

**City University of Hong Kong**

**Information on a Course  
offered by School of Law  
with effect from Semester B 2014/2015**

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**Part I**

**Course Code:** LW5655

**Course Title:** Jurisprudence

**Course Duration:** One Semester

**Credit Units:** 4

**Level:** P5

**Medium of Instruction:** English

**Prerequisites:** Nil

**Precursors:** Nil

**Equivalent Courses:** LW5623 Jurisprudence, LW8710D Jurisprudence and Political Theories, LW6701 / LW8701D Jurisprudence and Political Theories (“old” course code for this course)

**Exclusive Courses:** Nil

**Part II**

**Course Aims**

The primary aim of this course is to foster and develop with students a basic appreciation of the major theoretical and philosophical approaches that have guided the law in all stages of its development. Students will be introduced to a wide range of sources, from the classical writings of philosophers past, to the seminal texts of contemporary philosophers and legal scholars writing on present day jurisprudential debates. Students will learn to reflect in a disciplined and critical manner on the nature and role of the law, as well as the importance of legal systems, legal reasoning, and legal institutions. And students will also have the opportunity to participate in discussions on the presuppositions and methods of legal, political, and therefore also, to some extent, moral philosophy and related social theories for as far as these bear on the institutions, norms and methods of legal systems.

## Course Intended Learning Outcomes (CILOs)

*Upon successful completion of this course, students should be able to:*

No.	CILOs	Weighting (if applicable)
1.	reflect on the nature and role of the law, and the importance of legal systems, legal reasoning, and legal institutions.	
2.	critically reflect on the relations between jurisprudential questions and theoretical developments in other disciplines as well as legal methodological approaches including but not limited to the feminist perspective, critical legal studies, the law and economics movement, and the law and society movement.	
3.	demonstrate an advanced knowledge of the intellectual history, scope and application of Legal Theory, Jurisprudence, and the Philosophy of Law, both for its own sake and in order to shed light on contemporary jurisprudential questions.	
4.	explore further the relation between pertinent and contemporary questions in law and debates in related branches of philosophy, including but not limited to political philosophy and moral philosophy.	
5.	appreciate the major theoretical and philosophical approaches that have guided the law in all stages of its development	

### *Alignment of CILOs with PILOs:*

PILOs		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	1, 2, 3, 4
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	1, 2, 3, 5
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	1, 2, 3, 4, 5
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	1, 2, 3, 4, 5
5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	1, 2, 3, 4, 5

## Teaching and Learning Activities (TLAs)

*(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)*

CILO No.	TLAs	Hours/week (if applicable)
CILO 1-5	Lectures/seminars/presentations/guided research	Class time: 3 hours

## Assessment Tasks/Activities

(Indicative of likely activities and tasks designed to assess how well the students achieve the CILOs. Final details will be provided to students in their first week of attendance in this course)

CILO No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	Remarks (exam duration , etc)
CILO 1-5	Class participation and e-learning activities on Canvas	15%	
CILO 1-5	Written assignment	35%	
CILO 1-5	Final exam	50%	3 hours

**Grading of Student Achievement:** Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks / activities.

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

## Part III

### Keyword Syllabus

Part A: An Introduction to Western and Eastern Jurisprudence

- Introduction to Legal Theory, Jurisprudence and Legal Philosophy
- The founders of the Western Tradition
- Introduction to Chinese Jurisprudence and the founders of the Eastern Tradition

Part B: Legal Theory: The Nature of Law

- Natural Law Theory
- Legal Positivism (Positivist Theories of Law)
- Theoretical alternatives to the Command Models of Law
- Utilitarianism

Part C: Capita Selecta of topics from the Philosophy of Law

- The problem of rights
- Freedom
- Equality
- Justice
- Happiness and Welfare
- Political Community
- Comparative Jurisprudence

## Recommended Reading:

### Books:

- Bix, Brian H. *Jurisprudence: Theory and Context* 6th Edition (2012) London: Sweet & Maxwell
- Coleman, Jules L., Himma, Kenneth Einar, and Scott, Shapiro J. *The Oxford Handbook of Jurisprudence and Philosophy of Law* (2012) Oxford University Press
- Freeman, Michael DA *Lloyd's Introduction to Jurisprudence* 9th Edition (2014) London: Sweet and Maxwell
- Golding, Martin P. and Edmundson, William A. (eds.) *The Blackwell Guide to the Philosophy of Law and Legal Theory* (2004) Wiley Blackwell Publishing
- Hart, H.L.A. *The Concept of Law* (1961) Oxford University Press
- Penner, James and Melissaris, Emmanuel *McCoubrey & White's Textbook on Jurisprudence* 5<sup>th</sup> Edition (2012) Oxford University Press
- Veitch Scott, Christodoulidis Emilios and Farmer Lindsay *Jurisprudence: Themes and Concepts* 2nd Edition (2012) London: Routledge