

MODULE DESCRIPTOR

MODULE TITLE	JURISPRUDENCE		
MODULE CODE	LW3026 (L6)	CREDIT VALUE	20 UK CREDITS / <u>10 ECTS</u>
SCHOOL	SCHOOL OF LAW		

MODULE AIMS

This module aims to encourage students to develop a critical awareness of the various schools of legal theory and the theoretical assumptions about the nature and purpose of law that underpin various forms of legal practice and approaches to legal scholarship more generally. It seeks to further develop students' analytical, reasoning and evaluative skills, and the ability to make, assess and defend reasoned arguments for and against different interpretations of the nature and legitimate goals of the legal enterprise.

MODULE CONTENT

- What is distinctive about jurisprudential questioning of any legal topic
- Hegelian 'dialectical' approaches to law. Hegel's critique of natural law and positivism. The Left-Hegelianism of the Frankfurt School theorists, that is Franz Neumann, Otto Kirchheimer, Theodor Adorno and Jurgen Habermas, and their development of an 'immanent critique' of liberal standards of justice and individual rights.
- The legal positivism of Hans Kelsen and Herbert Hart, with particular reference to both the Hart / Fuller debate over the issues posed by both criminalising the 'grudge informer', and by retrospective law-making.
- Carl Schmitt and right-wing conservative/neo-fascist legal theory - including Schmitt's attack upon Kelsen, and criticisms of Schmitt's approach to law from the perspective of left-Hegelian legal and political theory, especially the critique from Neumann, Kirchheimer and Habermas.
- The schism between natural law and legal positivism.
- Law as an aspect of both political and social theory: Kant and Hobbes's legal theories.
- American and Scandinavian varieties of "legal realism", including rule-scepticism and fact-scepticism.
- The Critical Legal Studies movement, including both feminist and postmodernist approaches to law.

INTENDED LEARNING OUTCOMES

On successful completion of this module a student will be able to:

1. To demonstrate through writing and seminar contributions the ability to describe and evaluate different legal theories.
 2. Compare and contrast theories of law and relative to their efficacy in explaining contemporary legal developments and policy in selected areas
 3. Compare and contrast the strengths and weaknesses of different theories when applied to specific areas of practical importance
 4. To present reasoned and well structured series of arguments leading to conclusions regarding selected issues within legal theory
 5. Communicate clearly in writing and demonstrate the use of e-data bases through selection and use of legal sources to support legal argument.
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TEACHING METHODS

The module will employ a variety of student centred learning strategies. The module will encourage student learning by seminar participation and independent research. The lectures will introduce students to a number of key debates and issues within legal theory. A module handbook will be provided consisting of lecture outlines, seminar tasks and further recommended reading. The lectures will also provide an summary of many of the schools of legal philosophy, whilst students will be required to prepare for and discuss their interpretation and assessment of the required readings within the seminar part of this module. Seminars will involve interactive sessions making use of discussion of relevant books and articles designed to assist students ability to critically investigate issues within legal theory. Students will be expected to have independently researched topics for discussion and to come prepared to respond and participate in an open and active discussion of legal theory materials and seminar questions.

ASSESSMENT METHODS

This module is assessed through two written assignments.

LANGUAGE OF INSTRUCTION

English