

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester B 2016/17**

Part I Course Overview

Course Title:	Jurisprudence
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, LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract
Precursors: <i>(Course Code and Title)</i>	Nil
Equivalent Courses: <i>(Course Code and Title)</i>	LW5655 Jurisprudence LW6101E Jurisprudence and Political Theories
Exclusive Courses: <i>(Course Code and Title)</i>	Nil

* Restricted to students admitted to the Juris Doctor Programme in 2013-14 or in subsequent years

Part II Course Details

1. Abstract

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.

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)	DEC related learning outcomes		
			A1	A2	A3
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		✓	✓	
		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.*

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

3. Teaching and Learning Activities (TLAs)

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

TLA	Brief Description	CILO No.					Hours/week (if applicable)
		1	2	3	4	5	
Lectures	Weekly lectures on key topics relating to the prescribed material.	✓	✓	✓	✓	✓	3 hours
Class participation and e-learning activities on Canvas	Students are required to prepare for class, participate in class discussions, and complete short canvas assignments which are based on the prescribed and class material.	✓	✓	✓	✓	✓	
Independent research	Students are required to conduct independent research for a compulsory written assignment.	✓	✓	✓	✓	✓	

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	4	5		
Continuous Assessment:						50%	
Class participation and e-learning activities on Canvas: 15%	✓	✓	✓	✓	✓		
Written assignment: 35%	✓	✓	✓	✓	✓		
Examination: (duration: 3 hours, if applicable)						50%	
Final exam	✓	✓	✓	✓	✓		
						100%	

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.

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-)	Adequate (C+, C, C-)	Marginal (D)	Failure (F)
1. Class participation and e-learning activities on Canvas		Strong evidence of original thinking; good organisation, 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 analytical 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 analytical skills; limited or irrelevant use of literature.
2. Written assignment	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 refers to those assessment opportunities other than the final examination.	Strong evidence of original thinking; good organisation, 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 analytical 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 analytical skills; limited or irrelevant use of literature.
3. Final examination	Final, three hour open book examination.	Strong evidence of original thinking; good organisation, 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 analytical 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 analytical skills; limited or irrelevant use of literature.

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.)

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

2. Reading List

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