The Philosphy of Law

Academic Year: (2022 / 2023) **Review date: 07-04-2022**

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

Coordinating teacher: CUENCA GOMEZ, PATRICIA

Type: Compulsory ECTS Credits : 3.0

Year : 4 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Theory and Sociology of Law

OBJECTIVES

1.- Knowledge of the differences and points of contact between the Philosophy of Law, the Science of Law and Law Sciences.
2.- Awareness of the necessary interdisciplinary view of the legal problems.
3.- Proper understanding of the different conceptions of the legal phenomenon and the importance of adopting each of them with respect to philosophical and legal issues discussed in the course.
4.- Ability to use the principles and values as working tools in the interpretation of law, as well as a critical awareness of them.
5.- Critical awareness of legal analysis and development of legal dialectic.
6.- Knowledge and analysis techniques that allow rational debate of controversial issues of law that are of major importance from the ethical point of view.

DESCRIPTION OF CONTENTS: PROGRAMME

1.- The meaning of Philosophy of Law
2.- Legal Positivism and postpositivism
3.- Constitutional Democray and adjudication
4.- Problems of legal ethics

LEARNING ACTIVITIES AND METHODOLOGY

The teaching methodology will include:
1.- Lectures (big group) (see the course schedule):different topics of the program will be explained, focusing on those issues considered more important or more difficult To facilitate the student's work the professor will upload in Aula Global materials considered appropiate.
2.- Practical sessions (small groups) (see the course schedule): a deeper understanding of the main issues of the course will be provided using practical cases, texts commentaries, flims etc..To facilitate the student's work the professor will upload in Aula Global materials considered appropiate.
3.- Each professor will indicate the tutorial sessions schedules

ASSESSMENT SYSTEM

Ordinary call:
The final note will be reached of the following way: 60 % continuous assessment; 40 % final exam. Every teacher will indicate the criteria and modalities both of continuous assessment and of final exam.
The final exam will have a weight of 60% for students who did not follow the continuous evaluation)
More than 3 over 10 in the final exam is required for passing.

Extraordinary call:
a) Students who followed the continuous evaluation. 60% on practical sessions and lectures and 40% exam on the content of the course.More than 3 over 10 in the final exam is required for passing
b) Students who have not follow the continuous evaluation, or in case of more favorable: 100% exam on the content of the course.

% end-of-term-examination:	40
% of continuous assessment (assigments, laboratory, practicals…):	60

BASIC BIBLIOGRAPHY

- DIAZ, E. Curso de Filosofía del Derecho, Marcial Pons, 1998
- DIAZ, E. Sociología y Filosofía del Derecho, Tecnos, 1984
- FERNÁNDEZ, E. Teoría de la justicia y derechos humanos, Debate, 1984
- FERNÁNDEZ, E. Estudios de Etica Jurídica., Debate, 1990
- GONZÁLEZ VICEN, F. Estudios de Filosofía del Derecho., Universidad de La Laguna, 1979
- PECES-BARBA, G. Introducción a la Filosofía del Derecho. , Debate, 1983
- PECES-BARBA, G.: Diez lecciones sobre Ética, Poder y Derecho, , Dykinson, 2010