LAWS8005

Theories of Law and Justice

Session 2, Special circumstance, Other 2020

Macquarie Law School

Contents

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Notice

As part of Phase 3 of our return to campus plan, most units will now run tutorials, seminars and ot her small group learning activities on campus for the second half-year, while keeping an online ver sion available for those students unable to return or those who choose to continue their studies onli ne.

To check the availability of face-to-face and onlin e activities for your unit, please go to timetable vi ewer. To check detailed information on unit asses sments visit your unit's iLearn space or consult yo ur unit convenor.

General Information

Unit convenor and teaching staff Sarah Sorial sarah.sorial@mq.edu.au
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). Further details will be released once the course starts.

2. Take Home Exam

Students will be required to answer four questions based on the materials weeks 7-12. Each answer is 500 words in length. Questions will be released on iLearn on Monday 2 November. 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 6 and week 11. 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 zoom classes each week, do the readings and listen to the lectures, the quizzes will be very straightforward.

Assessment Tasks

Name	Weighting	Hurdle	Due
Take-home exam	40%	No	Week 13 06/11/20
Essay	40%	No	28/09/20
Quizzes	20%	No	Weeks 6 & 11

Take-home exam

Assessment Type [1]: Quiz/Test
Indicative Time on Task [2]: 25 hours
Due: **Week 13 06/11/20**
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 [1]: Essay
Indicative Time on Task [2]: 25 hours
Due: **28/09/20**
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 [1]: Participatory task
Indicative Time on Task [2]: 1 hours
Due: **Weeks 6 & 11**
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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[1] 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.

[2] 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 2: Law and Force: Austin v Hart

Week 3: Contemporary Positivism

Week 4: Natural Law Theory

Week 5: Adjudication I: Formalism v Purposivism

Week 6: Adjudication II: Hart v Dworkin (Quiz 1)

Week 7: Realism and Critical Perspectives (Essay due Friday 11 September)

Semester Break: 14 - 27 September

Week 8: Difference

Week 9: Rights

Week 10: Freedom

Week 11: Inequality (Quiz 2)

Week 12: Civil Disobedience

Week 13: Take Home Exam (Due Friday 6 October 2020).

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.)*

Students seeking more policy resources can visit the 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).

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 or if you are a Global MBA student contact 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) 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

If you are a Global MBA student contact 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/.

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.