

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2022/23

Part I Course Overview

Course Title:	Jurisprudence and Legal Theory
Course Code:	LW5623
Course Duration:	One Semester
Credit Units:	3
Level:	P5
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: <i>(Course Code and Title)</i>	LW5621 Legal Systems of Hong Kong and Mainland China or LW5601 Hong Kong Legal System, LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract or LW5602A Law of Contract I
Precursors: <i>(Course Code and Title)</i>	Nil
Equivalent Courses: <i>(Course Code and Title)</i>	LW5655 Jurisprudence LW6101E Jurisprudence and Political Theories (only applicable to students who completed LW6103E before Sem B 2020/21)
Exclusive Courses: <i>(Course Code and Title)</i>	Nil

Part II Course Details

1. Abstract

This course aims to acquaint the student with some major theories of law which have significantly influenced or criticised the conceptual development of law, and to examine historical evolution of law; natural law theory; legal positivism; law and society movement; legal realism; theories of justice; law and morality; the nature of rights; and the rule of law, as well as reflecting in a disciplined and critical manner on the nature and role of law and legal institutions.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Alignm ent with PILOs	DEC related learning outcomes		
				A1	A2	A3
1.	Analyse and critically evaluate major theories of law, and the place, function and role of law in society, by marshalling arguments clearly, logically, coherently and effectively, both orally and in writing.		2,3,4,5		✓	
2.	Research on major legal theories.		2,4,5		✓	
3.	Apply theories and abstract critical analysis to real social and legal issues in Hong Kong and internationally.		1,2,3,4,5		✓	✓
		100%				

A1: *Attitude: Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

A2: *Ability: Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*

A3: *Accomplishments: Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.			Hours/week
		1	2	3	
Lectures	Students will receive guidance on their reading and research through multimedia or other presentations, and be engaged in class discussions.	✓		✓	2 hrs/wk
Tutorials and/or other small group / interactive sessions	Through group discussions, students will defend their analyses and evaluations of legal theories and will assess and critique the views of other students.	✓			1 hr/wk
Application of theories to social and legal issues	Students will be introduced to the application of theories in comprehending or resolving real social and legal issues through lectures (multimedia or other presentations) and through set readings or readings acquired by students from their own independent research.			✓	As required.
Independent research	Students will research on a particular topic as part of the coursework.		✓		As required.

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.			Weighing	Remarks
	1	2	3		
Continuous Assessment:					50%
Participation and related activities: 20%	✓		✓		
Assignment: 30%					
Students' ability to analyse, evaluate and apply legal theories will be tested by each of the above assessment tasks/activities. The assignment will test students in-depth with respect to a selected topic area in the course, while the end-of-course examination will test students more broadly on a number of topic areas covered in the course. The tutorials will test students' ability to marshal arguments orally while the assignment and end-of-course examination will test students' written argumentative skills. Students' ability to conduct literature research will be tested, where appropriate.	✓	✓	✓		
Examination: (duration: 2 or 3 hours, at the discretion of the course leader)					50%
End-of-course examination	✓		✓		
					100%

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

Applicable to students admitted in Semester A 2022/23 and thereafter

A student must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

Applicable to students admitted before Semester A 2022/23

A student must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Applicable to students admitted in Semester A 2022/23 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
Participation and related activities	Demonstration of oral presentation skills and willingness / ability to answer questions in class.	High	Significant	Moderate	Inadequate
Assignment	Demonstration of understanding of principles, theories and concepts. Demonstration of ability to critically evaluate and assess identified theories and arguments. Application of knowledge to specific problems and questions. Application of research, writing and / or communication skills. Ability to engage in argument-based analysis. Aptitude for formulating innovative solutions to questions or issues.	High	Significant	Moderate	Inadequate
Examination	Demonstration of understanding of principles, theories and concepts. Demonstration of ability to identify issues. Application of knowledge to specific problems and scenarios. Ability to engage in argument-based analysis. Aptitude for formulating innovative solutions to questions or issues.	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Participation and related activities	Demonstration of oral presentation skills and willingness / ability to answer questions in class.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize;	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable	Student who is profiting from the university experience; understanding of the subject; ability to develop	Sufficient familiarity with the subject matter to enable the student to progress without	Little evidence of familiarity with the subject matter; weakness in critical
2. Assignment	Demonstration of understanding of principles, theories and concepts. Demonstration of ability to critically evaluate and assess identified theories and arguments. Application of knowledge to specific problems and questions.					

	<p>Application of research, writing and / or communication skills.</p> <p>Ability to engage in argument-based analysis.</p> <p>Aptitude for formulating innovative solutions to questions or issues.</p>	<p>superior grasp of subject matter; evidence of extensive knowledge base.</p>	<p>understanding of issues; evidence of familiarity with literature.</p>	<p>solutions to simple problems in the material.</p>	<p>repeating the course.</p>	<p>and analytic skills; limited, or irrelevant use of literature.</p>
3. Examination	<p>Demonstration of understanding of principles, theories and concepts.</p> <p>Demonstration of ability to identify issues.</p> <p>Application of knowledge to specific problems and scenarios.</p> <p>Ability to engage in argument-based analysis.</p> <p>Aptitude for formulating innovative solutions to questions or issues.</p>					

Part III Other Information (more details can be provided separately in the teaching plan)

Keyword Syllabus

The topics to be covered in the course will comprise a selection of the following:

- The topics to be covered will include natural law theory, legal positivism, legal realism, sociology of law and sociological jurisprudence, critical legal studies, post-colonialist legal theory, postmodernist legal theory, traditional Chinese jurisprudence (Confucian perspective on law and Legalist legal theory), law and morality, law and justice, theories of rights, the rule of law, theories of adjudication, and some other debates in the development of legal theory.

Suggested References

R. Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory*, Oxford University Press (latest edition)

S. Ratnapala, *Jurisprudence*, Cambridge University Press, Cambridge (latest edition)

J.E. Penner & E. Melissaris, *McCoubrey & White's Textbook on Jurisprudence*, Oxford University Press, Oxford (latest edition)

M. D. A. Freeman, *Lloyd's Introduction to Jurisprudence*, Sweet and Maxwell, London (latest edition)

B. Bix, *Jurisprudence: Theory and Context*, Sweet and Maxwell, London (latest edition)

I. McLeod, *Legal Theory*, Palgrave Macmillan, London (latest edition)

J. Penner et al, *Introduction to Jurisprudence and Legal Theory*, Butterworths, London (latest edition)

J. W. Harris, *Legal Philosophies*, Oxford University Press, London (latest edition)

W. Morrison, *Jurisprudence: From the Greeks to Post-modernism*, Cavendish Publishing Ltd, London (latest edition)

N. E. Simmonds, *Central Issues in Jurisprudence*, Sweet and Maxwell, London (latest edition)

B. S. Jackson, *Making Sense in Jurisprudence*, Deborah Charles Publications, Liverpool (latest edition)