

| | |
|----------------------------|---|
| Course title | PHILOSOPHY AND THEORY OF LAW |
| Lecturer | Dr hab. Piotr Szymaniec, prof. PWSZ w Wałbrzychu |
| Hours | 15 |
| ECTS | 3 |
| Semester | Spring |
| Content | <p>1) The nature of law</p> <p>2) Natural law theory (Thomas Aquinas, Modern theory of natural law and natural rights, Immanuel Kant, Gustav Radbruch)</p> <p>3) Legal positivism and normativism,</p> <p>3) Legal realism (Scandinavian legal realism, Petrażycki's psychological theory of law, Eugen Ehrlich's sociology of law, American legal realism).</p> <p>4) Hermeneutics of legal text</p> <p>5) Legal norm as rules and principles</p> <p>6) Conflicting values in law</p> <p>7) Human rights: philosophical aspects</p> <p>8) The problem of punishment – philosophy of law approach</p> |
| Prerequisites | General English B1-B2 |
| Learning outcomes | <p><u>Knowledge:</u> The student</p> <ol style="list-style-type: none"> 1. knows main currents of philosophical views on law; 2. identifies main philosophical problems concerning legal system; 3. the tools and methods of interpretation of legal texts <p><u>Skills:</u> The student</p> <ol style="list-style-type: none"> 1. is able to discuss main philosophical problems of legal system; 2. applies the methods of interpretation of legal texts; 3. is prepared to read texts on philosophy and theory of law. <p><u>Competences:</u> The student is prepared for the practical application of the basic values underlying Western legal cultures.</p> |
| Selected literature | <p>Mandatory:</p> <p>Mark Tebbit, <i>Philosophy of Law: An Introduction</i>, 3rd edition, Routledge, Abingdon–Oxford 2017.</p> <p>Additional:</p> <p>Immanuel Kant, <i>The Philosophy of Law: An Exposition of the Fundamental Principles of Jurisprudence as the Science of Right</i>, trans. by W. Hastie, Edinburgh: Clark, 1887.</p> <p>Gustav Radbruch, 'Statutory Lawlessness and Supra-Statutory Law(1946)', trans. Bonnie Litschewski Paulson and Stanley L. Paulson, <i>Oxford Journal of Legal Studies</i> 26 (2006), pp. 1–11.</p> <p>Carla Faralli, 'Law as Fact,' <i>Revus [Online]</i> (2014), No. 24.</p> |

| | |
|--------------------------------------|---|
| | <p>Roger Cotterrell, 'Leon Petrazycki and Contemporary Socio-Legal Studies,' <i>International Journal of Law in Context</i> (2015) 11, pp. 1–16.</p> <p>Karl Olivecrona, <i>Law as fact</i>, London 1939.</p> <p>Michael Hanne, Robert Weisberg, <i>Narrative and Metaphor in the Law</i>, Cambridge: Cambridge University Press, 2018.</p> |
| <i>Teaching tools/methods</i> | On-site lectures |
| <i>Form of examination</i> | oral examination |