



# PHIL708

## Neurolaw

S1 Day 2018

*Dept of Philosophy*

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### Disclaimer

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## General Information

Unit convenor and teaching staff

Convenor

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Hearing Hub, Department of Philosophy  
by arrangement

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Credit points

4

Prerequisites

Admission to MRes

Corequisites

Co-badged status

Unit description

This unit examines the implications of developments in the neurosciences and behavioural genetics for our understanding of morally significant cognitive capacities and of conditions, such as addiction or psychopathy, which might impair these capacities and potentially reduce moral or legal responsibility. It addresses the ethical and policy challenges for the law raised by new technologies to assess defendants' competence and reliability (e.g., improved lie detection techniques) or to intervene in the brain to restore or enhance morally and legally relevant mental capacities. Neurolaw is a new interdisciplinary field and this unit is especially suitable for students with a background in philosophy, cognitive science, psychology, law, or bioethics.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

Solid understanding of the wide range of topics within the field of neurolaw, and how they relate to each other.

Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.

Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.

Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

## General Assessment Information

All assessment tasks will be submitted through the unit website. Check the instructions on each assignment for further details. The final assignment needs to be submitted through Turnitin and will be marked and returned via Grademark. For more information on these tools, see:

[http://www.mq.edu.au/iLearn/student\\_info/assignments.htm](http://www.mq.edu.au/iLearn/student_info/assignments.htm)

### Extensions and Special Consideration

Requests for extensions must, normally, be made in writing before the due date. Extensions of up to 3 days can be granted by your convenor if reasonable grounds are given, and some written documentation can be produced. Work load from other units, or from employment, are not considered reasonable justification.

Requests for extensions of more than 3 days should be submitted via a Special Consideration request, which is available in the <http://ask.mq.edu.au> portal. Your request should be accompanied by appropriate documentation, such as a medical certificate. Please see the Special Consideration policy in the list of policies at the end of this document for further details.

Read the policy closely as your request may be turned down if you have not followed procedure, or if you have not submitted a request in a timely manner.

### Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – two (2) marks out of 100 will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests.

### Academic Honesty

In Philosophy, academic honesty is taken very seriously. Misrepresenting someone else's work as your own may be grounds for referral to the Faculty Disciplinary Committee. If you have questions about how to properly cite work or how to credit sources, please talk to one of the teaching staff and see also the Academic Honesty Policy [http://mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://mq.edu.au/policy/docs/academic_honesty/policy.html)

Please note that the policy also prohibits resubmitting work you have already submitted in

another unit or unit offering. This counts as **self-plagiarism**. To avoid self-plagiarism, if you have done this unit previously, you should write on another topic this time. If this presents you with any problems, please contact the unit covenor as soon as possible.

For information about extensions, late penalties and special consideration, see *Policies and Procedures* section below.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u>Tutorial/Forum Participation</u>	10%	No	throughout semester
<u>Article Summaries</u>	30%	No	throughout semester
<u>Case Analysis</u>	15%	No	Week 10
<u>Main Essay</u>	45%	No	Week 13

### Tutorial/Forum Participation

Due: **throughout semester**

Weighting: **10%**

Active preparation for, and participation in, in-person or online discussions, as evidenced by the quality and quantity of the student's participation.

On successful completion you will be able to:

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- Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.
- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

### Article Summaries

Due: **throughout semester**

Weighting: **30%**

Students will write **ten short (250 word) critical summaries** of the *first* of the two readings set for each week. This relates to **weeks 1, 2, 3, 4, 5, 7, 8, 9, 11, and 12**. Summaries are **to be submitted by noon on Wednesday** of the week in which that reading is set. Late summaries will not be accepted. Each summary should aim to convey the article's main point(s), why

that point is important – e.g. why might someone disagree with it, what hinges on whether we accept or reject it, etc – and the main arguments tendered in its support.

Optional: students may also append questions (e.g. requests for clarification, raise objections, etc) to the end of their critical summary, and the instructor will raise these in class and/or in the online forum. These optional questions do not count as part of the 250 word requirement.

The purpose of these summaries is to help students keep up with the readings, to help the instructor identify which points require clarification, to consolidate their own understanding of the range of topics covered in the course, and to prepare for participation in tutorials and/or in the online forum. Students may also find their own summaries of the articles they read very helpful when they turn to write the Main Essay.

On successful completion you will be able to:

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- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

## Case Analysis

Due: **Week 10**

Weighting: **15%**

During the semester, students will be given instruction on how to use the Australian Neurolaw Database. The legal cases contained in the database span a selection of topics across criminal, civil, and medical law, and they provide an opportunity to see how the conceptual, scientific, and jurisprudential issues discussed in the course both *impact on* and *arise out of* judicial practice.

Students will write a 1,000 word Australian neurolaw case summary and analysis. Exceptional case summaries and analyses may be featured on the Australian Neurolaw Database's blog. This will offer students a rare opportunity to develop a professional or scholarly profile as an Australian neurolaw researcher/practitioner, and to use the database as a research tool for their Main Essay (where appropriate).

On successful completion you will be able to:

- Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.
- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.

## Main Essay

Due: **Week 13**

Weighting: **45%**

The major assessment for this course is a 3,000-word research essay, in which one of the covered topics will be addressed in depth. Students will develop essay topics during Week 6. Before starting work on their Main Essay, these topics must first be approved by the instructor. Assessment criteria will be outlined on the rubric provided on iLearn.

On successful completion you will be able to:

- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

## Delivery and Resources

On-campus classes will be held on **Wednesdays** at **2-4pm** in Building **W5C** in Room **301**, in **weeks 1-5, 7-9, 11-12**.

A **class schedule** is available on *iLearn*. This includes information about:

- what *topics* are covered each week,
- what *resources* to read/listen to/watch each week,
- when *assignments* and other *assessed tasks* are due, and
- the weeks during which on-campus classes are held.

It is your responsibility to regularly **check for announcements on iLearn**, since important information will be posted there.

There is **no need to purchase a textbook** since all resources (e.g. readings, podcasts, and videos) will be provided via *iLearn*.

## Unit Schedule

A week-by-week schedule will be provided on iLearn.

## Policies and Procedures

Macquarie University policies and procedures are accessible from **Policy Central** (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)

- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

## Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](http://ask.mq.edu.au).

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

## Graduate Capabilities

### PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

#### Learning outcomes

- Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.
- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

#### Assessment tasks

- Tutorial/Forum Participation
- Case Analysis
- Main Essay

### PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

#### Learning outcomes

- Solid understanding of the wide range of topics within the field of neurolaw, and how



they relate to each other.

- Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.
- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

## Assessment tasks

- Tutorial/Forum Participation
- Article Summaries
- Case Analysis
- Main Essay

## PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

## Learning outcomes

- Solid understanding of the wide range of topics within the field of neurolaw, and how they relate to each other.
- Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.
- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

## Assessment tasks

- Tutorial/Forum Participation
- Article Summaries
- Case Analysis
- Main Essay

## PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

### Learning outcomes

- Solid understanding of the wide range of topics within the field of neurolaw, and how they relate to each other.
- Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.
- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

### Assessment tasks

- Article Summaries
- Case Analysis
- Main Essay

## PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

### Learning outcomes

- Solid understanding of the wide range of topics within the field of neurolaw, and how they relate to each other.
- Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.
- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

## Assessment tasks

- Tutorial/Forum Participation
- Article Summaries
- Case Analysis
- Main Essay

## PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

## Learning outcomes

- Solid understanding of the wide range of topics within the field of neurolaw, and how they relate to each other.
- Ability to identify, analyse, and critically discuss neurolaw cases and the philosophical and interdisciplinary issues they raise.
- Ability to clearly articulate and appraise ideas and arguments within neurolaw scholarship, legal cases, and media articles.
- Deep understanding of at least one of the topics covered and how it is situated in the broader field of neurolaw.

## Assessment tasks

- Tutorial/Forum Participation
- Case Analysis
- Main Essay