



Information about the subject

Degree: Bachelor of Arts Degree in Law

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 310402 **Name:** Philosophy of Law

Credits: 6,00 **ECTS Year:** 4 **Semester:** 1

Module: Philosophy and Professional Deontology

Subject Matter: Philosophy of Law **Type:** Compulsory

Field of knowledge: Arts and Humanities

Department: Private Law

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:

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Module organization

Philosophy and Professional Deontology

Subject Matter	ECTS	Subject	ECTS	Year/semester
Philosophy	6,00	Anthropology	6,00	1/1
Philosophy of Law	12,00	Philosophy of Law	6,00	4/1
		Professional Deontology	6,00	4/1

Recommended knowledge

ANTHROPOLOGY



Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 That students demonstrate knowledge about iusnaturalism, positivism and legal realism.
- R2 To bring students into contact with classic and contemporary texts of philosophical thought and to familiarize them with the conceptual apparatus.
- R3 That the students have the necessary tools to analyze the obligation to obey Law.
- R4 That the students know the distinction between the Philosophy of Law, the General Theory of Law, the Legal Science and the Theory of Justice.
- R5 To employ a critical sense in the analysis and rationale of the Philosophy of Law from the perspective of the concept of law, legal regulations and legal science.
- R6 To understand and detail the conceptual multidiversity of law, as well as the phenomenon that is identified through the basic features, both from the human and social point of view, and from the normative and evaluative point of view.
- R7 To know the evolution of the philosophical reflection on Law from modernity to contemporary views.



Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

GENERAL		Weighting			
		1	2	3	4
CG1	Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language.			X	
CG4	Problem-solving capacity.			X	
CG7	Critical reasoning when analysing information.				X
CG8	Ethical commitment to information management.				X
CG11	Professional relationships: be able to establish and maintain relationships with other relevant professionals and institutions.			X	
CG12	To be able to develop audiovisual presentations.	X			
CG13	Information management capacity.			X	
CG14	Ability to work as a team and collaborate effectively with others.		X		
CG15	Ability to work in interdisciplinary teams.			X	
SPECIFIC		Weighting			
		1	2	3	4
CE1	To become aware of the Law as an orderly system of legal norms regulating social relations.			X	
CE3	Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.			X	



Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R2, R3, R4, R5, R6, R7	20,00%	Practical tests
R1, R2, R3, R4, R5, R6, R7	60,00%	Written theoretical tests
R1, R2, R3, R4, R5, R6, R7	20,00%	Attendance and active participation in seminars, tutored interviews and practical activities

Observations

In the attendance and participation section, the active participation of the student in chats and forums created by the teacher for this purpose will be valued, as well as other means of non-presential participation that may be generated (online sessions).

Single evaluation: According to Article 9 of the General Regulations for Evaluation and Grading of Official Studies and UCV's own degrees, the continuous evaluation system is the preferred evaluation system at the UCV. Art. 10 allows, however, for those students who, in a justified and accredited way, show their inability to attend in person (or to synchronous communication activities for virtual and/or hybrid teaching modalities), their extraordinary evaluation in the so-called single evaluation. This single evaluation must be requested within the first month of each semester to the Dean's Office of the Faculty through the Vice-Dean's Offices or Master's Directorates, competing to this the express decision on the admission of the request of the student concerned. The evidence to be presented and/or the test/s to be taken in the single evaluation by the student will be carried out through the same theoretical test as for the rest of the students and through a practical test consisting of 6 active and reflective Diaries, 6 Questionnaires and a minimum of 24 practices although the percentages given to the different evaluation instruments will be as follows: 50% practical tests and 50% theoretical tests.



CLASS ATTENDANCE IN FACE-TO-FACE DEGREES

In accordance with the development guidelines of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, in face-to-face degrees, class attendance with a minimum of 80% of the sessions of each subject will be required as a requirement to be evaluated. This means that, if a student does not attend the sessions of each subject, in a percentage greater than 20%, he/she will not be able to be evaluated, neither in the first nor in the second call, unless the person responsible for the subject, with the approval of the person responsible for degree, in view of duly justified exceptional circumstances, exempt from the minimum attendance percentage. The same criterion will be applicable for hybrid or virtual degrees in which teachers must maintain the same percentage in the requirement of "presence" in the different training activities, if any, even if these are carried out in virtual environments.

MENTION OF DISTINCTION:

The mention of "Honors" may be awarded to students who have obtained a grade equal to or greater than 9.0. Their number may not exceed five percent of the students enrolled in a group in the corresponding academic year, unless the number of students enrolled is lower.

Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- M1 Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.
- M7 The students must read some specific texts that are connected with the module and be able to present their conclusions.
- M8 Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.
- M11 Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.
- M12 Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.
- M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.



M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.

IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1, M11	R1, R2, R3, R4, R5, R6, R7	20,00	0,80
In-class presentation of readings related to the subject. M7	R1, R2, R3, R4, R5, R6, R7	10,00	0,40
Theoretical classes. M8	R1, R2, R3, R4, R5, R6, R7	25,00	1,00
Tutorial. M11	R1, R2, R3, R4, R5, R6, R7	2,50	0,10
Assessment M12, M14	R1, R2, R3, R4, R5	2,50	0,10
TOTAL		60,00	2,40

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M13	R1, R2, R3, R4, R5	25,00	1,00
Individual work. M14	R1, R2, R3, R4, R5	65,00	2,60
TOTAL		90,00	3,60



Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
1. INTERRELATIONSHIP BETWEEN PHILOSOPHY AND LAW	Interrelationship between Philosophy and Law Philosophy in the jurist's curriculum. The biographical character of philosophy. Law and what is due to the human person.
2. NATHURAL LAW THEORY AS FIRST PHILOSOPHY OF LAW	Nathural Law Theory as the first Philosophy of Law: its classical, Christian and medieval genesis Its revivals.
3. IUSNATURALISM RATIONALIST AND THE PHILOSOPHY OF THE ILLUSTRATION. POSITIVISM NINETEENTH CENTURY LAW	Rationalist iusnaturalism, and the philosophy of the Enlightenment. The 19th century: anti-rationalism and radical criticism of Law.
4. THE LEGAL POSITIVISM OF THE 20TH CENTURY	Radical legal positivism: linguistic and sociological. Moderate positivism. Antinormativism and antinihilism. The axiological iusnaturalism.
5. CONTEMPORARY POLITICAL AND ETHICAL DISCUSSIONES.THEORIES OF THE JUSTICE	Contemporary political and ethical discussions. Theories of Justice. Liberalism vs. Communitarianism. Deontology, utilitarianism and perfectionism.
6. HUMAN RIGHTS AND HUMAN DUTIES	Human Rights: founding. Pluralism of cultures and universality of law. Duties and rights.



Temporary organization of learning:

Block of content	Number of sessions	Hours
1. INTERRELATIONSHIP BETWEEN PHILOSOPHY AND LAW	4,00	8,00
2. NATHURAL LAW THEORY AS FIRST PHILOSOPHY OF LAW	6,00	12,00
3. IUSNATURALISM RATIONALIST AND THE PHILOSOPHY OF THE ILLUSTRATION. POSITIVISM NINETEENTH CENTURY LAW	5,00	10,00
4. THE LEGAL POSITIVISM OF THE 20TH CENTURY	6,00	12,00
5. CONTEMPORARY POLITICAL AND ETHICAL DISCUSSIONES.THEORIES OF THE JUSTICE	5,00	10,00
6. HUMAN RIGHTS AND HUMAN DUTIES	4,00	8,00



References

BASIC:

- GREGO, J., & PEREIRA-SAÉZ, C. *Los nuevos derechos. Teoría jurídica y praxis política*. Granada: Comares, 2024
- Duke, G; George, R. P. eds. (2017) *The Cambridge Companion to Natural Law Jurisprudence*, Cambridge, MA: Cambridge University Press.
- De Lucas Martín, J., Vidal Gil, E., Fernández Ruiz-Gálvez, E., & Bellver Capella, V. (2018). *Pensar el tiempo presente. Homenaje al profesor Jesús Ballesteros Llompart*. Valencia: Tirant lo Blanch.
- De Lucas Martín, J. (2020) *Decir No. El Imperativo de la Desobediencia*. Valencia: Tirant lo Blanch.
- Melé, D. (2020). *Business ethics in action. Seeking Human Excellence in Organizations*. New York.: Palgrave MacMillan:
- Sanz Mulas, N (dir.) (2019), *Los Derechos Humanos 70 años después de la Declaración Universal*, Valencia, Tirant lo Blanch.
- Gallego Garcia, Elio A. (2017) *Representación y Poder. Un intento de clarificación*, Madrid, Dykinson.
- Contreras, F.J., (2016) *La filosofía del derecho en la historia*, Tecnos, Madrid 2016.
- De Lucas Martín, J. (2016). *Mediterráneo: el naufragio de Europa*. Valencia: Tirant lo Blanch.
- Diéguez, A. (2017). *Transhumanismo. La búsqueda tecnológica del mejoramiento humano*. Barcelona: Herder.
- Hill, J.-L. (2016). *After the Natural Law. How the Classical Worldview Supports Our Modern Moral and Politic Values*. San Francisco: Ignatius Press.
- Marcos, A., & Pérez Marcos, M. (2018). *Meditación de la naturaleza humana*. Madrid: BAC.

SUPPLEMENTARY:

- Contreras, F. J. (ed.). (2014) *El sentido de la libertad. Historia y vigencia de la idea de ley natural*. Barcelona, Stella Maris,
- Bauman, Z. (2014). *¿La riqueza de unos pocos nos beneficia a todos?* Barcelona, Buenos Aires, México: Paidós.
- (2016). *Extraños llamando a la puerta*. Barcelona: Paidós.
- (2017). *Retrotopía*. Barcelona, Buenos Aires, México: Paidós.
- Ballesteros, J (1989) *Postmodernidad: decadencia o resistencia*, Madrid, Tecnos
- (1995) *Ecologismo personalista*, Tecnos, Madrid.
- (2006) *Repensar la paz*, Eiuinsa, Barcelona.
- (2007) *Sobre el sentido del Derecho. Introducción a la Filosofía jurídica (3ª ed.)*, Madrid, Tecnos.
- Cortina, A. (2017). *Aporofobia, el rechazo al pobre. Un desafío para la democracia*. Barcelona: Paidós.
- D'Agostino, Francesco (2012) *Corso breve de filosofia del diritto*, G. Giappichelli Editore, Torino.



- Finnis, J. (2011) Natural law and natural rights, Clarendon, Oxford.
- (1998) Aquinas, Clarendon, Oxford, 1998.
- Nussbaum, M. (2014). Emociones políticas. ¿Por qué el amor es importante para la justicia? Barcelona: Paidós.
- , (2015). Crear capacidades. Propuesta para el desarrollo humano. Barcelona: Paidós.
- Rodríguez Paniagua, J.M. (2013). Historia del pensamiento jurídico I: De Heráclito a la Revolución francesa. Madrid: Biblioteca Nueva.
- (2015). Historia del pensamiento jurídico II: Siglos XIX y XX. Madrid: Biblioteca Nueva.