UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Philosophy of Law

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

Philosophy of Law (02339)

5. Scientific Area

6. Curricular Year

4th

7. Type of Curricular Unit / Semester

2nd Semester

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8. Class type and workload (work time)

Theoretical classes:	
Practical classes:	
Theoretical-Practical Classes	30,00
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Prof. Doutora FILIPA MARIA DE A. MARQUES PAIS D´AGUIAR

12. Assistants

13. Teaching Language

Portuguese

14. General Objectives

Identify the primary evolutionary frameworks of philosophical thought applied to Law;
Analyse the concept of Law, from a historical-legal perspective, being aware of the current issues regarding this concept's relevance;
Recognise the different philosophical possible paths of understanding the legal reality;
Relate existing and legally relevant subjects with the underlying philosophical problem.

15. Specific Objectives

Endow students with the following abilities:
- Evince the interdisciplinary feature among the Curricular Units of the Law Course;
- Evolve the legal-scientific research capacity on the taught subjects;
- Propound the debate on current issues, within the extent of the Philosophy of Law.

16. Skills to be acquired

Endow students with the following skills:
- Recognise the Philosophy of Law as both an abstract and a concrete field of study;
- Understand the dichotomy between fundamental principles and legal rule;
- Integrate the Philosophy of Law study and research with the further Curricular Units of the Law course.

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17. Teaching Methodology

Adoption of affirmative, demonstrative and active pedagogical methods, through:
- Theoretical exposition of the syllabus;
- Tutorial guidance;
- Resolution and debate of existing cases.

18. Course Unit Program

Part I - Prelusive Aspects

Chapter I - Introduction to the Philosophy of Law
1. Object of study
2. Philosophy of Law and Science
Chapter II - Philosophical-legal problem and problematic

Part II - Ontology of Law

Chapter I - Major contemporary ontological dimensions
1. Legal positivism
2. Scandinavian legal realism
3. North American legal realism
4. Legal neo-idealism
5. Egological Theory of Law
6. Three-dimensional Theory of Law
Chapter II - Law as a cultural reality and as a normative reality
Chapter III - Law and other normative orders
1. Law and Morality
2. Law and Religion
3. Law and social uses

Part III - Axiology of Law

Chapter I - Rights and values
Chapter II - Natural Law
Chapter III - Law and Justice

Part IV - Current issues in the Philosophy of Law

Chapter I - Law, electronic media and Artificial Intelligence: problem description and extent
Chapter II - "Resurgence of Legal-Technological Positivism"?: ethical dimensions

19. Assessment Methods

Continuous assessment methodology consisting of two stages of mid-term assessment, presence in class and active participation in debates proposed and developed in class.

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20. Didactic Resources

Main and complementary bibliography, with possibility of access in ebook format, when made available by the publisher.
Digital resources: computer, web, availability of teaching resources on the Moodle/b-learning platform.

21. Sustainability Objectives

Promote education to enable technical, professional and social skills necessary for the development of decent work, entrepreneurship and well-being, combating poverty and social exclusion;
Ensure equal conditions, taking into account situations of special vulnerability, promoting safe and protected work environments;
Make digital resources available, reducing the environmental impact;
Promote the Rule of Law both national and internationally.
(SDG 1-5;7-8;10-13,16)

22. Keywords

Law
Philosophy
Justice
Technology

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23. Main Bibliography

Author(s):	António Braz Teixeira		
Title:	Sentido e Valor do Direito : Introdução à Filosofia Jurídica		
Edition:	4.ª	Year:	2011
Local:	Lisboa		
Publisher:	INCM		

Author(s):	Herbert L. A. Hart		
Title:	O Conceito de Direito		
Edition:	5.ª	Year:	2007
Local:	Lisboa		
Publisher:	Fundação Calouste Gulbenkian		

Author(s):	Thomas Vesting		
Title:	Teoria do Direito		
Edition:	1.ª	Year:	2015
Local:	São Paulo, Brasil		
Publisher:	Editora Saraiva		

24. Complementary Bibliography

Author(s):	Alon Harel		
Title:	Why Law Matters		
Edition:	1.ª	Year:	2014
Local:	Oxford, UK		
Publisher:	Oxford University Press		

Author(s):	Joshua C. Gellers		
Title:	Rights for Robots : Artificial Intelligence, Animal and Environmental Law		
Edition:	1.ª	Year:	2021
Local:	London and New York		
Publisher:	Routledge		

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Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'FILOSOFIA DO DIREITO': Academic Year 2023/2024
Autor / Author	Prof. Doutora FILIPA MARIA DE A. MARQUES PAIS D´AGUIAR
Classificação / Classification	-
Descritores / Descriptors	-
Colaborador(es) / Colaborator(s)	-
Data Hora / Date Time	
Formato de dados / Data Format	Texto / Text, PDF
Estatuto de utilização / Usage	Acesso público / Public Access
Relação / Relation	Version 1,0

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11. Regent

Prof. Doutora MIRIAM CLÁUDIA DE SOUSA SILVA E AFONSO BRIGAS

12. Assistants

13. Teaching Language

Portuguese

14. General Objectives

Establish the main evolutionary frameworks of philosophical thought applied to law.
Relate concrete topics of great legal relevance with the underlying philosophical problem.
Crossing current issues with the problem of law and promoting debate with students.
Analyze the concept of Law from a historical-legal perspective and monitor current issues regarding the importance of this concept.

15. Specific Objectives

Alert students to the diversity of ways, philosophically possible, to understand the legal reality.
Stimulate legal investigation of the subjects taught.
Promote interdisciplinarity between subjects of the academic year in which students are.

16. Skills to be acquired

Acquire the understanding that the Philosophy of Law is simultaneously an abstract discipline, which helps to understand the law, and a concrete discipline, from which relevant knowledge for legal life is extracted. Acquire the notion that, behind the legal rule, there are structuring principles, which can only be well understood in the consequences, if these are perceived in their essence.
Integrate the study of Philosophy of Law with the other disciplines of the current academic year.

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17. Teaching Methodology

Presentation of topics in class. Discuss them in class. Creation of working groups to deepen aspects of the themes. Allow students to optionally present works/oral presentations on topics related to the discipline in which they are interested.

18. Course Unit Program

I. Introduction.
II. Ideas and Schools in the Philosophy of Law.
III. Law as a Problem. Systematic thinking and problematic thinking. The science and technique of law. The importance of jurisprudential heritage (Schools of Glossors and Commentators).
IV. Law as a science of principles.
V. Law as direction and obligation. The deontological requirements of law.
SAW. Law as a product of society.
VII. Law and Language.
VIII. Law as a cultural reality.
IX. Law and morals.
X. Law and justice.
XI. Law as a condition of freedom.
XII. Law and force. The question of the right of resistance.
XIII. The Doctrine of the Free Space of Law.
XIV. The three-dimensional perspective of Law.
XV. The perspective of the formation of the current jurist.
XVI. Law and issues of validity and effectiveness.

19. Assessment Methods

Written work carried out in groups and individually. Oral presentations made in group and individually. Class attendance. Written tests, Written work done in groups and individually. Oral presentations made in group and individually. Class attendance. Written tests, namely online written tests, through the moodle platform, with bibliography consultation, previously establishing date, start time and end time. Participation in debates.

20. Didactic Resources

Books.
Library.
Internet.
Power point.

21. Sustainability Objectives

1 - Promote the rule of law, at national and international level, and guarantee equality and universal access to justice.
2 - Contribute to responsible, inclusive, participatory and representative decision-making at all levels.

22. Keywords

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Philosophy.
Jurist.
Validity.
Efficiency.
Language.
Right of Resistance

23. Main Bibliography

Author(s):	Herbert L.A. Hart		
Title:	O Conceito de Direito		
Edition:	2.ª edição	Year:	1994
Local:	Lisboa		
Publisher:	Fundação Calouste Gulbenkian		

Author(s):	Pinto, Eduardo Vera-Cruz		
Title:	Ética e Filosofia do Direito		
Edition:	1ª	Year:	2010
Local:	Lisboa		
Publisher:	Principia		

Author(s):	Arthur Kaufmann		
Title:	Filosofia do Direito		
Edition:	5ª	Year:	2014
Local:	Lisboa		
Publisher:	Fundação Calouste Gulbenkian		

24. Complementary Bibliography

Author(s):	R. W. Alexy,		
Title:	Theorie der juristischen Argumentation (existe tradução portuguesa)		
Edition:	1ª	Year:	2001
Local:	Frankfurt		
Publisher:	Suhrkamp		

Author(s):	Karl Larenz		
Title:	Metodologia da Ciência do Direito		
Edition:	7.ª edição	Year:	2014
Local:	Lisboa		
Publisher:	Fundação Calouste Gulbenkian		

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