

City University of Hong Kong

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

Part I

Course Title: Jurisprudence and Political Theories

Course Code: LW8710D

Course Duration: One semester

Credit Units: 3

Level: D8

Medium of Instruction: English

Prerequisites: *(Course Code and Title)* Nil

Precursors: *(Course Code and Title)* Nil

Equivalent Courses: *(Course Code and Title)* LW5623 “Jurisprudence”, LW5655 “Jurisprudence”, LW6701 / LW8701D Jurisprudence and Political Theories (“old” course code for this course)

Exclusive Courses: *(Course Code and Title)* 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)	Alignment of CILOs with PILOs
			PILO No. Contributed to
1.	reflect on the nature and role of the law, and the importance of legal systems, legal reasoning, and legal institutions.		1, 2, 3
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.		1, 2, 3
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.		1, 2, 3, 4, 5
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.		1, 2, 3, 4, 5
5.	appreciate the major theoretical and philosophical approaches that have guided the law in all stages of its development		1, 3

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)

ILO No	TLAs	Hours/week (if applicable)
CILO 1	Lectures/seminars/presentations/guided research	Class time: 3 hours
CILO 2		
CILO 3		
CILO 4		
CILO 5		

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)

AT No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	CILO Assessed	Remarks (exam duration, etc)
AT 1	Class participation and e-learning activities on Canvas	15%	1-5	
AT 2	Written assignment	35%	1-5	
AT 3	Final take-home examination (requiring a substantial written argument on a contemporary jurisprudential issue)	50%	1-5	

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

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

Text(s)

- 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* 5th Edition (2012) Oxford University Press
 - Veitch Scott, Christodoulidis Emilios and Farmer Lindsay *Jurisprudence: Themes and Concepts* 2nd Edition (2012) London: Routledge