# COURSE DATA

## DATA SUBJECT

**Code:** 35227
**Name:** Philosophy of Law
**Cycle:** Undergraduate Studies
**ECTS Credits:** 4.5
**Academic year:** 2026-27

## STUDY (S)

| Degree | Center | Acad. year | Period |
|---|---|---|---|
| 1303 - Degree in Law | Facultat de Dret | 4 | First quarter |
| 1921 - Double Degree Program BMA and Law | Facultat de Dret | 4 | First quarter, Second quarter |
| 1922 - Double Degree Prog. Law-Political Science | Facultat de Dret | 5 | First quarter |
| 1923 - Double Degree Programme Law-Criminology | Facultat de Dret | 5 | First quarter |
| 1930 - Double Degree Programme in Law and Political and Public Admin. Sciences | Facultat de Dret | 5 | First quarter |

## SUBJECT-MATTER

| Degree | Subject-matter | Character |
|---|---|---|
| 1303 - Degree in Law | Philosophy of law | COMPULSORY |
| 1921 - Double Degree Program BMA and Law | Year 4 compulsory subjects | COMPULSORY |
| 1922 - Double Degree Prog. Law-Political Science | Year 5 compulsory subjects | COMPULSORY |
| 1923 - Double Degree Programme Law-Criminology | Year 5 compulsory subjects | COMPULSORY |
| 1930 - Double Degree Programme in Law and Political and Public Admin. Sciences | Asignaturas obligatorias de quinto curso | COMPULSORY |

## COORDINATION

MONZON ARAZO AUGUST

COLOMER SEGURA ANA MARIA

TALAVERA FERNANDEZ PEDRO AGUSTIN

# 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 / LEARNING OUTCOMES

### 1303 - Degree in Law

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.

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.

## DESCRIPTION OF CONTENTS

## 1. INTRODUCTION

1.The philosophical approach about the Law

## 2. HISTORICAL APPROACH TO THE PHILOSOPHY OF LAW

1. Philosophical basis of the juridical modern science
2. The positivist philosophy of Law and its crisis
3. 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

1. Current problems I.
2. Current problems II.
3. Current problems III.

# WORKLOAD

### PRESENCIAL ACTIVITIES

| Activity | Hours |
|---|---|
| Theoretical and practical classes | 45,00 |
| **Total hours** | **45,00** |

### NON PRESENCIAL ACTIVITIES

| Activity | Hours |
|---|---|
| Attendance at other activities | 2,50 |
| Individual or group project | 15,00 |

| | |
|---|---|
| Independent study and work | 40,00 |
| Preparation of lessons | 5,00 |
| Preparation for assessment activities | 5,00 |
| Resolution of case studies | 0,00 |
| **Total hours** | **67,50** |

## TEACHING METHODOLOGY

**Theoretical Teaching:**
The fundamental theoretical content necessary for understanding the subject will be presented through lectures. Students will actively participate in the learning process by reading the assigned materials in advance and engaging in the discussions proposed for each topic.

**Applied Activities:**
These will involve the reading and analysis of key texts, solving practical cases, and student presentations. The aim is to develop specific competencies and reinforce the theoretical content. In each case, the instructor will indicate which activities will be subject to evaluation.

**Supplementary Activities:**
Throughout the course, various supplementary activities will be scheduled.

## EVALUATION

The elements and the criteria of evaluation are the following:

1. Final global exam on the content of the subject (70 %). In order to pass the course, it will be necessary to pass the global exam.
2. Marks obtained in applied/supplementary activities for evaluation (30%)

- The student's participation in activities wil 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 students 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 ABSENT.

## REFERENCES

Basic:

ALEXY, R., *La doble naturaleza del derecho*, Trotta, 2016.

ATIENZA, M., *Filosofía del derecho y transformación social*. Trotta, 2017.

BALLESTEROS, J., *Sobre el sentido del Derecho*. Tecnos, 2001.

DE LUCAS, J., *Nosotros, que quisimos tanto a Atticus Finch: de las raíces del supremacismo, al Black Lives Matter*. Tirant lo Blanch, 2020.

FERRAJOLI, L., *Derechos y garantías: La ley del más débil*. Trotta, 2023.

GARCÍA PASCUAL, C., *Norma mundi. La lucha por el derecho internacional*. Trotta, 2015.

RUIZ MIGUEL, A., Una *filosofía del derecho en modelos históricos: de la antigüedad a los inicios del constitucionalismo*. Trotta, 2002.

SANDEL, M., *Justicia: ¿Hacemos lo que debemos?* Debate, 2011.

TALAVERA, P., *Filosofía del Derecho*. Tirant lo Blanch, 2022.

ZAGREBELSKY, G., *El Derecho dúctil. Ley, derechos y justicia*. Trotta, 2016.

Supplementary:

BALLESTEROS, J., *Repensar la paz*. EIUNSA, 2006.

BARRERE UNZUETA, M., Filosofías del Derecho antidiscriminatorio: ¿qué Derecho y qué discriminación? Una visión contra-hegemónica del Derecho antidiscriminatorio. *Anuario de filosofía del derecho* 34, 2018, pp. 11-42.

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* 60, 2012, pp. 147-180.

BOBBIO, N., *El positivismo jurídico: lecciones de filosofía del derecho*. Debate, 1998.

HABERMAS, J., *Facticidad y validez: sobre el derecho y el estado democrático de derecho en términos de teoría del discurso*. Trotta, 1998.

HART, H.L.A., *El concepto de Derecho*. Abeledo Perrot, 2010.

KAUFMANN, A., *El pensamiento jurídico contemporáneo*. Debate, 1992.

KELSEN, H., *Teoría pura del Derecho*. Eudeba, 2009.

PEREZ LUÑO, A.E., *Derechos humanos, estado de derecho y constitución*. Tecnos, 2018.

PERONI, L. and TIMMER, A., Vulnerable groups: the promise of an emerging concept in European Human Rights Convention Law, *I·CON* 11(4), 2013, pp. 1056-1085

RAWLS, J., *Teoría de la justicia*. Fondo de Cultura Económica, 2012.

RODRIGUEZ PANIAGUA, J.M., *Historia del pensamiento Jurídico*. Universidad Complutense de Madrid, 1997.

YOUNG, I., *La justicia y la política de la diferencia*. Cátedra, 2000.

YOUNG, I., Polity and group difference: A Critique of the ideal of Universal Citizenship. *Ethics* 99, 1989. pp. 250-274.