

**City University of Hong Kong**  
**Course Syllabus**  
**offered by School of Law**  
**with effect from Semester B 2017/18**

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**Part I Course Overview**

<b>Course Title:</b>	<u>Applied Legal Theory</u>
<b>Course Code:</b>	<u>LW3608</u>
<b>Course Duration:</b>	<u>One Semester</u>
<b>Credit Units:</b>	<u>3</u>
<b>Level:</b>	<u>B3</u>
<b>Medium of Instruction:</b>	<u>English</u>
<b>Medium of Assessment:</b>	<u>English</u>
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Precursors:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	<u>LW3108 Applied Legal Theory (LLB) (from the old curriculum). LW3108A Applied Legal Theory (AMLLB) (from the old curriculum)</u>
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>

## Part II Course Details

### 1. Abstract

(A 150-word description about the course)

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 theories of justice; the relationship between law and morality; the nature of rights; and the rule of law.

### 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 <sup>#</sup>	Weighting*	Alignment with MILOs	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.		4,5,6	✓	✓	
2.	Research on major legal theories.		5		✓	✓
3.	Apply theories and abstract critical analysis to real social and legal issues in Hong Kong and internationally.		4,5,6	✓	✓	✓
		100%				

\* If weighting is assigned to CILOs, they should add up to 100%.

<sup>#</sup> Please specify the alignment of CILOs to the Gateway Education Programme Intended Learning outcomes (PILOs) in Section A of Annex.

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.	✓		✓	2 hrs/wk
Tutorials 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
	Students will apply legal theories to case studies involving real social and legal issues through group presentations and discussions.			✓	
Reading of literature and case studies	Students will read, critically analyse and evaluate discussions of legal theories contained in set reading materials.	✓			As required.
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.			Weighting*	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%	

\* The weightings should add up to 100%.

A student must obtain a minimum mark of 30% 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. Assessment criteria for those activities, their nature and their timing will be set out in the study guide/course manual and will be further expanded upon by the course leader.

The duration of the examination may last for 2 or 3 hours. The duration of the examination will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

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

## 5. Assessment Rubrics

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

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; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
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. Application of research, writing and / or communication skills. Ability to engage in argument-based analysis. Aptitude for formulating innovative solutions to questions or issues.					
3. 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.					

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

#### **1. Keyword Syllabus**

*(An indication of the key topics of the course.)*

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

- Natural law theory.
- Legal positivism.
- Legal realism.
- Sociology of law and sociological jurisprudence.
- Critical theories: critical legal studies; postcolonialist legal theory; postmodernist legal theory.
- Traditional Han-Chinese Legal Theory: Confucian perspective on law; Legalist (Fa-ist) theory.
- Law and morality.
- Law and justice.
- Law and economics.
- Nature of rights.
- The rule of law.
- Legal reasoning and theories of adjudication.

#### **2. Reading List**

##### **Recommended Reading**

##### **Text(s)**

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)

R. Wacks, Understanding Jurisprudence, Oxford University Press, Oxford (latest edition)