



# LAWS8005

## Theories of Law and Justice

Session 2, In person-scheduled-weekday, North Ryde 2022

*Macquarie Law School*

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#### **Disclaimer**

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## General Information

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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). Essays must adhere to AGLC4. Further details will be released once the course starts.

#### **Late Assessment Submission Penalty**

*Unless a Special Consideration request has been submitted and approved, a 5% penalty (of the total possible mark) will be applied each day a written assessment is not submitted, up until the 7th day (including weekends). After the 7th day, a mark of '0' (zero) will be awarded even if the assessment is submitted. Submission time for all written assessments is set at 11.55pm. A 1-hour grace period is provided to students who experience a technical issue.*

*This late penalty will apply to non-timed sensitive assessment (incl essays, reports, posters, portfolios, journals, recordings etc). **Late submission of time sensitive tasks** (such as tests/exams, performance assessments/presentations, scheduled practical assessments/labs etc) **will only be addressed by the unit convenor in a Special consideration application. Special Consideration outcome may result in a new question or topic.***

### 2. Take Home Exam

Students will be required to answer **four questions** based on the materials covered in weeks 7-12 (you need to answer all of them).

The word limit for this assignment is 2,000 words (footnotes are not included in the word limit - bibliography not needed). Each answer should be between 400 and 500 words in length. Exams must adhere to AGLC4.

Exam questions will be released on iLearn on Monday 31 October.

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.

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="#">Essay</a>	40%	No	09/09/2022 11.55pm
<a href="#">In-class quizzes</a>	20%	No	Weeks 6 and 11
<a href="#">Take-home exam</a>	40%	No	03/11/2022 11.55pm

### Essay

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

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

Due: **09/09/2022 11.55pm**

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.

### In-class quizzes

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

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

Due: **Weeks 6 and 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: **03/11/2022 11.55pm**

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.

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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: Jurisprudence and the Nature of Law

Week 2: Law and Coercion

Week 3: Legal Positivism

Week 4: Natural Law Theories

Week 5: Law as Integrity

Week 6: Adjudication and the Nature of Law (Quiz 1)

Week 7: Realism and Critical Perspectives (Essay due Friday 9 September)

Semester Break: 12 - 25 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 Thursday 3 November 2022).

## 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](#)
- [Assessment Procedure](#)
- [Complaints Resolution 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](mailto:ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Academic Integrity

At Macquarie, we believe [academic integrity](#) – honesty, respect, trust, responsibility, fairness and courage – is at the core of learning, teaching and research. We recognise that meeting the expectations required to complete your assessments can be challenging. So, we offer you a range of resources and services to help you reach your potential, including free [online writing and maths support](#), [academic skills development](#) and [wellbeing consultations](#).

## Student Support

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

## The Writing Centre

[The Writing Centre](#) provides resources to develop your English language proficiency, academic writing, and communication skills.

- [Workshops](#)
- [Chat with a WriteWISE peer writing leader](#)
- [Access StudyWISE](#)
- [Upload an assignment to Studiosity](#)
- [Complete the 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

Macquarie University offers a range of [Student Support Services](#) including:

- [IT Support](#)
- [Accessibility and disability support](#) with study
- Mental health [support](#)
- [Safety support](#) to respond to bullying, harassment, sexual harassment and sexual assault

- [Social support including information about finances, tenancy and legal issues](#)

## Student Enquiries

Got a question? Ask us via [AskMQ](#), or contact [Service Connect](#).

## 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.