

Legal Ethics

UGRA_014087

Departments	Department of International, European Union and Comparative Law
Teaching Languages	English and Spanish
ECTS	4
Teacher responsible	David Garcia Martin - david.garcia49@esade.edu Ignacio Rigau Tusell - ignacio.rigau@esade.edu

Course Goals

The course main objectives are:

- Identify the three major schools of ethical thought in Western culture.
- Understanding the key foundations of the legal in a liberal democracy.
- Acquiring the capacity to analyze critically some of the major ethical issues that are shaping the current legal debate in Spain.
- Providing students with a general understanding of the ethical approaches that have been discussed in the field of professional ethics.
- Providing students with tools to dissect the implications of professional choice.
- Applying the ethical theories discussed in class to practical cases in which legal agents are faced with ethical decisions.
- Providing students with an updated view of the problems that legal agents -be them corporate lawyers, judges or scholars- may face today.
- Develop the ability to identify and embody instances that are both humanistic and legal.

This course is philosophical in nature, so its not strictly limited to any national jurisdiction or system of law.

Previous knowledge

None specific. In general, knowledge of the structure of the Western Legal System.

Prerequisites

None specific. In general, knowledge of the structure of the Western Legal System.

Teaching methodology

The course will be divided into two main parts. The first will consist of learning about the three major ethical schools of thought in Western culture. The second will involve recognizing and exploring different ethical proposals within the professional legal field. To achieve this, the methodology will

include lectures followed by readings that students must complete to deepen their understanding of the lessons taught.

Although our intention is to revisit and reexamine theoretical concepts throughout the course, some sessions can begin with a prior reading (whether conceptual or a case study). Our aim is not to overwhelm students with readings but to efficiently provide them with the elements of discussion necessary to better grasp the notions analyzed in class.

Materials will be provided to the students: not all of them shall consist of academic papers; the width of the matter of study (and the legal profession, for that matter) allows us to consult other sources such as videos, news or documentaries.

Discussion will be an integral part of the sessions, to identify: the ethical decision at stake; the moral foundation in which it stands on; and the nuances that every case may bring to the table.

Additionally, students will be faced upon two ethical dilemmas on two special sessions. From these, they will have to choose one of the dilemmas for an essay assignment.

Attendance and active student participation are crucial components of the course, and they will be reflected in the final grade. Students can miss up to two sessions without having to justify their absence. Any student missing three sessions or more has to expect a significant reduction in their final grade.

Description

Course contribution to program

Legal professionals hold the privilege of being, not mere recipients, but gears of the functioning of the legal system. One may say that they have a very particular impact on the economic, political, and constitutional life of a country. The interpretation, the concretion or the bending of the Law have direct influence on the expression of our legal rights and duties. This specific position asks from legal professionals to adhere to a set of rules that should bind them when acting as agents of the law. This course aims to teach our students not as much as to be ethical, but to be conscious decisionmakers

Bibliography

Plato, Plato's Republic Extract (Books II & IV), CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT, 9780521484435 (Book Chapter)

Plato, Crito, Cambridge University Press, 9780511698033 (Book Chapter)

Javier Muguerza y Carlos Gómez, LA AVENTURA DE LA MORALIDAD: PARADIGMAS, FRONTERAS Y PROBLEMAS DE LA ETICA, Alianza Editorial, 9788420648729 (Book Chapter)

Donald Nicolson & Julian Webb, The Philosophical Context: theoretical Approaches to the Content and Status of Ethics", Professional Legal Ethics, OUP, 1999. (Article)

Kenneth Kipnis, Ethics and the Professional Responsibility of Lawyers, Journal of Business Ethics, 10 (1991) (Article)

Richard Wasserstrom, Lawyers as Professionals: Some Moral Issues in Luban, The Ethics of Lawyers, Dartmouth, 1994 (Article)

David Luban, The Structure of Role Morality, Princeton University Press, 1988 (Article)

David Luban, The Adversary System Excuse, Cambridge University Press, 2007 (Article)

Bradley Wendel, Professionalism as Interpretation, Northwestern University Law Review, 99 (2005). (Article)

Activities

Other

Class participation

Writing workshop

Presentations

Understandings and conclusions from Plato's extracts.

Understandings & conclusions from Kant's Deontology

Understandings & Conclusions on Posmodern proposals

Essays

DEBATE essay

Reaction paper from a film.

Case study analyses

Natural Law vs Positive Law case study

Content

#	Topic
1	Ethics in Classical Age
2	Ethics in the Modern Age
3	Ethics in Posmodernity
4	Introduction to Natural Law
5	Elements of Liberal Democracy
6	Hobbes & Locke. Freedom & Autonomy
7	Debate: A.I.
8	Debate: Abortion
9	Adversarial System & Amorality
10	Role Morality
11	Activism
12	Interpretative Professionalism
13	Doubts & final conclusions

Assessment

Tool	Assessment tool	Category	Weight %
Written and/or oral exams	Final Exam	Ordinary round	60.00%
Individual or team exercises	Essay on Debates	Ordinary round	20.00%
Individual or team exercises	Reaction Paper from Film/TV show	Ordinary round	5.00%
Attendance and punctuality	Participation	Retake and ordinary round	15.00%

PROGRAMS

113-Law Exchange Program (Undergraduates: Law)

113 Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)

DD05 Year 1 (Optative)

GBD20-Double Degree in Business Administration and Law (Undergraduates: Law)

GBD20 Year 4 (Mandatory)

GDL20-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)

GDL20 Year 4 (Mandatory)

GED20-Bachelor in Law (Undergraduates: Law)

GED20 Year 3 (Mandatory)