

DCC 2121 – Legal Theory and Social Sciences

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Winter Term

Course Objectives

The main objective of this course is to make students aware of the understanding of different legal theories. Natural law, legal positivism and legal pluralism constitute the legal theories most recognized by intellectuals. Legal theories help to better understand the law in a systematic and consistent way. In the history of human societies and peoples, each epoch has a legal system that characterizes it. In this perspective, each legal system has a theory that explains its characteristics. Natural law explains well enough the old legal systems. Legal positivism adequately explains the modern law, and legal pluralism explains in a better way the postmodern law. These are different theoretical approaches to understanding the law. On the one hand, some jurists claim that the law is self-explanatory. On the other hand, some intellectuals claim that the law is strongly influenced by the social sciences, such as sociology, anthropology, economics, political science, and so on. For this reason, the complementary objective of this course is also to initiate the discovery of new theoretical models to explain the law of our time. It's about understanding how non-state actors are involved in creating legal norms in the 21st century.

Course Description

Review of main trends in legal theory. Analysis of interactions between social sciences (sociology, anthropology, economics and so on) and the law.

Teaching Methods

Students must read the recommended readings in advance and prepare questions. Some lectures will be given to deepen the fundamental notions.

The option of [Oral Presentations](#) is open to replace the legal dissertation ([Essay](#)).

Evaluation Method

The course is evaluated as follows:

- ✓ (15%) A compulsory participation in quizzes in the classroom.
- ✓ (15%) A mandatory written work plan or an analysis of a case law. These options are equivalent as a midterm exam.
- ✓ (70%) An [Oral Presentation](#) or a legal dissertation ([Essay](#)). Each student chooses one of the two options:
 - Either make an [Oral Presentation](#) in class; an initial talk of 20 minutes and 5 minutes for the question and answer period for each person. Places for this option are limited, they will be allocated on a first-come, first-served basis, there will be a maximum of six presenters per day. Each participant in this option must provide in advance a written analysis of a case law.
 - Either write a legal dissertation ([Essay](#)) vis-à-vis the link between legal theory and social sciences (5,000 to 6,000 words). The student must have the content of the work plan approved prior to the submission of the legal essay. For this year, the subject must analyze the different legal orders in aboriginal communities; particular systems that coexist at the same time, and in a same territory.

Reading Material

Readings will consist of judicial decisions, legislation, and doctrine, and will be uploaded into the virtual campus in advance. The list of judgments can be seen in the calendar section.