



# LAWS8005

## Theories of Law and Justice

Session 2, Infrequent attendance, North Ryde 2021

*Macquarie Law School*

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#### Disclaimer

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#### Session 2 Learning and Teaching Update

The decision has been made to conduct study online for the remainder of Session 2 for all units WITHOUT mandatory on-campus learning activities. Exams for Session 2 will also be online where possible to do so.

This is due to the extension of the lockdown orders and to provide certainty around arrangements for the remainder of Session 2. We hope to return to campus beyond Session 2 as soon as it is safe and appropriate to do so.

Some classes/teaching activities cannot be moved online and must be taught on campus. You should already know if you are in one of these classes/teaching activities and your unit convenor will provide you with more information via iLearn. If you want to confirm, see the list of [units with mandatory on-campus classes/teaching activities](#).

Visit the [MQ COVID-19 information page](#) for more detail.

## General Information

Unit convenor and teaching staff

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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 1,500 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.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline.

### 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 1 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.

Unless a Special Consideration request has been submitted and approved, late exams will not be accepted.

### 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.

Quiz 1 opens 9.00 30/08//2021 and closes 23.59 03/09/2021.

Quiz 2 opens 9.00 18/10/2021 and closes 23.59 22/10/2021

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
<u>In-class quizzes</u>	20%	No	Week 6 & Week 11
<u>Take-home exam</u>	40%	No	23.59 05/11/2021
<u>Essay</u>	40%	No	23.59 10/09/2021

## In-class quizzes

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

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

Due: **Week 6 & Week 11**

Weighting: **20%**

Class participation for this subject will be assessed by TWO multiple choice quizzes, to be taken in your tutorial during weeks 6 and 11.

On successful completion you will be able to:

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

## Take-home exam

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

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

Due: **23.59 05/11/2021**

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: **23.59 10/09/2021**

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.
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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. All lectures will be available on ECHO360.

## 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 10 September)

Semester Break: 13 - 26 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 5 November 2021).

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>). 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](#)

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

To find other policies relating to Teaching and Learning, visit [Policy Central](https://policies.mq.edu.au) (<https://policies.mq.edu.au>) and use the [search tool](#).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/admin/other-resources/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](https://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](https://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.