



# LAWS8005

## Theories of Law and Justice

Session 3, Intensive attendance, North Ryde 2020

*Macquarie Law School*

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#### Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

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Sarah Sorial

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Credit points

10

Prerequisites

Admission to GradCertLaw or GradDipLaw or JD

Corequisites

LAWS8001 or LAWS600 or admission to JD in 2014

Co-badged status

Unit description

In this unit students will consider the central topics of jurisprudence. This involves a rigorous and critical analysis of the nature of law, legal reasoning and judicial decision-making. Debates about the legitimate purpose of the state in redressing socio-economic inequality and whether there is a need for 'rights' are provoked by this analysis. Written and verbal reasoning skills are a focus of development.

## 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:

**ULO1:** Analyse the issues at stake in debates about the nature of law, legal reasoning and adjudication.

**ULO2:** Assess the strengths and weaknesses of different theories about the nature of law, legal reasoning and adjudication.

**ULO3:** Critique legal arrangements and institutions from the normative perspective.

**ULO4:** Apply knowledge of theoretical debates in jurisprudence in assessing the reasoning in legal cases and answering hypothetical problems.

## General Assessment Information

### 1. Essay.

The word limit for this assignment is 2000 words (footnotes and the bibliography are not included in the word limit). Students should adhere to AGLC4). Essay questions will be available in week 1.

### 2. Take Home Exam

Students will be required to answer four questions based on the materials in the second half of the course. Each answer is 500 words in length. Questions will be released on iLearn on Monday 11 January 2021. Students will have 5 days to complete the assessment.

The word limit for this assignment is 2000 words. Footnotes and the bibliography are not included in the word limit. Students should abide by AGLC4.

### 3. Quizzes

Class participation for this subject will be assessed by TWO multiple choice quizzes, to be attempted any time during week 3 and week 5. Each quiz will consist of 10 questions, each worth one mark. There is a total of 10 marks per quiz. You will have 15 minutes to complete the quiz from the time you open it.

The quiz is designed to test your comprehension of the texts set for study and your engagement with the course materials. If you attend classes each week, do the readings and listen to the lectures, the quizzes will be very straightforward.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<a href="#">Take-home exam</a>	40%	No	Week 5, Friday 15 January
<a href="#">Essay</a>	40%	No	Monday 28 December 2020
<a href="#">Quizzes</a>	20%	No	Weeks 3 & 5

### Take-home exam

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **Week 5, Friday 15 January**

Weighting: **40%**

The exam will test comprehension of course content and critical reasoning skills

On successful completion you will be able to:

- Analyse the issues at stake in debates about the nature of law, legal reasoning and adjudication.
- Assess the strengths and weaknesses of different theories about the nature of law, legal reasoning and adjudication.
- Critique legal arrangements and institutions from the normative perspective.
- Apply knowledge of theoretical debates in jurisprudence in assessing the reasoning in legal cases and answering hypothetical problems.

## Essay

Assessment Type <sup>1</sup>: Essay

Indicative Time on Task <sup>2</sup>: 25 hours

Due: **Monday 28 December 2020**

Weighting: **40%**

Students will be required to write a research paper.

On successful completion you will be able to:

- Analyse the issues at stake in debates about the nature of law, legal reasoning and adjudication.
- Assess the strengths and weaknesses of different theories about the nature of law, legal reasoning and adjudication.
- Critique legal arrangements and institutions from the normative perspective.
- Apply knowledge of theoretical debates in jurisprudence in assessing the reasoning in legal cases and answering hypothetical problems.

## Quizzes

Assessment Type <sup>1</sup>: Participatory task

Indicative Time on Task <sup>2</sup>: 1 hours

Due: **Weeks 3 & 5**

Weighting: **20%**

Participation is assessed via 2 online multiple choice quizzes

On successful completion you will be able to:

- Analyse the issues at stake in debates about the nature of law, legal reasoning and adjudication.
- Assess the strengths and weaknesses of different theories about the nature of law, legal reasoning and adjudication.
- Critique legal arrangements and institutions from the normative perspective.

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

## Delivery and Resources

The main textbook for this unit is: Denise Meyerson, *Jurisprudence*, Oxford University Press, 2011. All other reading material will be available from Leganto, which you can access via the iLearn site.

## Unit Schedule

Week 1: Introduction to Jurisprudence

Week 1: Law and Force: Austin v Hart

Week 1: Contemporary Positivism

Week 2: Natural Law Theory

Week 2: Adjudication I: Formalism v Purposivism

Week 2: Adjudication II: Hart v Dworkin

Week 3: Realism and Critical Perspectives (Quiz 1)

Week 3: Difference

Week 3: Rights

RECESS 21 December 2020 - 4 January 2021 (ESSAY DUE Monday 28 December 2020)

Week 4: Freedom

Week 4: Inequality (Quiz 2)

Week 4: Civil Disobedience

Week 5: (Quiz 2) and Take Home Exam (Due Friday 15 January 2021).

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](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.*)

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 \(https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central\)](https://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 published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) 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) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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 help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## 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)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@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.