



IDENTIFYING DATA

(*)Dereito: Teoría do dereito

Subject	(*)Dereito: Teoría do dereito			
Code	O03G080V01104			
Study programme	(*)Grao en Dereito			
Descriptors	ECTS Credits	Choose	Year	Quadmester
	9	Basic education	1st	1st
Teaching language	Spanish Galician English			
Department				
Coordinator	Bonorino Ramírez, Pablo Raúl			
Lecturers	Bonorino Ramírez, Pablo Raúl Feijóo Miranda, José			
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General description	The subject presents the main issues about the analysis of law from the perspective of the legal philosophy.			

Competencies

Code	
A1	(*)Coñecer as principais institucións xurídicas
A2	(*)Coñecer a función do Dereito como sistema regulador das relacións sociais
A3	(*)Comprender o carácter unitario do ordenamento xurídico
A4	(*)Coñecer os principios e valores constitucionais
A5	(*)Apreciar a diversidade e a multiculturalidade
A6	(*)Coñecer as distintas manifestacións do Dereito na súa evolución histórica e na súa realidade actual
A8	(*)Ser quen de argumentar xuridicamente
A9	(*)Ser quen de utilizar os principios e valores constitucionais como ferramenta de traballo da interpretación do dereito e desenvolver dialéctica xurídica
A10	(*)Ser quen de apreender sistematicamente o ordenamento xurídico
A11	(*)Ser quen de identificar problemas xurídicos e abordar a súa solución de modo interdisciplinar
A12	(*)Ser quen de manexar fontes xurídicas
A13	(*)Ser quen de interpretar e analizar criticamente o ordenamento xurídico
A15	(*)Ser quen de manexar a oratoria xurídica
B1	(*)Capacidade de síntese e análise
B2	(*)Capacidade de aprender
B3	(*)Capacidade de xestión da información
B4	(*)Capacidade de adaptarse a novas situacións
B5	(*)Capacidade para organizar e planificar
B6	(*)Resolver problemas de forma eficaz
B7	(*)Aplicar pensamento crítico, lóxico e creativo
B8	(*)Traballar de forma autónoma con iniciativa
B9	(*)Traballar de forma cooperativa
B10	(*)Preocupación pola calidade
B11	(*)Comportarse de forma ética e responsabilidade social como cidadán e como profesional
B12	(*)Comunicarse de xeito efectivo nun entorno de traballo (habilidades nas relacións interpersoais)
B13	(*)Traballar desde unha perspectiva comparada, manexando información comparada

Learning aims

Expected results from this subject	Training and Learning Results
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Know the main legal institutions analysing the fundamental legal concepts from the perspective of the philosophy of law.	A1
Know the function of law like regulatory system of the social relations.	A2
Understand the unitary character of the legal system through the analysis of the disputes about the concept of law.	A3
Know the principles and constitutional values, understanding the theoretical disputes about its nature.	A4
Appreciate the diversity and the multiculturalism.	A5
Know the distinct demonstrations of the law in its historical evolution and in its current reality.	A6
Be able to argue in legal contexts.	A8
Be able to use the principles and constitutional values like tools to interpret the law and to develop legal dialectics.	A9
Be able to learn systematically the legislation.	A10
Be able to identify legal problems and tackle its solution by interdisciplinary way.	A11
Be able to handle legal sources.	A12
Be able to interpret and analyse critically the legislation.	A13
Be able to handle the legal oratory.	A15
Capacity of synthesis and analysis.	B1
Capacity to learn.	B2
Capacity of management of the information.	B3
Capacity to adapt to new situations.	B4
Capacity to organise and schedule.	B5
Resolve problems in an effective way.	B6
Apply critical, logical and creative thought.	B7
Work with autonomy and initiative.	B8
Work in a cooperative way.	B9
Concern by the quality.	B10
Behave in an ethical form and show social responsibility like citizen and like professional.	B11
Communicate of effective form in a half of work (skills in the interpersonal relations).	B12
Work from a compared perspective, handling compared information.	B13

Contents

Topic	
I. What is the law?	1. The concept of Law. Historical evolution. Main theoretical positions. 2. The concept of Law in the contemporary legal philosophy: positivism, natural law theories and legal realism. 3. The law like form of social organisation. The functions of law. 4. Law, morals and political. Law and political power. Law and justice.
II. What is a norm?	1. Norms and mandates. Social rules. Types of rules. The legal norm. Principles and rules in the contemporary philosophical debate. 2. The law like system of norms. Validity and efficiency. The coherence of the legal order and the problem of the antinomies. The completeness of the legal order and the regulatory gaps. 3. The normative production. The so called "sources of law". The jurisprudence like source of law.
III. Which are the fundamental legal concepts?	1. The fundamental legal concepts in the contemporary philosophy of law. 2. Acts against the law. Sanction. Legal duty. Subjective right. Responsibility.
IV. Is it possible a science of law?	1. The nature of the scientific knowledge. Empiricism, falsacionism and the theory of the scientific paradigms of Thomas Khun. 2. The science of law in the contemporary philosophy law. Kelsen, Hart, Ross, Alchourrón and Bulygin, Nino. 3. The legal dogmatic. Which are the dogmas on which assent the legal dogmatic? Legal Dogmatic and scientific knowledge.

V. How it applies the Law?	1. Law and language. Vagueness, ambiguity and open texture of natural languages. 2. The disagreements in the Law. Hard cases and easy cases. 3. The problem of the judicial discretion. Legal interpretation. Legal argumentation.
VI. Which relation exists between Law and Justice?	1. Theories of justice: classical and contemporary. Justice and Law. The problem of the legitimacy. The relations between law and political. 2. The Human Rights like universal system of justice. National and international law. The translation of the international agreements to the local contexts of application. 3. The obedience to law. Moral obligation and legal obligation. Obedience and resistance to law. The civil disobedience and the objection of consciousness. 4. Gender and Law. Positions and main lines of investigation.
VII. How it relates the Law with popular culture?	1. Law and literature. Evolution of the movement. Positions in favour and against. Law in the literature. 2. The legal interpretation and the literary interpretation. Paradigms and debates. The law like interpretation. 3. Cinema and law. Evolution of the current. Main exponents and thematics.

Planning

	Class hours	Hours outside the classroom	Total hours
Laboratory practises	36	54	90
Group tutoring	15	0	15
Master Session	35	63	98
Other	2	15	17
Practical tests, real task execution and / or simulated.	5	0	5

*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies

	Description
Laboratory practises	Approach and realisation of activities of practical character, including mock debates.
Group tutoring	Assistance and resolution of problems in group.
Master Session	Oral class complemented with the use of audiovisual means headed to the students, with the purpose to transmit knowledges and facilitate learning.

Personalized attention

Methodologies	Description
Laboratory practises	Resolution of doubts and answers to the questions.
Master Session	Resolution of doubts and answers to the questions.
Group tutoring	Resolution of doubts and answers to the questions.
Tests	Description
Practical tests, real task execution and / or simulated.	Resolution of doubts and answers to the questions.
Other	Resolution of doubts and answers to the questions.

Assessment

	Description	Qualification
Laboratory practises		Ata 50
	Periodical tests to value the correct application of the subject's contents.	
Master Session		Ata 50
	Objective test that it will consist in the answer of long questions, or the answer of several short questions, or multiple choice test.	

Other comments on the Evaluation

The students that can not opt by the continuous evaluation have right to an objective test with which can obtain the 100 percent of the qualification. That examination will have a theoretical and a practical part.

The dates of tests approved are the following:

14 January 2014, 10 hs. (Aula Magna and classroom 1.4). 4 July 2014, 16 hs. (Aula Magna and classroom 1.4). End of career: 17 October 2013, 10 hs. (Classroom to determine).

Sources of information

Bonorino, Pablo Raúl, **Introducción a teoría do direito**, SPUV,
Kelsen, Hans, **Teoría pura del derecho**, UNAM,
Hart, H.L.A., **El concepto de derecho**, Abeledo Perrot,
Ross, Alf, **Sobre el derecho y la justicia**, Eudeba,
Dworkin, Ronald, **Los derechos en serio**, Ariel,
Dworkin, Ronald, **Cuestión de principios**, Siglo XXI,
Fuller, Lon, **El caso de los exploradores de cavernas**, LexisNexis-Abeledo Perrot,
Casnovas, P. y Moreso, J. J., **El ámbito de lo jurídico**, Crítica,
Bobbio, Norberto, **Teoría General del Derecho**, Debate,
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Atienza, Manuel, **El sentido del derecho**, Ariel,
Alchourrón, C. y Bulygin, E., **Análisis lógico y derecho**, CEC,
Nino, Carlos Santiago, **Introducción al análisis del derecho**, Depalma,
Peces-Barba Martínez, Gregorio y otros, **Curso de Teoría del Derecho**, Marcial Pons,
Garzón Valdés, Ernesto, **Derecho, ética y política**, CEC,
Nino, Carlos Santiago, **Algunos modelos metodológicos de ciencia jurídica**, Fontamara,
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Gargarella, Roberto, **El derecho a resistir el derecho**, CIEPP,
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Arnsperger, Ch. y Van Parijs, Ph., **Ética económica y social. Teorías de la sociedad justa**, Paidós,
Carrió, Genaro, **Notas sobre derecho y lenguaje**, Abeledo Perrot,
Chalmers, Alan, **¿Qué es esa cosa llamada ciencia?**, Siglo XXI,
Nino, Carlos Santiago, **Ética y derechos humanos**, Astrea,

Recommendations

Subjects that continue the syllabus

(*)Argumentación e interpretación jurídica/O03G080V01901