

Theory of Law

Code: 102267
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

Contact

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Use of Languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

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Lorena Garrido Jimenez

Prerequisites

The basic knowledge of philosophy and sociology will help in the follow-up of the subject.

Objectives and Contextualisation

Theory of Law is a subject that is taught in the first four months of the first year of the degree of Law. It is an introductory course to basic legal concepts for the development of all subjects. The subject develops the great areas of contemporary law theory, starting from the plurality of schools and visions that form the theory and philosophy of modern law.

The major areas that arise in the program are:

The forms of approach to law: law science, sociology and philosophy of law.

Theory of the norm and the legal order.

Application and interpretation of the law.

Values of rights and theories of justice

Fundamentals of the sociology of law.

The main training objectives of the subject are:

Know the main forms of approach to law from the science of law, sociology of law and philosophy of law

Identify, know and apply the basic concepts of the theory of law.

Understand the fundamentals of legal argumentation.

Reflect on the values and functions of law

Understand the formation of contemporary legal concepts in their historical and social context.

Competences

- Applying ethical values and principles associated with the professional practice of law.
- Arguing and laying the foundation for the implementation of legal standards.
- Defend and promote the basic values of coexistence in democracy.
- Defending and promoting the essential values of the social and democratic State of Law.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Properly analysing the issues related to equality between men and women.
- Students must be capable of communicating their points of view in a compelling way.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of perceiving the impact and implications of the decisions taken.
- Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
- Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
- Working in multidisciplinary and interdisciplinary fields.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Defend and promote the basic values of coexistence in democracy.
2. Defining the importance of the legal deontology.
3. Defining the jusnaturalist (natural law), positivist, and realist legal theories and its view on the unitary nature of the legal system.
4. Defining the legal instruments oriented to eradicate social inequality between men and women.
5. Defining the main basic principles of the legal system.
6. Defining the relationships between law and morals in the social and democratic state of law.
7. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
8. Describing the different critical contributions to the theory of Law.
9. Describing the law-society relationships.
10. Distinguishing the theories and necessary concepts for the analysis of the inequality between men and women.
11. Drawing up and formalising works, reports, documents, rulings.
12. Enumerating the different contemporary theories of the legal reasoning.
13. Identifying the contemporary deontological problems.
14. Identifying the problems of law implementation.
15. Identifying the sexual discrimination factors in law.
16. Identifying the socio-legal problems in the current socio-legal theories.
17. Identifying the values of the social and democratic state of law.
18. Interpreting the contributions of the sociology of law.
19. Interpreting the evolution of the social and democratic state of law.
20. Producing theoretical discussions about the role of the principles in the legal system.
21. Students must be capable of communicating their points of view in a compelling way.

22. Students must be capable of perceiving the impact and implications of the decisions taken.
23. Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
24. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
25. Working in multidisciplinary and interdisciplinary fields.
26. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

FIRST PART

1. Forms of approximation to law: Science of law, sociology of law and philosophy of law.
2. Law, power and morals.
3. Theory of the norm
4. System and legal system
5. Interpretation of law and application of law.
6. Theories of argumentation
7. Values and functions of rights
8. Theories of justice. Criticisms from the perspective of gender.

SECOND PART

9. Right and society second part
10. Law and State in modernity: Legal illustration and law after the French Revolution.
11. Legal positivism in the nineteenth century.
12. Legal positivism in the twentieth century.
13. Legal realisms.
14. Contemporary currents in the theory, philosophy and sociology of law.

Methodology

The teaching of the subject and the training of students is based on the following activities:

1. Directed activities:

1.1 Lectures: where the students reach the conceptual bases of the subject and its normative and jurisprudential legal framework. The master classes are the activities in which less interactivity is required of the student and are conceived as an exhibition to establish the conceptual references in each subject.

1.2. Practical classes: where the students, in small groups, analyze together with the teachers practical cases previously prepared. In specific cases, cases will be developed in class. The basis of practical work is the understanding and application of the concepts explained in the theoretical classes.

2. Supervised activities:

These are activities that the students develop in the classroom, with the supervision and help of the teaching staff. It is about the elaboration of some practical assumption in the classroom.

3. Autonomous activities:

Preparation of documents of practical activities: that will be delivered and analyzed in the classroom.

Search of bibliography and instrumental materials for the resolution of practical cases. In some or some cases students must perform the autonomous search of the documentation

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practical classes	15	0.6	10, 15, 13, 14, 16, 17, 18
Theoretical classes	30	1.2	4, 5, 2, 6, 3, 8, 9, 20, 12, 17, 19, 18
Type: Autonomous			
Individual works	30	1.2	21, 24, 7, 23, 22
Reading and study of materials	50	2	13, 14, 16, 17, 19, 18
Teamwork	20	0.8	21, 24, 23, 22, 26, 25

Assessment

The final grade will be obtained from the following elements:

1. Continuous evaluation of the classes. (40% of the grade) For the continuous evaluation, the following activities will be evaluated.

a) Attendance to class and works in the classroom (10% of the grade)

b) Individual works (40% of the grade)

In each teaching group will be published on the Virtual campus, before the start of teaching, the specific date or the week of realization of evaluable activities, without prejudice that, exceptionally and due to force majeure, these may, with notice and sufficient time, be modified.

2. Final exam (50% of the grade)

The final exam must be passed with a grade higher than 5 to make average with the rest of the grades of the continuous evaluation.

RE-EVALUATION

The re-evaluation of the part relative to the final exam is possible.

In each teaching group, the calendar of activities will be published in the Virtual Campus before the start of teaching. The specific date or week of relation of the evaluation activities will be published, without prejudice to the fact that, exceptionally, and due to force majeure, they can be modified with sufficient advance notice

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Attendance and participation in the classroom	10%	0	0	21, 1, 4, 5, 2, 6, 3, 7, 8, 9, 12, 16, 19, 11
Evaluation tests	50%	5	0.2	4, 5, 2, 6, 3, 7, 8, 9, 10, 20, 12, 17, 19
Individual and teamwork	40%	0	0	21, 1, 4, 24, 7, 10, 15, 13, 14, 16, 19, 18, 11, 23, 22, 26, 25

Bibliography

BASIC BIBLIOGRAPHY

Atienza, Manuel., El sentido del derecho, Barcelona, Ariel, 2001.

DE LUCAS, Javier, (coord), Introducció a la teoria del dret, Editorial Tirant lo Blanc: València, 1993

RUIZ RESA, Josefa, Teoría del derecho. Editorial Tirant lo Blanc: València. 2017

COMPLEMENTARY BIBLIOGRAPHY

Calvo Garcia, Manuel, Los fundamentos del método jurídico: Una revisión crítica, Madrid, Tecnos, 1994.

CASANOVAS, Pompeu. y MORESO, Jose Juan, El ámbito de lo jurídico: Lecturas de pensamiento jurídico contemporáneo, Barcelona, Crítica, 1994.

CASANOVAS, Pompeu, Gènesi del pensament jurídic contemporani, Barcelona, Proa, 1996.

CASANOVAS, Pompeu, MORESO, Jose Juan, Argumentació i pragmàtica del Dret, Edicions de la Universitat Oberta de Catalunya, 1998.

PUIGPELAT, FRancesca, (Coord), Teoria del dret, Universitat Oberta de Catalunya: Barcelona, 1996.

Lloyd's, Introduction to Jurisprudence, Sweet & Maxwell, New York, 2008.

Sandel, Michel, Justicia, ¿hacemos lo que debemos?, Ed. Debate: Barcelona, 2011.

RIDALL, J. G., Teoría del derecho, Barcelona, Gedisa, 1999.

Rodríguez, Palop, Maria Eugenia, La nueva generación de derechos Humanos, Madri, Dykinson, 2010.