

JUFN16, Law and Philosophy, 15 credits

Law and Philosophy, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2010-10-06 to be valid from 2011-03-09, spring semester 2011.

General Information

Law and Philosophy is an optional course within the programme leading to a Swedish Law Degree. The course is also open to students participating in international exchange programmes with the Faculty of Law.

Language of instruction: English

Lectures and course material are in English.

Main field of studies

-

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 philosophical questions regarding the law, and the various theories that attempt to answer them
- the key issues in connection with the nature and social function of law, the rule of law, the relation between law and morality, fundamental legal concepts, and the methodology of legal science

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

Skills and Ability

The student shall be able to show competence to

- critically comment and analyze various texts composed by influential legal philosophers
- independently perform an investigation on a self-chosen subject (resulting in a written essay of 25 pp.), thereby integrating previously learned information, analyzing the materials and evaluating the solution of the posed problem.

Values and Attitude

The student shall be able to reflect on philosophical issues related to the law in an independent way. Thus, he/she shall be able to show understanding of the key problems of different legal-philosophical approaches, of their respective objectives, and of the impact of these objectives on the development of legal science. Also, he/she 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

Building upon basic knowledge in law and jurisprudence, the course purports to provide the students with a deeper insight into the philosophical issues pertaining to the law. The content of the course is about the major lines of thought within some of the most influential legal and political theories, concerning *inter alia*

- the nature and function of law
- the rule of law
- the relation between law and morality
- fundamental legal concepts
- legal systems and legal institutions
- legal reasoning
- adjudication
- the methodology of legal science, and
- critical perspectives on the 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 purports to cover the contents of the course through *lectures*, organized in such a way as to offer the students a thorough overview of the main schools of legal philosophy. At the same time, there are *seminars* based on texts from the *Reader* [see Annex]. There, various issues related to the themes of the lectures are discussed in group, providing occasion for the students to reason about contentious points.

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

The *second* part of the course is designed to lead to the composition of an essay on a theoretical problem of the students own choice. By way of exercise, the students work, at first, on minor group projects which are meant to provide all course participants with the opportunity to get some training in evaluating certain informational material. The results of the group projects are thereupon presented and discussed in a seminar.

After the group projects, and after having undergone an oral examination, the students work independently on their essay. In this essay, they are expected to analyse a specific jurisprudential problem on a more general and theoretical level of abstraction. Through individual tuition, the students are guided with respect to their choice of subject, the disposition of their essay, the relevant materials etc. There is a final seminar, where each essay will be scrutinized by a fellow student (opposition).

Assessment

The examination consists of

- participation in a group project
- an oral examination, and
- an essay of 25 pp

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 (see above pt. 4 and below pt. 6).

Assessment criteria

6.1 Group work on a project (max 20 p.)

The group work must be passed in order to obtain a mark for the whole course. The group work is meant to result in a paper of 5 pp. that will be presented and discussed in a seminar.

In order to obtain a grade of B (10 p.) it is sufficient that the student has participated in the group work and 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 (11-20 p.), 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 legal-philosophical 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.

6.2 Oral examination (max 20 p)

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

In order to obtain a grade of B (10 p), the student shall be able to show *competence* to critically comment and analyse various texts composed by influential legal philosophers. Also, the student shall be able to show *understanding* of the key problems of different legal philosophical approaches, of their respective objectives, 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 (11-15 p.) the student shall be able to show *a high degree of competence* to critically comment and analyse various texts composed by influential legal philosophers. Also, the student shall be able to show *good understanding* of the key problems of different legal-philosophical approaches, of their respective objectives, 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 (16-20 p), the student shall and analyse various texts composed by influential legal philosophers. Also, the student shall be able to show *very good understanding* of the key problems of different legal-philosophical approaches, of their respective objectives, 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 and explaining the acquired information from different perspectives.

6.3 Essay of 25 pp. (max 60)

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

In order to obtain a grade of B (30 p) the student shall be able to show, in the essay, *ability to reflect* on philosophical issues related to the law in an independent way. Thus, the student shall be able to show *competence* to independently perform an investigation on a selfchosen 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 (39 p), the student shall be able to show, in the essay, *high ability to reflect* on philosophical issues related to the law in an independent way. Thus, the student shall be able to show a *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.

In order to obtain a grade of AB (48 p),, the student shall be able to show, in this essay, *very high ability to reflect* on philosophical issues related to the law 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.

The mark for the whole course is obtained according to the following scheme:

- B - 50 - 60 p.
- BA - 61 - 80 p.
- AB - 81 - 100 p.

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 actions 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 JUFN16, Law and Philosophy

Applies from V11

1001 Law and Philosophy, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction