

## MODULE DESCRIPTOR

### Module Title

Legal Theory

Reference	LL3162	Version	1
Created	April 2023	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
<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:	100%	Outcomes Assessed:	1, 2, 3, 4
Description:	Written coursework exercise				

**MODULE PERFORMANCE DESCRIPTOR****Explanatory Text**

Component 1 comprises 100% of the module grade. To pass the module a D grade or above is required.

Module Grade	Minimum Requirements to achieve Module Grade:
<b>A</b>	The student needs to achieve an A in C1
<b>B</b>	The student needs to achieve a B in C1
<b>C</b>	The student needs to achieve a C in C1
<b>D</b>	The student needs to achieve a D in C1
<b>E</b>	The student needs to achieve an E in C1
<b>F</b>	The student needs to achieve an F in C1
<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).