

Jurisprudence

Stage		3					
Semester		1					
Module Title		LLBH-J					
Module Number		21					
Module Status		Mandatory					
Module ECTS Credits		5					
Module NFQ level		8					
Pre-Requisite Module Titles		None					
Co-Requisite Module Titles		None					
Capstone Module?		No					
List of Module Teaching Personnel		Dean David Langwallner					
Contact Hours:				Non-contact Hours			Total Effort (hours)
24				76			100
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent Work	
24						76	100
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Examination			Total
Percentage Contribution	30			70			100

Intended Module Learning Outcomes

On successful completion of this module, learners will be able to:

1. Fully comprehend and embed the fundamental principles of jurisprudence and the philosophy of law in term of core areas of traditional jurisprudence.
2. Evaluate and critically conceptualise the principles of Jurisprudence that pertain to legal positivism,
3. Explain and assess the principles of Jurisprudence that pertain to law and morality and natural law.

4. Evaluate and conceptualise the principles of Jurisprudence that pertain to the philosophy of law of Ronald Dworkin.
5. Evaluate and conceptualise the principles of Jurisprudence that pertain to the philosophy of law of The Legal Realists.
6. Research, interpret and apply the theories of jurisprudence;
7. Communicate and analyse jurisprudential arguments with clarity and precision.
8. Be enabled to develop a holistic understanding of the principles of conventional Jurisprudence.

Module Objectives

1. Impart in learner a holistic understanding of the concepts of traditional Jurisprudence.
2. Develop a critical and argumentative and philosophical mindset in the learner.
3. Be able in the light of their studies to develop a critical filter of other law subjects.
4. Enhance learners' formal skills in argumentation.

Module Curriculum

- What is Jurisprudence?
- The Case of The Speluncean Explorers
- Positivism: Hart, Austin, Bentham, Kelsen, Raz
- Religious Natural Law
- Secular Natural Law and The Rights of Man
- The relationship between Law and Morality
- Dworkin
- United States Legal Realism

Reading lists and other learning materials

Primary Reading:

Bix, B.H. (2012) *Jurisprudence: Theory and Context*. London: Sweet & Maxwell
 Dworkin, R. (2010) *Laws Empire*. Cambridge, Belknap Press
 Freeman, M. (2011) *Lloyd's Introduction to Jurisprudence*. London: Sweet and Maxwell
 HLA Hart (2012) *The Concept of Law*. Oxford: Clarendon

Secondary Reading:

Devlin (2009) *The Enforcement of Morals*. Oxford: OUP
 Finnis, J. (2011) *Natural Law and Natural Rights*. Oxford: OUP
 Finnis, J. (1998) *Aquinas: moral, political and legal theory*. Oxford: OUP
 Harris, J.W. (2004) *Legal Philosophies*. London: Butterworths
 Hart, H.L.A. (2012) *The Concept of Law*. Oxford: OUP
 Hart, H.L.A. (2008) *Law Liberty and Morality*. Oxford: OUP
 Kelly, J.M. (2001) *A Short History of Western Legal Theory*. Oxford: OUP

Menand (2001) *The Metaphysical Club*. New York: Farrar, Strauss and Giroux
Murphy, T. (2004) *Western Jurisprudence*. Dublin: Round Hall
Rawls, J. (2010) *A Theory of Justice*. Oxford: OUP
Twining (2012) *Karl Llewellyn and The Realist Movement*. London: Wiedenfeld and Nicholson

Module Learning Environment

Accommodation

Lectures and workshops take place in a classroom setting. Participants also have access to online teaching resources and Moodle

Library

All learners have access to an extensive range of “physical” and “remote access” library resources. The library monitors and updates its resources on an on-going basis, in line with the College’s Library Acquisition Policy. Lecturers collaborate with the library in updating reading lists for this course on an annual basis as is the norm with all programmes run by Griffith College.

Module Teaching and Learning Strategy

This module is delivered through a series of lectures which consist of tutorial-style discussions, group work sessions and exercises. The lectures are supplemented by structured on-line resources and reading. The final two lectures consist of workshops seeking to directly enforce the module learning outcomes.

Learners also engage in collaborative work in pairs or groups to brainstorm what learning has been achieved at the end of lectures. In order to support learners through the exam process they engage in the answering of sample exam questions and correction of their own or peers papers, thereby familiarising themselves with the marking criteria. Learners also engage in activities whereby they draft their own exam question in order to recap and reconsolidate a particular topic.

Module Assessment Strategy

Theoretical knowledge is assessed through submission of a written assignment worth 30% and by an end of module examination worth 70% of the total marks in this subject.

Element No.	Weighting	Type	Description	Module Learning outcomes
1	30%	Assignment	The assignment requires research and structured argument relating to some practical aspect of the Law relating to Jurisprudence	6
2	70%	Exam	The examination consists of generous choice of both essay and scenario style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the fundamental principles of Jurisprudence and the various theorists and schools of Jurisprudence thereby assessing learning outcomes 1-4 and 6-7. Scenario questions have a similar application	1-5, 7-8