, T. The rule of law, Penguin Books, 2011
- CALVO GARCÍA, M Los fundamentos del método jurídico: una revisión crítica, Tecnos, 1994
- CARDOZO, B. La naturaleza de la función judicial, Arayú, 1995
- CORREAS, O. Metodología jurídica. Una introducción filosófica (I), Fontamara, 1997
- COURTIS, Ch. (ed.) Observar la ley. Ensayos sobre metodología de la investigación jurídica, Trotta, 2006
- GARCÍA AMADO, J.A. Teorías de la tópica jurídica, Civitas, 1988
- GARCÍA AMADO, J.A. Teorías de la tópica jurídica, Civitas, 1988
- GARCÍA FIGUEROA, A. Principios y positivismo jurídico. El no positivismo principialista en las teorías de Ronald Dworkin y Robert Alexy , Centro de Estudios Políticos y Constitucionales,, 1998
- GONZÁLEZ VICÉN, F. Estudios de filosofía del Derecho, Universidad de La Laguna, 1979
- GUASTINI, R. Estudios sobre la interpretación jurídica, Editorial Porrúa, 1988
- GUASTINI, R. Interpretar y argumentar, Centro de Estudios Políticos y Constitucionales, 2014
- GUASTINI, R. Interpretar y argumentar, Centro de Estudios Políticos y Constitucionales, 2014
- HERNÁNDEZ GIL, A. Metodología de la ciencia de Derecho, Espasa, 1988
- IGLESIAS VILA, M. El problema de la discreción judicial. Una aproximación al conocimiento jurídico, Centro de Estudios Políticos y Constitucionales, 1999
- LARENZ, K. Metodología de la ciencia del derecho, Ariel, 1994
- LEVI, E. Introducción al razonamiento jurídico, Editorial Coyoacán, 2005
- MORESO, J.J. La indeterminación del derecho y la interpretación de la constitución, Centro de Estudios Políticos y Constitucionales,, 1997

#### BASIC ELECTRONIC RESOURCES

- Dworkin, R.M. . ¿Es el derecho un sistema de reglas?: <a href="http://http://search.bt.com/result?fr=chr-bt-  
ws&p=Dworkin%2C+R.M.+%C2%BFES+el+derecho+un+sistema+de+reglas%3F%2C+versi%C3%B3n+castellana+de  
+Javier+Esquivel+y+Juan+Rebolledo+G.+Instituto+de+Investigaciones+Filos%C3%B3ficas.+Universidad+Nacional+d  
e+M%C3%A9xico%2C+1997" target="\_blank">http://http://search.bt.com/result?fr=chr-bt-  
ws&p=Dworkin%2C+R.M.+%C2%BFES+el+derecho+un+sistema+de+reglas%3F%2C+versi%C3%B3n+castellana+de  
+Javier+Esquivel+y+Juan+Rebolledo+G.+Instituto+de+Investigaciones+Filos%C3%B3ficas.+Universidad+Nacional+d  
e+M%C3%A9xico%2C+1997</a>
- García Amado, J.A. . «Sobre formalismos y antiformalismos en la Teoría del Derecho»:  
[http://eunomia.tirant.com/wp-content/uploads/2012/09/02-Eunomia3\\_Garc%C3%ADa-Amado\\_corregido.pdf](http://eunomia.tirant.com/wp-content/uploads/2012/09/02-Eunomia3_Garc%C3%ADa-Amado_corregido.pdf)
- Hart, H.L.A. . Postscriptum al concepto de Derecho: <http://biblio.juridicas.unam.mx/libros/1/38/tc.pdf>
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<https://www.udg.edu/Portals/89/Filosofia%20Dret/Working%20Papers/23.%20Hierro.%20Invitaci%C3%B3n%20al%20>
- Núñez Vaquero, A. . «Ciencia jurídica realista. Modelos y justificación»:  
[http://rua.ua.es/dspace/bitstream/10045/47455/1/Doxa\\_35\\_31.pdf](http://rua.ua.es/dspace/bitstream/10045/47455/1/Doxa_35_31.pdf)