



Information about the subject

Degree: Licenciatus in Iure Canonico

Faculty: Faculty of Canon Law

Code: 1280312 **Name:** Philosophy of Law

Credits: 3,00 **ECTS** **Year:** 3 **Semester:** 1

Module: Derecho

Subject Matter: Filosofía del Derecho **Type:** Compulsory

Department: Canon Law

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:



Module organization

Derecho

Subject Matter	ECTS	Subject	ECTS	Year/semester
Filosofía del Derecho	3,00	Philosophy of Law	3,00	3/1
Instituciones de Derecho Romano	4,50	Roman Law Institutions	4,50	3/1
Derecho Internacional	4,50	International Law	4,50	4/2
Derecho Civil	4,50	Civil Law Institutions	4,50	4/1
Derecho Eclesiástico del Estado	6,00	Ecclesiastical State Law	6,00	5/1
Relaciones Iglesia Estado	1,50	Church State Relations	1,50	5/2

Recommended knowledge

There are no prior consents necessary, strictly speaking. Although the subject requires the management of certain fundamental philosophical concepts applicable to the legal field that can be obtained in the subject's bibliography.



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 R-1 Debe conocer e interpretar con sentido crítico textos elaborados por filósofos del derecho
- R2 R-2 Debe conocer la idea de justicia que orienta un ordenamiento jurídico.
- R3 R-3 Debe evaluar casos prácticos a partir de los principios que orientan la Filosofía del Derecho
- R4 R-4 Debe conocer las distintas formulaciones que se le han dado a los Derechos Humanos
- R5 R-5 Debe estar en condiciones de contraponer la resolución de problemas que atañen a la dignidad humana desde la perspectiva del iusnaturalismo y desde la perspectiva del positivismo jurídico.



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):

BASIC		Weighting			
		1	2	3	4
CB2	CB2 - That students know how to apply their knowledge to their vocation and mission in a professional manner and possess the competencies that are typically demonstrated through the development and defense of arguments and problem solving within their area of study.				X
CB3	CB3 - That students have the ability to gather and interpret relevant data to make judgments that include reflection on relevant ecclesial, social, scientific or ethical issues.			X	
CB4	CB4 - That students can transmit information, ideas, problems and solutions to both specialized and non-specialized audiences.			X	
CB5	CB5 - That students have developed those learning skills necessary to undertake further studies with a high degree of autonomy.				X
GENERAL		Weighting			
		1	2	3	4
CG1	GC1 - Knowledge of the Science being studied, in this case the science of canon law, fundamentally of the historical and contemporary branches and in its practical dimension, with its implications in the life and ecclesial mission.			X	
CG5	GC5 - Acquisition of computer skills related to the field of study.	X			
CG6	GC6 - Knowing how to obtain information effectively from specialized books and journals, and other documentation.				X
CG7	GC7 - Cultivate and develop critical reasoning in the analysis of information.				X
CG15	GC15 - Ability to develop and keep updated one's competences, skills and knowledge according to the standards of the canon law educators.			X	



SPECIFIC		Weighting			
		1	2	3	4
CE3	SC3 - Becoming aware of canon law as part of the mystery of the Church and its mission.				X
CE16	SC16 - Ability to read, write and interpret legal texts and to argue juridically.		X		

TRANSVERSAL		Weighting			
		1	2	3	4
CT1	CT1 To know the Science being studied, in this case the science of Canon Law, fundamentally the historical and contemporary branches and those dimensions of a more practical nature, with its implications in the life and ecclesial mission with a specialized language.			X	
CT2	CT2 - To be able to carry out the process of analysis, by which the components and their respective functions and properties are distinguished in order to discover the principles and elements; and of synthesis, as a process of composition of a whole by the conjunction of its parts.			X	



Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R2, R3, R4, R5	70,00%	Theoretical written tests in which the theoretical knowledge acquired will be presented.
R1	20,00%	Practical tests by means of written tests and with the attendance and presentation of the different practices that will be proposed to the student throughout the course (the reviews of seminars or conferences that have been attended connected with this branch of knowledge and indicated by the professor in each case will also count (without the attendance to the seminars, seminars, or conferences the reviews or memory of the same ones will not be evaluated).
R3	10,00%	Attendance and active participation in class sessions and seminars. Their evaluation will be done by means of attendance tracking records by the professor.

Observations

Attendance is mandatory and will be recorded at each session.

In accordance with the regulations governing the assessment and grading of subjects in force at UCV, the distinction of "Matrícula de Honor" (Honours with Distinction) may be awarded to students who have achieved a grade of 9.0 or higher. The number of "Matrículas de Honor" (Honours with Distinction) may not exceed five percent of the students enrolled in the group for the corresponding academic year, unless the number of enrolled students is fewer than 20, in which case a single "Matrícula de Honor" (Honours with Distinction) may be awarded. Exceptionally, these distinctions may be assigned globally across different groups of the same subject. Nevertheless, the total number of distinctions awarded will be the same as if they were assigned by group, but they may be distributed among all students based on a common criterion, regardless of the group to which they belong. The criteria for awarding "Matrícula de Honor" (Honours with Distinction) will be determined according to the guidelines stipulated by the professor responsible for the course, as detailed in the "Observations" section of the evaluation system in the course guide.



Learning activities

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

- M1 Presentation of content by the teacher, analysis of competencies, explanation and demonstration of skills and knowledge in the classroom, skills and knowledge in the classroom.
- M2 Group work sessions in groups supervised by the teacher. Case studies, diagnostic analysis, problems, field study, computer classroom, visits, data search, libraries, on the net, Internet, etc. Meaningful construction of knowledge through student interaction and activity.
- M3 Personalized and small group attention. Period of instruction and/or orientation by a tutor with the objective of reviewing and discussing the materials and topics presented in the classes, seminars, readings, assignments, etc.
- M4 A set of oral and/or written tests used in the initial, formative or additive evaluation of the student.
- M5 Group preparation of readings, essays, problem solving, seminars, papers, reports, etc. to present or deliver in lectures, practical classes and/or small group tutorials. Work done on the university platform (<https://campusvirtual.ucv.es/>).
- M6 Student study: Individual preparation of readings, essays, problem solving, seminars, papers, reports, etc. to present or deliver in theory classes, practical classes and/or small group tutorials. Work done on the university platform (<https://campusvirtual.ucv.es/>).



IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Theoretical Classes M1	R1	24,00	0,96
Tutoring M3	R2	4,00	0,16
Assessment M4	R3	2,00	0,08
TOTAL		30,00	1,20

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Work in groups M2, M5	R4	15,00	0,60
Individual work M6	R2, R5	30,00	1,20
TOTAL		45,00	1,80



Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
1. Law as the art of equity.	1.The value of Law. 2.Origin of the term. 3.Law as an art of equity.
2. The right to the service of the person.	1.The value of the right. 2.Person and right. 3.Definition of right. 4.Extent of the right.
3. The natural knowledge of law.	1.Study of law 2.Types of law 3.Disciplines related to law: politics, economics, sociology, ethics
4. Philosophy of Law.	1.Notion, origin, field and method of the Philosophy of Law. 2.The legal philosophers. 3.Main law schools.
5. Theory of Law and the State.	1.Law-State relationship 2.Notion of the Theory of Law and the State. 3.Plurality of orientation of the Law-State Theory
6. Natural law.	1.Topic context: notion 2.History of natural law 3.Influence of natural law in the socio-legal field 4.Current reading of natural law 5.Criticism of natural law
7. Legal positivism.	1.Notion 2.Influence of legal-political positivism 3.Law and ethics in legal positivism 4.The criticism 5.Natural law-positivism dialogue



8. Purposes of law.

- 1.Law and social coexistence
- 2.Law and Justice
- 3.Law and peace
- 4.Law and legal order and security
- 5.Right and freedom
- 6.The common good

9. Human Rights.

- 1.Notion, character and foundations
- 2.Number and hierarchy
- 3.Human rights defense
- 4.Critical analysis of the topic
- 5.Right of the person

10. Respect for the law: legality and legitimacy.

- 1.Rule of law
- 2.Law and coercion
- 3.Respect legal forms
- 4.Humanization of law.



Temporary organization of learning:

Block of content	Number of sessions	Hours
1. Law as the art of equity.	1,00	2,00
2. The right to the service of the person.	2,00	4,00
3. The natural knowledge of law.	1,00	2,00
4. Philosophy of Law.	1,00	2,00
5. Theory of Law and the State.	1,00	2,00
6. Natural law.	2,00	4,00
7. Legal positivism.	2,00	4,00
8. Purposes of law.	1,00	2,00
9. Human Rights.	2,00	4,00
10. Respect for the law: legality and legitimacy.	2,00	4,00



References

FUNDAMENTAL BIBLIOGRAPHY

- Barraca Mairal, Javier. *Pensar el derecho. Curso de filosofía jurídica*. Palabra. Madrid, 2005.
- Ballesteros. Jesús. *Sobre el sentido del Derecho. Introducción a la filosofía jurídica*. Tercera edición. Tecnos. Madrid, 2001.
- Cotta Sergio. *¿Qué es el derecho?* Tercera edición. Ediciones Rialp. Madrid, 1995
- Fernández-Galiano. Antonio. *Derecho natural: introducción filosófica al derecho*. Ceura, D.L. Madrid, 1986
- Gómez Adanero, Mercedes; Gómez García, Juan Antonio; Muínelo Cobo, José Carlos; Muñoz de Baena, Simón. *Filosofía del derecho. Lecciones de hermenéutica jurídica*. UNED, Madrid, 2019.
- Hervada Xiberta, Javier. *Cuatro lecciones sobre derecho natural*. EUNSA, 1998.
- Hervada Xiberta, Javier. *Temas de filosofía del derecho*. EUNSA, 2012.
- Hervada Xiberta, Javier. *Escritos de derecho natural*. EUNSA, 2013.
- Santo Tomás de Aquino. *Summa Teológica. Tomo III. Parte II-II. La virtud de la justicia y División de la justicia*. Biblioteca de autores cristianos. Madrid, 1990
(<https://www.dominicos.org/estudio/recurso/suma-teologica/>).

FURTHER READING

- Benedict Pp. XVI Speech at the University of Regensburg. September 12, 2006.
(https://www.vatican.va/content/benedict-xvi/en/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg.html)
- Benedict Pp. XVI Speech at the United Nations. April 18, 2008.
(https://www.vatican.va/content/benedict-xvi/en/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit.html)
- Benedict Pp. XVI. Speech to the German federal parliament. September 22, 2011.
(https://www.vatican.va/content/benedict-xvi/en/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin.html)