

## Jurisprudence

**Course code:** LEG 254/A

<b>Credits US/ECTS</b>	3/6	<b>Level</b>	Advanced
<b>Length</b>	15 weeks	<b>Pre-requisite</b>	TOEFL iBT 71
<b>Contact hours</b>	42 hours	<b>Course type</b>	Bachelor Elective

### 1. Course Description

This upper-level course will introduce the students into philosophical thinking on law. The course is designed to convey a body of knowledge about the jurisprudence and to train the students to use that knowledge to frame and advance arguments relevant to the world today. It will discuss general themes of legal positivism and natural law theories. It opens particular questions, such as: Why do we obey law at all? Where does "legality" end and "revolution" begin? Why isn't law the same thing as justice? Is civil disobedience ever justified in a liberal democracy? Are war crimes tribunals "legal" proceedings or "revenge" proceedings? How can you tell a just and legal war from an unjust and illegal one? Why is an individual's "choice" – as in the case of abortion – considered a positive, Constitutional good? Why does the Anglo-American system of justice make legal resolution into a game while the Civil-Law Tradition stresses the inquisitorial approach?

### 2. Student Learning Outcomes

Upon completion of this course, students should be able to:

- Demonstrate an ability to discuss the role and the limits of law in society.
- Demonstrate critically how "academic" debates are prompted by and arise out of real-world problems and events.
- Discuss and argue why we obey law from the point of view of legal positivisms and from the point of view of natural law theories.
- Think rigorously and critically and argue persuasively regarding the role of law in society.

### 3. Reading Material

#### **Required Materials**

Selected chapters (Available in the Library)

- Lloyd's Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet and Maxwell, 2008.
- Hart, Herbert, The Concept of Law, 1961, 1994.
- Dworkin, Ronald, Law's Empire and A Matter of Principle and Taking Rights Seriously, 1977.
- Aquinas, Thomas, Treatise on Law, Summa Theologica, Questions 90-97, (1271).

#### **Recommended Materials**

Selected chapters (Available in the Library or via Interlibrary Loan or on web)

- Finnis, John, Natural Law and Natural Rights, 1980.
- Kelsen, Hans, Introduction to the Problems of Legal Theory, 2002.
- Aristotle, Politics.
- Plato, Republic.
- Socrates, Apology.

- Further selected texts and excerpts for each lesson will be suggested in class outline.

#### 4. Teaching methodology

The format of this seminar is primarily lecture – research – discussion. Students are expected to participate in class, to read and study the required and suggested materials and to do their own research-reading.

The module will be taught over the period of one semester. The module runs for three hours a week for 15 weeks in a semester. Of these 15 weeks, 14 are teaching, discussion and feedback, and one is mid-term break.

#### 5. Course Schedule

Date	Class Agenda
1. 14/2/2017	<b>Topic:</b> Introduction to Jurisprudence <b>Description:</b> Key concepts of jurisprudence: freedom, responsibility, rights, justice, community, government, history, <b>Reading:</b> Lloyd’s Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet and Maxwell, 2008 – introductory chapter.
2. 21/2	<b>Topic:</b> Ancient Greek and Roman thinking on law <b>Description:</b> Republic and Politics <b>Reading:</b> Lloyd’s Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet and Maxwell, 2008 – selected chapters. <b>Assignments/deadlines:</b> Home essay I – instructions
3. 28/2	<b>Topic:</b> Jewish and Christian Roots of Western Law <b>Description:</b> Principles of law in Torah, Christian values and experience in law. How religion, ethics and law keep society together. <b>Reading:</b> Lloyd’s Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet and Maxwell, 2008 – selected chapters. Thomas Aquinas. <i>Summa</i> – selected questions. <i>Treatise on Law</i> .
4. 7/3	<b>Topic:</b> Medieval Jurisprudence <b>Description:</b> Natural law, positive law, divine law, a perfect society <b>Reading:</b> Lloyd’s Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet and Maxwell, 2008 – selected chapters. <b>Assignments/deadlines:</b> Home essay I – due.
5. 14/3	<b>Topic:</b> Home essay I – reflections <b>Description:</b> Home essay I – feedback and discussion <b>Reading:</b> Lloyd’s Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet and Maxwell, 2008 – selected chapters.
6. 21/3	<b>Topic:</b> Modern Thinking in Jurisprudence <b>Description:</b> Hobbes, Locke, Rousseau <b>Reading:</b> Lloyd’s Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet and Maxwell, 2008 – selected chapters. <b>Assignments/deadlines:</b> Home essay II – instructions
7. 28/3	<b>Topic:</b> Natural Law Theories in Modern and Contemporary Law <b>Description:</b> natural law and justice <b>Reading:</b> Lloyd’s Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet and Maxwell, 2008 – selected chapters. <b>Recommended Reading:</b> Finnis, John, Natural Law and Natural Rights, 1980 and Stanford Encyclopedia of Philosophy – <i>Natural Law</i> .
8. 4/4	<b>Topic:</b> Modern Legal Positivism <b>Description:</b> positive law and legal positivism <b>Reading:</b> Lloyd’s Introduction to Jurisprudence. M.D.A. Freeman ed. Sweet

	and Maxwell, 2008 – selected chapters. <b>Recommended Reading:</b> Herbert Hart, <i>The Concept of Law</i> , 1961 and 1994; Hans Kelsen, <i>Introduction to the Problems of Legal Theory</i> , 2002.
9. 11/4	<b>Topic:</b> Contemporary Discussions in Jurisprudence <b>Description:</b> Rawls, Dworkin <b>Reading:</b> Ronald Dworkin, <i>Taking Rights Seriously</i> and John Rawls, <i>A Theory of Justice</i> , 1976 and <i>Political Liberalism</i> , 1993. <b>Recommended Reading:</b> Wenar, Leif, "John Rawls", <i>The Stanford Encyclopedia of Philosophy</i> (Winter 2013 Edition). <b>Assignments/deadlines:</b> Home essay II due
10. 18/4	<b>Midterm break</b>
11. 25/4	<b>Topic:</b> Home essay II <b>Description:</b> Home essay II – feedback and discussion <b>Reading:</b> Lloyd's <i>Introduction to Jurisprudence</i> . M.D.A. Freeman ed. Sweet and Maxwell, 2008 – selected chapters.
12. 2/5	<b>Topic:</b> Law and Society <b>Description:</b> How politics and law keep society together <b>Reading:</b> <i>Stanford Encyclopedia of Philosophy</i> – selected articles <b>Recommended Reading:</b> Individual research and Beck, Ulrich. <i>The Reinvention of Politics: For a Theory of Reflexive Modernization</i> , Frankfurt am Main: Suhrkamp, 1993.
13. 9/5	<b>Topic:</b> Choice as a controversial constitutional and moral/political value in case of abortion <b>Description:</b> The role of law in case of abortion <b>Reading:</b> <i>Roe v. Wade</i> , 1973 and other abortion laws. <b>Recommended Reading:</b> Individual research
14. 16/5	<b>Topic: Contemporary discussion in Jurisprudence of War</b> <b>Description:</b> Law on war in European past and today <b>Reading:</b> Lloyd's <i>Introduction to Jurisprudence</i> . M.D.A. Freeman ed. Sweet and Maxwell, 2008 – selected chapters.
15. 23/5	<b>Topic:</b> Final school exam <b>Description:</b> Three hours written examination made of three essays

## 6. Course Requirements and Assessment (with estimated workloads)

Assessment of this course will be based in home essay I and II (30% and 30%), and final exam (40%). Preparation and writing of the essays (workload) include participation in classes, primary and recommended reading and individual research reading.

Assignment	Workload (average)	Weight in Final Grade	Evaluated Course Specific Learning Outcomes	Evaluated Institutional Learning Outcomes*
Attendance and Class Participation	42	0 %		
Home essay I	30	30%	The essays are based in class presentation and participation, suggested reading and individual research and the results will be part of the essays	1, 2, 3 Students will discuss critically and communicate effectively the theme and meet all the

			evaluation.	requirements effectively and responsibly.
Home essay II	30	30%	Students will discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2, 3 Students will discuss critically and communicate effectively the theme and meet all the requirements effectively and responsibly.
Final exam	48	40%	Students will discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2, 3 Students will discuss critically and communicate effectively the theme and meet all the requirements effectively and responsibly.
<b>TOTAL</b>	<b>150</b>	<b>100%</b>		

\*1 = Critical Thinking; 2 = Effective Communication; 3 = Effective and Responsible Action

## 7. Detailed description of the assignments

### **Home essay I:**

Home essay I should be about 6 pages long. Submit the essay by September 27, 2016, 14:45 in both printed and electronic version via Neo. Hand in a printed copy of your essay in person to the teacher. The detailed instructions incl. the topics of the home essay will be distributed in class on September 13, 2016.

Assessed areas include content, resources, structure and argument, and style and form of the essay; the result makes 30% of the final grade.

#### **Assessment breakdown**

<b>Assessed area</b>	<b>Percentage</b>
Content	30%
Resources	20%
Structure and argument	30%
Style and form	20%

### **Home essay II:**

Home essay II should be about 6 pages long. Submit the essay by November 8, 2016, 14:45 in both printed and electronic version via Neo. Hand in a printed copy of your essay in person to the teacher. The detailed instructions incl. the topics of the home essay will be distributed in class on October 11, 2016.

Assessed areas include content, resources, structure and argument, and style and form of the essay; the result makes 30% of the final grade.

#### **Assessment breakdown**

<b>Assessed area</b>	<b>Percentage</b>
Content	30%
Resources	20%
Structure and argument	30%

Style and form	20%
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***Final exam:***

The examination includes three essays of about 2-3 pages each to answer three of the questions distributed at the beginning of the examination on December 13, 2016 at 14:45. Assessed areas include content, resources, structure and argument, and style and form of the essays; the result makes 40% of the final grade.

**Assessment breakdown**

Assessed area	Percentage
Content	40%
Resources	20%
Structure and argument	30%
Style and form	10%

**8. General Requirements and School Policies**

***General requirements***

All coursework is governed by AAU’s academic rules. Students are expected to be familiar with the academic rules available in the Codex and Student Handbook and to maintain the highest standards of honesty and academic integrity in their work.

***Electronic communication and submission***

The university and instructors shall only use students’ university email address for communication. It is strongly recommended that any email communication between students and instructors take place in NEO LMS.

Each e-mail sent to an instructor that is about a new topic (meaning not a reply to an original email) shall have a new and clearly stated subject and shall have the course code in the subject, for example: “COM101-1 Mid-term Exam. Question”.

All electronic submissions are carried out through NEO LMS. No substantial pieces of writing (especially take home exams and essays) can be submitted outside of NEO LMS.

***Attendance***

Attendance is required. The university recommends, as a minimal policy, that students who are absent 35 percent of the course should be failed (or administratively withdrawn from the course if the absences are excused).

***Absence excuse and make-up options***

Should the student be absent from a class for relevant reasons (illness, serious family matters), s/he needs to submit an Absence Excuse Form supplemented with documents proving the reasons for absence to the Assistant Dean. Should a student be absent during the add/drop period due to a change in registration this will be an excused absence if they submit an Absence Excuse Form along with the finalized add/drop form. The form and documents must be submitted within one week of absence. If possible, it is recommended to inform the instructor about the absence in advance.

Students whose absence has been excused by the Dean are entitled to make up exams they missed provided that the nature of the exam allows for a make-up. The students are responsible for contacting their instructor within one week from the date the absence was excused, and for making arrangements with the instructor about make-up options as necessary.

### ***Unexcused absences***

Students are allowed two unexcused absences. Absences above this number may result in failure of the course.

***Late work:*** No late submissions will be accepted – please follow the deadlines.

### ***Electronic devices***

Any electronic devices (phones, tablets, laptops...) may be used only for class-related activities (taking notes, looking up related information...). Any other use will result in being marked absent and/or being expelled from the class. No electronic devices may be used during the tests.

***Eating*** is not allowed during classes.

### ***Cheating and disruptive behavior***

If a student engages in disruptive or other conduct unsuitable for a classroom environment of an institution of learning, the instructor may require the student to withdraw from the room for the duration of the activity or for the day and shall report the behavior to the Dean.

Students engaging in behavior which is suggestive of cheating (e.g. whispering or passing notes) will, at a minimum, be warned. In the case of continued misbehavior the student will be expelled from the exam and the exam will be marked as failed.

### ***Plagiarism and Academic Tutoring Center***

Plagiarism is “the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.” (Random House Unabridged Dictionary, 2nd Edition, Random House, New York, 1993)  
Turnitin’s White Paper ‘The Plagiarism Spectrum’ (available at <http://go.turnitin.com/paper/plagiarism-spectrum>) identifies 10 types of plagiarism ordered from most to least severe:

1. CLONE: An act of submitting another’s work, word-for-word, as one’s own.
2. CTRL-C: A written piece that contains significant portions of text from a single source without alterations.
3. FIND-REPLACE: The act of changing key words and phrases but retaining the essential content of the source in a paper.
4. REMIX: An act of paraphrasing from other sources and making the content fit together seamlessly.
5. RECYCLE: The act of borrowing generously from one’s own previous work without citation; To self plagiarize.
6. HYBRID: The act of combining perfectly cited sources with copied passages—without citation—in one paper.
7. MASHUP: A paper that represents a mix of copied material from several different sources without proper citation.
8. 404 ERROR: A written piece that includes citations to non-existent or inaccurate information about sources
9. AGGREGATOR: The “Aggregator” includes proper citation, but the paper contains almost no original work.
10. RE-TWEET: This paper includes proper citation, but relies too closely on the text’s original wording and/or structure.

As the minimum policy the types of plagiarism from 1 through 8 results in the failing grade from the assignment and must be reported to the Dean. The Dean may initiate a disciplinary procedure pursuant to the Academic Codex. Allegations of bought papers and intentional or

consistent plagiarism always entail disciplinary hearing and may result in expulsion from AAU.

If unsure about technical aspects of writing, students are encouraged to consult their papers with the tutors of the AAU Academic Tutoring Center. For more information and/or to book a tutor, please contact the ATC at: <http://atc.simplybook.me/sheduler/manage/event/1/>.

### **Students with disabilities**

Students with disabilities are asked to contact their instructor as soon as possible to discuss reasonable accommodation.

## **9. Grading Scale**

<b>Letter Grade</b>	<b>Percentage*</b>	<b>Description</b>
A	95 – 100	<b>Excellent performance.</b> The student has shown originality and displayed an exceptional grasp of the material and a deep analytical understanding of the subject.
A-	90 – 94	
B+	87 – 89	<b>Good performance.</b> The student has mastered the material, understands the subject well and has shown some originality of thought and/or considerable effort.
B	83 – 86	
B-	80 – 82	
C+	77 – 79	<b>Fair performance.</b> The student has acquired an acceptable understanding of the material and essential subject matter of the course, but has not succeeded in translating this understanding into consistently creative or original work.
C	73 – 76	
C-	70 – 72	
D+	65 – 69	<b>Poor.</b> The student has shown some understanding of the material and subject matter covered during the course. The student's work, however, has not shown enough effort or understanding to allow for a passing grade in School Required Courses. It does qualify as a passing mark for the General College Courses and Electives.
D	60 – 64	
F	0 – 59	<b>Fail.</b> The student has not succeeded in mastering the subject matter covered in the course.

\* Decimals should be rounded to the nearest whole number.

**Prepared by and when:** Jiří Kašný, Fall 2016

**Approved by and when:**