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## MODULE DESCRIPTOR

### Module Title

Legal Theory

Reference	BS2162	Version	3
Created	February 2017	SCQF Level	SCQF 9
Approved	June 2017	SCQF Points	15
Amended	June 2017	ECTS Points	7.5

### Aims of Module

To enable students to obtain knowledge and understanding of: (A) major twentieth century theories of legal positivism and the contrast between legal positivism and natural law theory; (B) the role of law in society and the nature of law as a social institution; (C) major legal concepts including legal rights and legal obligation; (D) the idea of justice, the idea of unjust law, the moral and ethical basis and context of law.

### Learning Outcomes for Module

On completion of this module, students are expected to be able to:

- 1 Explain, and demonstrate an understanding of, major twentieth century theories of legal positivism and the contrast between legal positivism and natural law theory.
- 2 Explain, and demonstrate an understanding of, the role of law in society and the nature of law as a social institution including an understanding of the sociology of law.
- 3 Explain, and demonstrate an understanding of, the nature of legal concepts including legal obligation and rights.
- 4 Explain, and demonstrate an understanding of, the idea of justice, the idea of unjust law, the moral and ethical basis and context of law.

### Indicative Module Content

Major twentieth century theories of legal positivism and the contrast between legal positivism and natural law theory; the role of law in society and the nature of law as a social institution; sociology of law; major legal concepts including legal rights, legal obligation and legal powers; the idea of justice and the idea of unjust law.

### Module Delivery

This is a lecture and tutorial based module. Lectures provide core module content. Tutorials develop associated higher level skills through student centred learning.

<b>Indicative Student Workload</b>	Full Time	Part Time
Contact Hours	36	36
Non-Contact Hours	114	114
Placement/Work-Based Learning Experience [Notional] Hours	N/A	N/A
<b>TOTAL</b>	<b>150</b>	<b>150</b>
<i>Actual Placement hours for professional, statutory or regulatory body</i>		

## ASSESSMENT PLAN

If a major/minor model is used and box is ticked, % weightings below are indicative only.

### Component 1

Type: Coursework Weighting: 30% Outcomes Assessed: 1, 2  
 Description: Written coursework exercise

### Component 2

Type: Examination Weighting: 60% Outcomes Assessed: 1, 2, 3, 4  
 Description: Written examination

### Component 3

Type: Coursework Weighting: 10% Outcomes Assessed: 3, 4  
 Description: Oral assignment

## MODULE PERFORMANCE DESCRIPTOR

### Explanatory Text

The Module is assessed by three components: C1 - Coursework - 30% weighting. C2 - Examination - 60% weighting. C3 - Presentation - 10% weighting. Module Pass Mark = Grade D (40%)

Module Grade	Minimum Requirements to achieve Module Grade:
<b>A</b>	At least 70% on weighted aggregate and at least 35% in each component
<b>B</b>	At least 60% on weighted aggregate and at least 35% in each component
<b>C</b>	At least 50% on weighted aggregate and at least 35% in each component
<b>D</b>	At least 40% on weighted aggregate and at least 35% in each component
<b>E</b>	At least 35% on weighted aggregate
<b>F</b>	Less than 35% on weighted aggregate
<b>NS</b>	Non-submission of work by published deadline or non-attendance for examination

## Module Requirements

Prerequisites for Module	None.
Corequisites for module	None.
Precluded Modules	None.

**INDICATIVE BIBLIOGRAPHY**

- 1 Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory*, 5th edn, 2017, Oxford University Press.
- 2 HLA Hart, *The Concept of Law*, 3rd edn, 2012, Clarendon Law Series, Oxford University Press.
- 3 John Finnis, *Natural Law and Natural Rights*, 2nd edn, 2011, Oxford University Press.
- 4 John Rawls, *A Theory of Justice*, 2005, Harvard University Press.
- 5 Hamish Ross, *Law as a Social Institution*, 2001, Hart Publishing (Bloomsbury Publishing).