

# LW6101E: JURISPRUDENCE AND POLITICAL THEORIES

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## Effective Term

Semester B 2024/25

## Part I Course Overview

### Course Title

Jurisprudence and Political Theories

### Subject Code

LW - Law

### Course Number

6101E

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

P5, P6 - Postgraduate Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

LW5623/LW5655 Jurisprudence; LW6701/LW8701D/LW8710D Jurisprudence and Political Theories; LW6701 and LW8701 are the old course codes for LW8710D

### Exclusive Courses

Nil

## Part II Course Details

### 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.

### Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 DEC-A2 DEC-A3 app.)			
1	Reflect on the nature and role of the law, and the importance of legal systems, legal reasoning, and legal institutions.			x	
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.			x	
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.			x	x
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.			x	x
5	Appreciate the major theoretical and philosophical approaches that have guided the law in all stages of its development.		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	Weekly lectures on key topics relating to the prescribed material.	1, 2, 3, 4, 5	3 hours
2	Class participation and e-learning activities on Canvas	Students are required to prepare for class, participate in class discussions, and complete short Canvas assignments.	1, 2, 3, 4, 5	
3	Independent research	Students are required to conduct independent research for a compulsory written assignment.	1, 2, 3, 4, 5	

#### Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework - Class participation and e-learning activities on Canvas	1, 2, 3, 4, 5	20	The use of Generative AI tools is not allowed.
2	Coursework - Group Work assignment	1, 2, 3, 4, 5	30	The use of Generative AI tools is not allowed.
3	Research paper	1, 2, 3, 4, 5	50	The use of Generative AI tools is not allowed.

#### Continuous Assessment (%)

100

#### Additional Information for ATs

##### Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

To pass this course, students must obtain an overall mark of 50%, and a minimum of 50% in each of the coursework component and the research paper. Coursework for this purpose means those ways in which students are assessed otherwise than by the research paper.

##### Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

To pass this course, students must obtain an overall mark of 40%, and a minimum of 40% in each of the coursework component and the research paper. Coursework for this purpose means those ways in which students are assessed otherwise than by the research paper.

The course leader will announce the criteria for evaluation of class participation and the group work assignment in the first week of the course. In addition, the course leader will announce the length of the research paper in class and on Canvas.

#### Assessment Rubrics (AR)

##### Assessment Task

Class participation and e-learning activities on Canvas (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

##### Criterion

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.

##### Excellent

(A+, A, A-) Strong evidence of original thinking; good organisation, 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 analytical 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 analytical skills; limited or irrelevant use of literature.

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**Assessment Task**

Group work assignment (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

To pass this course, students must obtain an overall mark of 40% and a minimum of 40% in each of the coursework component and the research paper. Coursework for this purpose means those ways in which students are assessed otherwise than by the research paper.

**Excellent**

(A+, A, A-) Strong evidence of original thinking; good organisation, 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 analytical 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 analytical skills; limited or irrelevant use of literature.

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**Assessment Task**

Research paper (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

A research paper on a selected topic relating to the course material.

**Excellent**

(A+, A, A-) Strong evidence of original thinking; good organisation, 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 analytical 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 analytical skills; limited or irrelevant use of literature.

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**Assessment Task**

Class participation and e-learning activities on Canvas (for students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

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.

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

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**Assessment Task**

Group work assignment (for students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

To pass this course, students must obtain an overall mark of 40% and a minimum of 40% in each of the coursework component and the research paper. Coursework for this purpose means those ways in which students are assessed otherwise than by the research paper.

**Excellent**

(A+, A, A-) High

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**Assessment Task**

Research paper (for students admitted from Semester A 2022/23 to Summer Term 2024)

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A research paper on a selected topic relating to the course material.

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**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

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## Part III Other Information

**Keyword Syllabus**

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

- Legal positivism.
- Natural law theory.
- Legal reasoning and theories of adjudication.
- Legal realism.
- Sociology of law and sociological jurisprudence.
- Critical theories and critical legal studies.
- Law and morality.
- Law and justice.
- Happiness and welfare.
- Utilitarianism.
- Law and economics.
- Equality.
- Freedom.
- Nature of rights.
- The rule of law.

**Reading List**

**Compulsory Readings**

Title	
1	Nil

**Additional Readings**

Title	
1	R. Wacks, <i>Understanding Jurisprudence: An Introduction to Legal Theory</i> , Oxford University Press (latest edition)
2	M. D. A. Freeman, <i>Lloyd's Introduction to Jurisprudence</i> , Sweet and Maxwell (latest edition)
3	B. Bix, <i>Jurisprudence: Theory and Context</i> , Sweet and Maxwell (latest edition)
4	I. McLeod, <i>Legal Theory</i> , Palgrave Macmillan (latest edition)
5	N. E. Simmonds, <i>Central Issues in Jurisprudence</i> , Sweet and Maxwell (latest edition)
6	J.E. Penner and E. Melissaris, <i>McCoubrey &amp; White's Textbook on Jurisprudence</i> , Oxford University Press (latest edition)