

Module Title:	Jurisprudence 1
Language of Instruction:	English
Credits:	5
NFQ Level:	8
Module Delivered In	No Programmes
Teaching & Learning Strategies:	Lectures, tutorials, seminars, and independent learning
Module Aim:	The aim of this module is to provide students an understanding of the philosophical foundations and theories of law; the nature of jurisprudence and its terminology; the major theories of jurisprudential thought, for example natural law, utilitarianism and positivism, examined through the writings of major authors in the field; the nature and role of law within society; concepts of justice and morality and the social contract, and the philosophical basis of various common law principles. Students will also be introduced to, and encouraged to reflect upon, questions of what makes for a valid system of binding laws, and the distinction between a just and an unjust legal system.

Learning Outcomes	
<i>On successful completion of this module the learner should be able to:</i>	
LO1	Define and explain the nature of jurisprudence
LO2	Demonstrate an understanding of the historical relationship between the key jurists and schools covered within the syllabus
LO3	Critically examine and compare the work of such key jurists and schools
LO4	Explain the strengths and weaknesses of the work of key jurists and schools

Pre-requisite learning	
Module Recommendations <i>This is prior learning (or a practical skill) that is recommended before enrolment in this module.</i>	
No recommendations listed	
Incompatible Modules <i>These are modules which have learning outcomes that are too similar to the learning outcomes of this module.</i>	
No incompatible modules listed	
Co-requisite Modules	
No Co-requisite modules listed	
Requirements <i>This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.</i>	
No requirements listed	

Module Content & Assessment

Indicative Content

The nature of jurisprudence

Definition relevance; the philosophy of law; legal theory; the intersection between the philosophy of law and legal theory; the substantive context of jurisprudence

Classical natural law

Naturalist theories; classical Greco-Roman natural law; the teleological analysis of Aristotle; the Judaeo-Christian dimension (Augustine and Aquinas); Christian Platonism (St Augustine); Christian Aristotelianism.

Positivism

Classical legal positivism: Bentham, Austin, Kelsen; Bentham's concept of jurisprudence; the command theory of law; sanctions; Kelsen's pure theory of law; public international law and pure theory.

Hart's Theory of Law

Hart's critique of the command theory; moral analysis of positive law; rules; obligation; primary and secondary rules; the rule of recognition; legal systems and officials; public international law in Hart's theory.

The natural law revival – Fuller and Finnis

Fuller's procedural natural law; Finnis: the theory of natural rights; the moral nature of law; the continuing role of naturalist jurisprudence.

Theories of Justice

Rawls: liberal distributive theory of justice; Nozick: just entitlements; justice, individuals, and society.

Analytical Philosophy of Law

Dworkin's philosophy of law; Raz's philosophy of law; Dworkin and Raz on rules and principles; Dworkin's theory of law: the rights thesis, the right answer thesis, and law as integrity; Raz and the authority of law.

Assessment Breakdown

	%
End of Module Formal Examination	100.00%

No Continuous Assessment

No Project

No Practical

End of Module Formal Examination

Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Formal Exam	n/a	1,2,3,4	100.00	End-of-Semester

No Continuous Assessment

No Project

No Practical

End of Module Formal Examination

Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Formal Exam	n/a	1,2,3,4	100.00	End-of-Semester

SETU Carlow Campus reserves the right to alter the nature and timings of assessment

Module Workload

Workload: Full Time		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	3.00
Estimated Learner Hours	Every Week	6.00
Total Hours		9.00

Workload: Part Time		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	1.50
Total Hours		1.50

