

# LW3608: JURISPRUDENCE AND LEGAL THEORY

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## Effective Term

Semester A 2024/25

## Part I Course Overview

### Course Title

Jurisprudence and Legal Theory

### Subject Code

LW - Law

### Course Number

3608

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

B1, B2, B3, B4 - Bachelor's Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

LW3108 Applied Legal Theory (LLB) (from the old curriculum).  
LW3108A Applied Legal Theory (AMLLB) (from the old curriculum)

### Exclusive Courses

Nil

## Part II Course Details

### 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.

### Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 DEC-A2 DEC-A3 app.)			
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.		x	x	
2	Research on major legal theories.			x	x
3	Apply theories and abstract critical analysis to real social and legal issues in Hong Kong and internationally.		x	x	x

#### 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 real-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.

### Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	Students will receive guidance on their reading and research through multimedia or other presentations, and be engaged in class discussions.	1, 3
2	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

3	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.	3	
4	Independent research	Students will research on a particular topic as part of the coursework.	2	

**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)	
1	Participation and related activities	1, 3	20	
2	Assignment: 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.	1, 2, 3	30	

**Continuous Assessment (%)**

50

**Examination (%)**

50

**Examination Duration (Hours)**

2 or 3

**Additional Information for ATs**

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.

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.

**Assessment Rubrics (AR)**

**Assessment Task**

Participation and related activities

**Criterion**

Demonstration of oral presentation skills and willingness / ability to answer questions in class.

**Excellent (A+, A, A-)**

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

**Good (B+, B, B-)**

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

**Fair (C+, C, C-)**

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

**Marginal (D)**

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

**Failure (F)**

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

**Assessment Task**

Assignment

**Criterion**

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.

**Excellent (A+, A, A-)**

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

**Good (B+, B, B-)**

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

**Fair (C+, C, C-)**

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

**Marginal (D)**

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

**Failure (F)**

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

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**Assessment Task**

Examination

**Criterion**

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.

**Excellent (A+, A, A-)**

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

**Good (B+, B, B-)**

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

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**Failure (F)**

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**Part III Other Information**

**Keyword Syllabus**

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.

**Reading List****Compulsory Readings**

	<b>Title</b>
1	R. Wacks, <i>Understanding Jurisprudence</i> , Oxford University Press, Oxford (latest edition)
2	S. Ratnapala, <i>Jurisprudence</i> , Cambridge University Press, Cambridge (latest edition)
3	J.E. Penner & E. Melissaris, <i>McCoubrey &amp; White's Textbook on Jurisprudence</i> , Oxford University Press, Oxford (latest edition)
4	M. D. A. Freeman, <i>Lloyd's Introduction to Jurisprudence</i> , Sweet and Maxwell, London (latest edition)
5	B. Bix, <i>Jurisprudence: Theory and Context</i> , Sweet and Maxwell, London (latest edition)
6	I. McLeod, <i>Legal Theory</i> , Palgrave Macmillan, London (latest edition)
7	J. Penner et al, <i>Introduction to Jurisprudence and Legal Theory</i> , Butterworths, London (latest edition)
8	J. W. Harris, <i>Legal Philosophies</i> , Oxford University Press, London (latest edition)
9	W. Morrison, <i>Jurisprudence: From the Greeks to Post-modernism</i> , Cavendish Publishing Ltd, London (latest edition)
10	N. E. Simmonds, <i>Central Issues in Jurisprudence</i> , Sweet and Maxwell, London (latest edition)
11	B. S. Jackson, <i>Making Sense in Jurisprudence</i> , Deborah Charles Publications, Liverpool (latest edition)

**Additional Readings**

	<b>Title</b>
1	Nil