



**KAPITAŁ LUDZKI**  
NARODOWA STRATEGIA SPÓJNOŚCI

Projekt współfinansowany przez  
Unię Europejską w ramach  
Europejskiego Funduszu  
Społecznego

**UNIA EUROPEJSKA**  
EUROPEJSKI  
FUNDUSZ SPOŁECZNY



<b>Course title</b>		<b>ECTS code</b>	
CIELSP604 Philosophy of Law - Hard Cases		10.0.8351	
<b>Name of unit administrating study</b>			
null			
<b>Studies</b>			
<b>faculty</b>	<b>field of study</b>	<b>type</b>	jednolite studia magisterskie
Wydział Prawa i Administracji	Prawo	<b>form</b>	stacjonarne
		<b>specjalty</b>	wszystkie
		<b>specialization</b>	wszystkie
<b>Teaching staff</b>			
dr hab. Tomasz Widlak, profesor uczelni			
<b>Forms of classes, the realization and number of hours</b>		<b>ECTS credits</b>	
<b>Forms of classes</b>		1	
Lecture		15 h lecture	
<b>The realization of activities</b>		10 h of student's own work (including preparation for classes and to pass the course)	
classroom instruction, online classes		TOTAL:1 ECTS	
<b>Number of hours</b>			
Lecture: 15 hours			
<b>The academic cycle</b>			
2023/2024 summer semester			
<b>Type of course</b>		<b>Language of instruction</b>	
an elective course		English	
<b>Teaching methods</b>		<b>Form and method of assessment and basic criteria for evaluation or examination requirements</b>	
<ul style="list-style-type: none"> <li>- critical incident (case) analysis</li> <li>- discussion</li> <li>- multimedia-based lecture</li> <li>- problem-focused lecture</li> <li>- seminar lecture</li> <li>- text analysis and discussion</li> </ul>		<b>Final evaluation</b>	
		Graded credit	
		<b>Assessment methods</b>	
		<ul style="list-style-type: none"> <li>- ssignment work – conducting research and presenting results</li> <li>- assignment work – project or presentation</li> <li>- assignment work – completing a specific practical assignment</li> <li>- graded course credit based on individual grades obtained during the semester</li> <li>- oral course credit</li> </ul>	
		<b>The basic criteria for evaluation</b>	
		Grading scale: (A) very good (5.0) - 91% and more, (B) good plus (4.5) - 81% - 90%, (C) good (4.0) - 71% - 80%, (D) satisfactory plus (3.5) - 61% - 70%, (E) satisfactory (3.0) - 51% - 60%, (F) insufficient (2.0) - 50% and less. The percentage determines the percentage of knowledge and skills required for a given assessment. Percentages are rounded up to whole numbers in accordance with the generally applicable rounding rules.	
<b>Method of verifying required learning outcomes</b>			
<b>Required courses and introductory requirements</b>			
<b>A. Formal requirements</b>			
Proven oral and written English at least on B2 level.			
<b>B. Prerequisites</b>			
Basic knowledge of the principles of law in staturtory and common law countries.			

<p><b>Aims of education</b></p> <p>This course will consider a range of issues in contemporary philosophy of law with particular emphasis on the concept of the so-called hard cases. The main goal of the course is to raise awareness of theoretical problems involved in understanding the law as well as practical problems of its creation and application. Students' attention will be focused on the problems occurring in case of a clash of law with other normative systems and the conflict of law with itself. We will look carefully at philosophical problems arising in a number of highly contested contemporary legal and social issues.</p>	
<p><b>Course contents</b></p> <ol style="list-style-type: none"> <li>1. What is philosophy of law? Philosophical problems in law.</li> <li>2. Theory of hard cases. Different concepts.</li> <li>3. Law and morality in cannibalistic cases. R v. Dudley and Stephens. L.L. Fuller's The Case of the Speluncean Explorers.</li> <li>4. Law vs. new technologies: autonomous cars and liability. Elaine Herzberg case.</li> <li>5. Law vs. religion: Scopes monkey trial.</li> <li>6. Law vs. human rights: The ticking bomb scenario and the legitimization of torture.</li> <li>7. Legal moralism and paternalism. Lawrence vs. Texas.</li> <li>8. Summary: Do hard cases make bad law?</li> </ol>	
<p><b>Bibliography of literature</b></p> <ol style="list-style-type: none"> <li>1) J. Zajadło, K. Zeidler (red.), Philosophy of Law – Law: The Basic Concepts, Wydawnictwo Uniwersytetu Gdańskiego, Gdańsk 2016</li> <li>2) R. Wacks, Philosophy of Law: A Very Short Introduction, Oxford University Press 2014</li> <li>3) Sykuna S., Zajadło J., Towards a New Theory of Hard Cases (in:) Wojciechowski B., Juchacz P.W. Cern K.M (eds.), Legal Rules, Moral Norms and Democratic Principles, DIA-LOGOS Vol. 15, Peter Lang Edition, Frankfurt am Main, Berlin, Bern, Bruxelles, New York, Oxford, Wien, 2013, pp. 133-162</li> <li>4) S. Coyle, Modern Jurisprudence. A Philosophical Guide, Hart Publishing, Oxford and Portland 2014.</li> <li>5) Allan C. Hutchinson, Is Eating People Wrong? Great Legal Cases and How They Shaped the World, Cambridge University Press.</li> </ol>	
<p><b>The learning outcomes (for the field of study and specialization)</b></p> <p>KNOWLEDGE</p> <p>K_WG01 has in-depth and ordered knowledge of the nature of legal sciences, their place in the system of sciences and relations to other sciences</p> <p>K_WG02 knows the terminology and concepts of law and related fields to an extended degree</p> <p>K_WG03 has in-depth knowledge about the system of powers in Poland, with particular emphasis on legislative and judicial power</p> <p>K_WG04 knows the system of Polish law, interrelationships within this system and connections between Polish law and European Union law and international law</p> <p>K_WG05 has structured knowledge of the types of legal relations and regularities that govern them</p> <p>K_WG06 has structured knowledge about person as an entity constituting social structures and the principles of their functioning, as well as about person as an entity functioning in these structures</p> <p>K_WG07 knows methods and tools, including techniques for obtaining data and information, and research methods appropriate for legal sciences and related fields</p> <p>K_WG08 has in-depth knowledge of the sources of Polish law, its changes and the process of its creation</p> <p>K_WG09 has in-depth and ordered knowledge of the processes of</p>	<p><b>Knowledge</b></p> <p>The student has mastered the terminology in the field of jurisprudence and philosophy of law to an extended degree. She has an in-depth and structured knowledge about the application and interpretation of law in the context of contemporary social problems and changes.</p>
	<p><b>Skills</b></p> <p>The student is able to use complex theoretical and philosophical approaches to analyze, interpret and design legal strategies. The student has the ability to diagnose moral dilemmas and analyse their impact on legal solutions.</p>
	<p><b>Social competence</b></p> <p>The student has an extended awareness of the relationship between law and morality and understands the need to supplement and continually develop lawyer's professional competence with social and philosophical knowledge.</p>

change in power systems and its individual organs as well as the consequences of these changes

K\_WK10

knows and understands the basic concepts and principles in the field of protection of industrial property and copyright and understands the need for proper protection of intellectual property and management of its resources

K\_WK11

has in-depth knowledge of the principles of creating and developing basic forms of individual entrepreneurship

K\_WK12

has knowledge of health and safety at work in public administration institutions

K\_WK13

has in-depth knowledge of the functioning of self-governments of legal professions, knows the rules of exercising the profession of judge and prosecutor, has knowledge about the organization of justice in Poland

SKILLS

K\_UW01

has deepened skills in observing and interpreting social phenomena, analyzes their connections with various areas, branches of law and related sciences

K\_UW02

is able to use and integrate theoretical knowledge of law and related scientific disciplines to analyze and interpret complex legal problems

K\_UW03

is able to use complex theoretical approaches to analyze, interpret and design legal strategies; can generate solutions to specific problems related to the law and forecast the course of their solutions and predict the effects of planned activities

K\_UW04

efficiently uses legal and professional principles and norms in undertaken professional activity

K\_UW05

can analyze and has the ability to diagnose moral and legal dilemmas in professional work

K\_UW06

is able to assess the usefulness of typical procedures and good practices for the implementation of complex tasks related to various areas related to law and related fields

K\_UK07

has developed the ability to understand and analyze social phenomena and to use this analysis in professional work

K\_UK08

has an in-depth ability to prepare various essays in Polish and in a foreign language related to his work

K\_UK09

has deepened ability to prepare oral presentations, in Polish and in a foreign language, in the field of law and related sciences

K\_UK10

has language skills in the fields of science and scientific disciplines relevant to the field of study being studied, in accordance with the requirements set for level B2 + of the European Language Description System

K\_UO11

is able to cooperate in a team and is able to coordinate the

<p>work of the team in solving legal problems, interpreting legal acts, preparing a written or oral position on</p> <p>K_UU12 is able to efficiently acquire knowledge and develop his professional skills using a variety of sources (in native and foreign languages) and modern technologies</p> <p>COMPETENCES</p> <p>K_KK01 has deepened awareness of the level of their knowledge and skills, and also understands the need for lifelong learning</p> <p>K_KK02 is aware of the need to expand professional competences and qualifications as well as improves skills, is able to independently determine the directions of their own development and education in an extended and in-depth degree</p> <p>K_KO03 is ready to actively participate in groups, organizations and institutions carrying out professional activities related to law, at the same time is able to communicate with people who are not specialists in the field of law</p> <p>K_KO04 is ready to undertake the preparation of own social projects, taking into account legal, economic and political aspects, including the preparation and implementation of projects co-financed by the European Union</p> <p>K_KR05 prepares responsibly for his work, is able to set priorities at work which is properly laid out</p> <p>K_KR06 is convinced of the importance of behaving in an ethical and professional manner, acting in accordance with the principles of ethics</p> <p>K_KR07 is ready to take on professional challenges, undertakes efforts and is characterized by perseverance in the implementation of individual and team activities in the field of law and related sciences</p>	
<p><b>Contact</b></p> <p><a href="http://prawo.ug.edu.pl/pracownik/3151/tomasz_widlak">http://prawo.ug.edu.pl/pracownik/3151/tomasz_widlak</a></p>	