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MODULE DESCRIPTOR

Module Title

Legal Theory

Reference	BS2162	Version	5
Created	August 2021	SCQF Level	SCQF 9
Approved	June 2017	SCQF Points	15
Amended	September 2021	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.

Indicative Student Workload

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

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, 3, 4
Description:	Written coursework exercise (assessing LOs 1 or 2 or 3 or 4 or any combination thereof)				

Component 2

Type:	Examination	Weighting:	70%	Outcomes Assessed:	1, 2, 3, 4
Description:	Written examination				

MODULE PERFORMANCE DESCRIPTOR**Explanatory Text**

The calculation of the overall grade for this module is based on 70% weighting of C2 - Examination and 30% weighting of C1 - Coursework. An overall minimum grade D is required to pass the module.

		Coursework:						NS
		A	B	C	D	E	F	
Examination:	A	A	A	B	B	B	E	
	B	B	B	B	C	C	E	
	C	B	C	C	C	D	E	
	D	C	C	D	D	D	E	
	E	D	D	D	E	E	E	
	F	E	E	E	E	F	F	
NS		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).