

SYLABUS

Course: Philosophy of law					CODE:
Faculty: Law and Administration					
Year	Semester	Form of Course	Hours	Form of the Exam	ECTS
	1	Lecture	30	Written exam	4
Teacher	dr Michał Peno				
The Aims of the Course	The course has the dual aim of presenting a selective survey of influential readings in legal theory and of providing you the knowledge about the philosophy. This course will present major schools of thought in jurisprudence, as well as critical approaches paying attention to the exclusion of gender, race and disability from the law and legal theory. We will try to answer the question whether the science of law is the “science” in a proper sense of this world, and what is the scientific value of legal dogmatics. The student will collect knowledge in the field of philosophical issues of law and contemporary philosophical and legal discussions				
Prerequisites	Student has a basic knowledge about ethic, philosophy and law..				
TEACHING EFFECT'S					
Category	The effect's description				
KNOWLEDGE	<p>Student will be understand the concepts and arguments provided by the authors that will be examined.</p> <p>The student knows the most important trends in contemporary philosophy of law as well as the process of their historical shaping</p> <p>The student thoroughly understands the relationship between the formation of philosophical and legal views and cultural and social changes</p> <p>The student has knowledge and understanding of the relationship of law to other areas of culture</p>				
SKILLS	<p>Student will be able to analyze and discuss critically theoretical arguments.</p> <p>Student will be able to examine why laws are necessary in a democratic society.</p> <p>The student is able to use philosophical and legal views to analyze legal and social problems</p> <p>The student is able to cover specific philosophical and legal concepts in order to analyze practical solution</p>				
COMPETENCES	<p>Student will be able to communicate effectively such arguments.</p> <p>Student will be able to argue clearly and rigorously about legal theory.</p> <p>The student participates in social life, is interested in new concepts in the field of law in connection with other fields of culture</p>				
STUDY CONTENT					
1. Place of philosophy of law in the system of philosophical and legal sciences Law in action and law in books; an introduction to the law, legal theory and main schools in the philosophy of law					4
2. Methodological problems in jurisprudence; legal doctrine; legal dogmatic and its critics					4

3. Concepts of the law of nature (as a type of views, characteristics, variations; historical trends: cosmological-rationalist, psychological-voluntary, Enlightenment trend; contemporary concepts: J. Finnis, LL Fuller	3
4. Legal positivism (as a type of views, as a direction), genesis, features; currents: Anglo-Saxon current, continental current; tendencies: formalistic and naturalistic; selected concepts: J. Austin, HLA Hart; contemporary positivism: O. Weinberger and N. MacCormick; Normativism (H. Kelsen);	4
5. Integral philosophy of law - R. Dworkin	3
6. Hermeneutic philosophy of law (methodological version, ontological version)	3
7. The theory of legal argumentation (legal rhetoric of Ch. Perelman, theory of legal discourse by R. Alexy	3
8. The communicative philosophy of law (J. Habermas)	3
9. Postmodern visions of law (Critical Legal Studies, legal feminism)	3
Forms of Study	Lectures
Assessment	<p>The exam. There will be a mix of compulsory and optional questions.</p> <p>The student can receive 5 points.</p> <p>Very good - 5 points Good plus rating - 4.5 points Good rating - 4 points Satisfactory plus - 3.5 points Satisfactory - 3 points Not rated - 0 points (no credit)</p> <p>Rules for calculating the grade for the subject</p> <p>The exam is the final assessment of the subject.</p>
Learning Outcomes	Students should obtain knowledge on the topics presented in the study content.
Literature	<p>M. Peno, K. Burdziak Konrad (eds.), <i>The Concept of Modern Law Polish and Central European Tradition</i>, Peter Lang, Berlin 2019</p> <p>Z. Ziemiński (eds.), <i>Polish Contributions to the Theory and Philosophy of Law</i>, Amsterdam 1987</p> <p>Biernat T. /K. Patecki/A. Peczenik/Ch. Wong/M. Zirk-Sadowski (Eds.), <i>Stressing Legal Decisions</i>. Cracow: Polpress</p> <p>Peczenik, A. (2005). <i>Scientia Juris. Legal Doctrine as Knowledge of Law and as a Source of Law</i>. Dordrecht: Springer</p> <p>Peczenik, A. (2001). <i>A Theory of Legal Doctrine</i>, <i>Ratio Juris</i> 14 (1)</p> <p>Zirk-Sadowski M. (2011): <i>Wprowadzenie do filozofii prawa</i>, Kraków, Zakamycze</p> <p>Kelly J.M. (2006): <i>Historia zachodniej teorii prawa</i>, Wydawnictwo WAM, Kraków</p> <p>Stelmach J., Sarkowicz R. (1999): <i>Filozofia prawa XIX i XX wieku</i>, Wydawnictwo UJ, Kraków</p>

STUDENT'S WORK	
	Hrs.
Classes	30
Participation in the exam	2
Preparing for classes	2
Readings	26
Participation in consultations	13
Preparation of the project / essay / etc	0
Preparation for the exam	27
Others	0
TOTAL student workload in hours	100
ECTS points	4