

LA334-15 Jurisprudence

26/27

Department

School of Law

Level

Undergraduate Level 3

Module leader

Joshua Pike

Credit value

15

Module duration

10 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

Jurisprudence is the philosophical study of law in general. It is interested in answering conceptual questions such as whether law is necessarily coercive, whether law has a necessary purpose, whether there are necessary connections between law and morality, and whether and if so how law can possess authority.

It is, in the words of Joseph Raz, general philosophy applied to a particular social institution. Do not fall into the trap, however, of thinking that 'particular' here means your legal system. Just because law looks a certain way here does not mean that it looks that way over there. If you're making an argument about the nature of law that only makes sense in democratic societies, you better have a good argument for why we're mistaken in thinking that non-democratic societies have law too.

Studying jurisprudence therefore allows you to challenge the assumptions that you have made about law without perhaps even realising it; assumptions that have been produced by the idiosyncrasies of the one or two particular legal systems with which you might be familiar.

At the same time, anchoring philosophical questions in the context of the law provides a wealth of real-world examples of how societies attempt to solve problems of public concern, in a way that can bring new insights to pre-existing philosophical ideas. In this way jurisprudence is a two-way street: it aims to further our understanding both of the law and of philosophical questions

surrounding morality, government, and our interactions with each.

Module aims

By the end of this module, students will have gained a familiarity with and formed considered views on some of the central debates within jurisprudence. They will have deepened their conceptual understanding of law as a general phenomenon as well as formed links with related topics in moral and political philosophy. In doing so students will have developed their skills in forming and critiquing philosophical arguments.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The following topics are indicative of what will be covered in the module: (1) introductory philosophy of normativity and practical reasoning; (2) the relationship between coercion, threats, orders, and laws; (3) whether legal norms are necessarily moral norms; (4) the nature of sovereignty and its relationship to normative supremacy; (5) law's claim to authority and its potential justifications; (6) whether law has a necessary purpose, and if so whether that purpose is moral; (7) whether there is any special relationship between law and justice; (8) legal realism.

Learning outcomes

By the end of the module, students should be able to:

- Understand central jurisprudential arguments on the relationship between law, morality, and authority
- Evaluate pre-existing assumptions about the law by reference to one or more contemporary philosophical accounts of the nature of law
- Develop clear philosophical arguments about the nature of law that offer the student's own critical reflection on one or more problems found in moral, political, and legal philosophy

Indicative reading list

[Reading lists can be found in Talis](#)

Research element

Students will be encouraged to undertake further reading on topics of interest, in particular when completing the summative essay.

Interdisciplinary

Jurisprudence is a fundamentally interdisciplinary subject, combining various philosophical disciplines with the study of contemporary moral, political, and legal issues.

International

Jurisprudence is an international subject in so far as the object of study is the law independent of any particular time or place. Students are therefore free to use examples from any legal system in their arguments.

Subject specific skills

Students will develop the skill of developing sound, rigorous arguments in analytic legal philosophy both orally and in writing, drawing on a core understanding of central debates in moral, political, and legal philosophy.

Transferable skills

Students will develop their skills in argumentation, critical analysis, and time management. The ability to think abstractly about a problem, and to subject pre-existing assumptions to sustained critique, will aid lateral thinking. Students should be able to apply the knowledge and skills from this module whenever they seek to make normative arguments.

Study

Study time

Type	Required
Seminars	9 sessions of 2 hours (12%)
Private study	102 hours (68%)
Assessment	30 hours (20%)
Total	150 hours

Private study description

Private study and independent learning will consist largely of reading the material on the reading list, reflecting on its contents, and preparing for the weekly workshops by working through the questions for discussion.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A

	Weighting	Study time	Eligible for self-certification
Assessment component			
Jurisprudence Essay	100%	30 hours	Yes (extension)
Students will choose from a range of selected essay questions. A two-hour writing workshop will be dedicated to exploring ideas and working through essay plans as a group.			

Reassessment component is the same

Feedback on assessment

Individual feedback will be given via Tabula and general cohort-level feedback via Moodle.

Availability

Courses

This module is Optional for:

- Year 2 of ULAA-M130 Undergraduate Law
- Year 3 of ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
- ULAA-M131 Undergraduate Law (4 Year)
 - Year 2 of M131 Law (4 year)
 - Year 4 of M131 Law (4 year)
- Year 4 of ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
- Year 2 of ULAA-M132 Undergraduate Law (Year Abroad)
- Year 2 of ULAA-M133 Undergraduate Law with French Law
- Year 2 of ULAA-M134 Undergraduate Law with German Law
- ULAA-M136 Undergraduate Law with Humanities (3 Year)
 - Year 2 of M136 Law with Humanities (3 year)
 - Year 3 of M136 Law with Humanities (3 year)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law
- Year 4 of UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)

This module is Option list A for:

- Year 3 of ULAA-M131 Undergraduate Law (4 Year)
- Year 4 of ULAA-M132 Undergraduate Law (Year Abroad)
- ULAA-M135 Undergraduate Law and Sociology
 - Year 3 of M135 Law and Sociology
 - Year 4 of M135 Law and Sociology
- Year 4 of ULAA-M133 Undergraduate Law with French Law
- Year 4 of ULAA-M134 Undergraduate Law with German Law

This module is Option list B for:

- Year 4 of ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
- Year 3 of ULAA-M130 Undergraduate Law