

JUFN02, Scandinavian Legal Thinking, 15 credits

Scandinavian Legal Thinking, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Educational Committee of the Law Faculty Board on 2007-03-14 and was last revised on 2012-04-10. The revised syllabus applies from 2012-09-01, autumn semester 2012.

General Information

Scandinavian Legal Thinking is an optional course in jurisprudence within the program leading to a Swedish Law degree. The course is also open to students participating in international exchange programmes with the Faculty of Law.

Lectures and course material are in English.

Main field of studies

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Depth of study relative to the degree requirements

A1N, Second cycle, has only first-cycle course/s as entry requirements

Learning outcomes

To pass the examination, the student shall be able to demonstrate knowledge and competences as below:

Knowledge and understanding

The student shall be able to show knowledge and comprehension of

- the philosophy of the Uppsala school
- the main traits of the theories of Axel Hägerström, Vilhelm Lundstedt, Karl Olivecrona and Alf Ross
- the terminology and concept formation specific for Scandinavian realism

- the similarities and differences between Scandinavian Legal Realism and contemporary schools of thought (such as e.g. American Legal realism)

The student shall be able to show a level of proficiency, both orally and in writing, in reproducing the acquired information.

Competence and skills

The student shall be able to show competence to

- critically comment and analyse various texts written by outstanding Scandinavian realists
- apply the conceptual apparatus of Scandinavian Legal Realism to specific problems
- independently perform an investigation on a self-chosen subject, thereby integrating previously learned information, analysing the materials, and evaluating the solution of the posed problem.

Judgement and approach

Scandinavian Legal Realism can be seen as a part of an international movement beginning in the first decades of the 20th century, aiming inter alia at a value-free legal science as distinct from legal politics. The student shall be able to show comprehension of the objectives of Scandinavian Legal Realism and the impact of these objectives on the development of legal science and legal dogmatics. Also, the student is expected to show a level of proficiency, both orally and in writing, in restating, explaining and discussing the acquired information from different perspectives.

Course content

In Sweden, legal thinking commonly falls under the heading of *Scandinavian Legal Realism* - a school adhering to the view

- [i] that law exists qua social fact, and
- [ii] that the task of legal philosophy consists in rendering the law realistically, that is, corresponding to reality.

The main representatives of Scandinavian Legal Realism are the Swedes A.V. Lundstedt and Karl Olivecrona (both taking their departure in the theories of philosopher Axel Hägerström) and the Dane Alf Ross, who has become famous inter alia for his theory of prognosis.

Building upon previous knowledge of the basics of jurisprudence, the course purports to provide the students with deeper insight into this important section of modern legal philosophy, as well as into the similarities and differences between this school and contemporaneous approaches to law.

Course design

Knowledge, comprehension and competences are attained by

- attendance at course lectures
- self-studies (course literature)
- group work on a project
- oral training in seminars
- independent work on an essay

Teaching is provided in the form of lectures, seminars and individual tuition.

The *first* part of the course introduces the subject through lectures, covering the period 1920 - 1980 and highlighting the positions of the main representatives of Scandinavian legal realism. Different themes are addressed, such as the jurists' internal attitude towards the nature of law, the characteristics of legal 'science', the ultimate scope of legal research, and the function of legal dogmatics. The lectures are organized in order to give the students an overview of the main traits of Scandinavian Legal Realism.

Also, there is an obligatory seminar concerning the basics of essay writing.

At the same time, the students are working on group projects on various subjects, the results of which are presented and discussed in a seminar. The group projects purport to provide all course participants with the opportunity to explain and evaluate certain informational material. In the seminars, various topics related to legal realism are discussed in group, providing occasion for the students to reason about specific problems.

The *second* part of the course is designed to lead to the composition of an essay on a theoretical problem of the student's own choice. Working independently, the student shall attain in-depth knowledge of a specific aspect of Scandinavian Legal Realism. Through individual tuition, the students are guided with respect to their choice of subject, the structure of their essay, the relevant materials etc. There is a final seminar with opposition, where each essay will be scrutinized by a fellow student [peer review].

Assessment

The examination consists of

- participation in a group project
- an essay
- an oral examination

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

The final mark for the whole course is established by adding up the results from the three partial examinations.

Assessment criteria

Group work on a project

The group work must be performed in order to obtain a mark for the whole course. The group work is meant to result in a paper. (to be presented and discussed in a seminar).

In order to obtain a grade of B, it is sufficient that the student has participated in the group work and in the composition of the paper. Thereby, the student will have acquired knowledge and understanding of the specific legal philosophical problem appertaining to the respective project as well as of the key issues tied to this problem.

In order to obtain a grade of BA, the student shall be able to show, at the oral presentation of the project, that he has acquired good knowledge and understanding of the specific problem appertaining to the respective project as well as of the key issues tied to this problem. Further, the student shall be able to show a certain level of proficiency, both orally and in writing, in reproducing the acquired information.

Since the group work on a project is the students' first opportunity to reproduce and apply the previously acquired information, there is no grade of AB as regards this (first) part of the examination.

Essay

The essay examination must be passed in order to obtain a mark for the whole course.

In order to obtain a grade of B, the student shall be able to show, in the essay, ability to reflect on philosophical issues related to Scandinavian legal realism in an independent way. Thus, the student shall be able to show competence to independently perform an investigation into a self-chosen subject, thereby integrating previously acquired information, analysing the materials, and evaluating the solution of the posed problem.

In order to obtain a grade of BA, the student shall be able to show, in the essay, high ability to reflect on philosophical issues related to Scandinavian legal realism in an independent way. Thus, the student shall be able to show a high degree of competence to independently perform an investigation into a self-chosen subject, thereby integrating previously acquired information, analysing the materials, and evaluating the solution of the posed problem.

In order to obtain a grade of AB, the student shall be able to show, in the essay, a very high ability to reflect on philosophical issues related to Scandinavian legal realism in an independent way. Thus, the student shall be able to show a very high degree of competence to independently perform an investigation on a self-chosen subject, thereby integrating previously acquired information, analysing the materials, and evaluating the solution of the posed problem.

Oral examination

The oral examination must be passed in order to obtain a mark for the whole course.

In order to obtain a grade of B, the student shall be able to show competence to critically comment or analyse various texts composed by influential Scandinavian legal realists. Also, the student shall be able to show understanding of the key problems of

Scandinavian legal realism, of the objectives of this school of thought, and of the impact of these objectives on the development of legal science.

Further, the student is expected to show a certain level of oral proficiency in restating, explaining and discussing the acquired information from different perspectives.

In order to obtain a grade of BA, the student shall be able to show a high degree of competence to critically comment or analyse various texts composed by influential Scandinavian legal realists. Also, the student shall be able to show good understanding of the key problems of Scandinavian legal realism, of the objectives of this school of thought, and of the impact of these objectives on the development of legal science.

Further, the student is expected to show a high level of oral proficiency in restating, explaining and discussing the acquired information from different perspectives.

In order to obtain a grade of AB, the student shall be able to show a very high degree of competence to critically comment or analyse various texts composed by influential Scandinavian legal realists. Also, the student shall be able to show very good understanding of the key problems of Scandinavian legal realism, of the objectives of this school of thought, and of the impact of these objectives on the development of legal science.

Further, the student is expected to show a very high level of oral proficiency in restating, explaining and discussing the acquired information from different perspectives.

Entry requirements

For students studying for the professional degree Master of Laws: prerequisites stated in the Curriculum for the Law Study Programme.

Prerequisites for international exchange students: relevant undergraduate studies corresponding to three years at a university level, including basic knowledge in law and jurisprudence.

Further information

The University views plagiarism as a very serious academic offence and will take disciplinary action against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JUFN02, Scandinavian Legal Thinking

Applies from H07

0701 Scandinavian Legal Thinking, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction