1. **Title of the module**

LAWS5400 (LW540): The Philosophy of Law

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 6

1. **The number of credits and the ECTS value which the module represents**

30 credits (15 ECTS Credits)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn and Spring

1. **Prerequisite and co-requisite modules**

None

1. **The programmes of study to which the module contributes**

All single and joint honours Law programmes

1. **The intended subject specific learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Demonstrate a clear, in-depth understanding of the principal schools of thought about the nature of law.
   2. Demonstrate precise knowledge of the major theoretical debates in philosophy of law.
   3. Demonstrate a clear understanding of the major concepts and principles at issue in the philosophy of law, including those derived from general philosophy.
   4. Prepare detailed accounts of the relevance of topics in general philosophy (including ethics, metaphysics and epistemology) to law.
   5. Evaluate law critically as an example of practical as well as speculative reason.
   6. Demonstrate the ability to engage in reasoned and sophisticated discussion on the major areas of theory and its practical application.
   7. Articulate the aims of philosophy of law and its objectives in relation to law and legal reasoning.
   8. Articulate and review the position of philosophy of law in relation to other theoretical perspectives about the nature of law, such as sociology of law.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Demonstrate advanced skills in reasoning and critical thinking.
   2. Understand and deploy the critical research, argumentation and presentation skills necessary for academic writing.
   3. Articulate in-depth, critical and philosophically astute arguments in writing
   4. Undertake in-depth legal and philosophical research.
3. **A synopsis of the curriculum**

The Philosophy of Law module is designed for those who think they might be interested in philosophical reflection and enquiry into law. The module assumes no prior knowledge of either philosophy or law. The module uses the tools of analytic philosophy in order to promote understanding and criticism of current and historical understandings of law and legal practice, and to promote students’ own critical, reflective understandings concerning these topics. Module learning divides into two parts. The first part occupies Autumn Term learning and teaching, and comprises an introduction to philosophy of law and to the major school of thought in jurisprudence that have dominated reflection on the nature of law. A significant theme of this programme of study is to develop understanding of the relation of ideas in philosophy of law to a wider scholarship that includes historical and sociological understandings of legal practices. The second part occupies Spring Term learning and teaching, and is taken up with the close critical reading of a single monograph in the philosophy of law. The aim of this part of the module is to build upon and supplement Autumn Term learning through the focussed and detailed examination of a single, sustained argument offered within the subject field, thereby deepening earlier understandings and also enabling students to develop and refine their skills of philosophical reading and critique.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

Recommended reading:

* + - * Brian Bix, *Jurisprudence: Theory and Context, 6th edition* (Sweet and Maxwell, 2012)
      * Ian McLeod, *Legal Theory, 6th edition* (Palgrave Macmillan; London, 2012).
      * Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory, Third Edition* (OUP 2012);

Regardless of which book is chosen in any particular year as the core text, other books (including those listed above) will be referred to frequently on the module. The following titles are indicative of this further reading:

* + - * Michael Freeman, *Lloyd's Introduction to Jurisprudence, 9th Edition* (Sweet and Maxwell 2014)
      * HLA Hart, *The Concept of Law, 3rd edition* (OUP 2012)
      * Raymond Wacks, *Philosophy of Law: A Very Short Introduction, 2nd edition* (OUP 2014)

1. **Learning and teaching methods**

Total study hours: 300.

Contact hours: 30.

Private study hours: 270.

1. **Assessment methods.**

13.1 Main assessment methods

There are two methods of assessment for LW540:

* + Path A: 80% examination (3-hours) and 20% coursework (1 essay of 2,500 - 3,000 words); OR,
  + Path B: 100% dissertation of 10,000 - 12,000 words.

Unless permission has been granted for assessment though dissertation, students will be assessed by coursework and examination. Permission will only be granted for assessment through dissertation if a student meets the Law School requirements for this method of assessment, and has satisfied the module convenor that the proposed dissertation is a viable project.

13.2 Reassessment methods

Like-for-like

1. **Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 8.7 | 8.8 | 9.1 | 9.2 | 9.3 | 9.4 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |  |  |
| Lectures | x | x | x |  |  |  | x | x |  |  |  |  |
| Seminars |  |  |  | x | x | x | x |  | x | x | x | x |
| Private Study |  |  |  |  |  | x |  |  | x |  | x | x |
| **Assessment method 1** |  |  |  |  |  |  |  |  |  |  |  |  |
| Essay 1 (20%) | x | x | x |  | x | x | x | x | x | x | x | x |
| Exam (80%) | x | x | x | x | x | x | x | x | x | x | x | x |
| **Assessment method 2** |  |  |  |  |  |  |  |  |  |  |  |  |
| Dissertation (100%) | x | x | x | x | x | x | x | x | x | x | x | x |

1. The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with the KLS school-level statement on Lecture Capture, lectures will be recorded to assist notetaking unless one or more of the lectures contains sensitive material. The module convenor will notify students in advance of any lectures that will not be recorded.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered**

Canterbury

1. **Internationalisation**

The module examines a number of themes from an international perspective e.g. the Hudson River School in the context of romanticism, the case-method of legal education used at Harvard and American legal realism and its relationship with natural law. The module also considers the work of a variety of international scholars, sociologists and philosophers.

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**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

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| --- | --- | --- | --- | --- |
| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| 21/09/17 | Minor | September 2018 | 12-14, 17 | No |
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