



Course Code LAW-412	Course Title Jurisprudence II	ECTS Credits 6
Department Law	Semester Spring	Prerequisites LAW-411
Type of Course Major Requirement	Field Law	Language of Instruction English
Level of Course 1 st Cycle	Year of Study 4th	Lecturer(s) Dr Tim Potier
Mode of Delivery Face-to-face	Work Placement N/A	Co-requisites None

Objectives of the Course:

Jurisprudence II will evaluate and consider the works of 19th/20th century theorists. The main theme of the semester will be the transition from positivism to realism, as well as the natural law revival during the second half of the 20th century. The semester will conclude with consideration of Ronald Dworkin's *Law's Empire*.

Learning Outcomes:

After completion of the course students are expected to be able to:

1. Discuss the development of the theory of the school of legal positivism, from a purer science to more liberal overtones.
2. Appraise the impact of Marx on the notion of property and collective ownership.
3. Evaluate the dissatisfaction with 'black letter' law in the early part of the 20th century and the emergence of the American Realist School.
4. Assess Hart's re-working of John Austin's theory in his *The Concept of Law*.
5. Assess the new natural law and lawyers of the late 20th century, principally from the works of Fuller and Finnis.
6. Evaluate Nozick's two routes to the 'minimal state' and the intellectual heritage of such type of theory.
7. Examine the meaning and importance of Dworkin's 'hard case' in modern jurisprudence.
8. Evaluate philosophical underpinnings in the law.

Course Content:

During the course, the student will study the following books and school of jurisprudence:

1. Jeremy Bentham: A Fragment on Government
2. John Austin: The Province of Jurisprudence Determined
3. John Stuart Mill: On Liberty

4. Karl Marx and Friedrich Engels: The Communist Manifesto
5. American Realism
6. Hans Kelsen: Pure Theory of Law
7. H.L.A. Hart: The Concept of Law
8. John Rawls: A Theory of Justice
9. Lon L. Fuller: The Morality of Law
10. Robert Nozick: Anarchy, State and Utopia
11. J.M. Finnis: Natural Law and Natural Rights
12. Ronald Dworkin: Law's Empire

Learning Activities and Teaching Methods:

Interactive lectures, tutorials, written examinations and assignments

Assessment Methods:

One written assignment, mid-term exam, final exam

Required Textbooks/Reading:

Authors	Title	Publisher	Year
M.D.A. Freeman (ed.)	Lloyd's Introduction to Jurisprudence (eighth edition)	Sweet & Maxwell	2008
N.E. Simmonds	Central Issues in Jurisprudence: Justice, Law and Rights (third edition)	Sweet & Maxwell	2008

Recommended Textbooks/Reading:

Authors	Title	Publisher	Year
Wayne Morrison	Jurisprudence: from the Greeks to post-modernism	Cavendish	1997
James Penner	McCoubrey & White's Textbook on Jurisprudence (fourth edition)	Oxford	2008
Raymond Wacks	Understanding Jurisprudence: An Introduction to Legal Theory (second edition)	Oxford	2009
Brian H. Bix	Jurisprudence: Theory and Context (fifth edition)	Sweet & Maxwell	2009
Jules Coleman and Scott Shapiro (ed.s)	The Oxford Handbook of Jurisprudence and Philosophy of Law	Oxford	2002
Howard Davies and David Holdcroft	Jurisprudence: Texts and Commentary	Butterworths	1991
James Penner, David Schiff and Richard Nobles	Introduction to Jurisprudence and Legal Theory: Commentary and Materials	Butterworths	2002