



## UNSW Course Outline

# JURD7336 Theories of Law and Justice - 2024

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## General Course Information

**Course Code :** JURD7336

**Year :** 2024

**Term :** Term 2

**Teaching Period :** T2

**Is a multi-term course? :** No

**Faculty :** Faculty of Law and Justice

**Academic Unit :** School of Law, Society and Criminology

**Delivery Mode :** In Person

**Delivery Format :** Standard

**Delivery Location :** Kensington

**Campus :** Sydney

**Study Level :** Postgraduate

**Units of Credit :** 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

This course seeks to understand the nature of law and justice and, in particular, the relationship between the two, in contemporary society. The point of departure will be a consideration of the character of justice. Since this is an enduring philosophical question, posed differently at

different times, it will be approached historically. We examine what some of the key thinkers in the philosophical and jurisprudential tradition from the Greeks to the present-day have understood about the nature of justice. The focus will be not only on explaining and critically analyzing different general theories of justice, but especially upon determining how these theories articulate the specific relation (or lack of relation) between justice and law.

Not only will the course analyse different theories of justice, but it will also put the ideas, gained through such analysis, to work by considering a number of contemporary problems concerning law and justice. For example, what are the criteria of justice and how in modern circumstances might we ground these? Is it helpful to understand modern law on the model of either distributive or corrective justice? Is any interpretation of law always based on an understanding of legal justice? And what are we to make of various claims to justice, for instance, international justice, intergenerational justice, historical or transitional justice?

## **Main Topics**

- Introduction the problem of Law and Justice via an examination of Plato's Republic
- Aristotle's theory of justice and its legacy (corrective and distributive justice; questions of justice requiring good judgment)
- From theories of law and justice conceived in terms of natural law to natural rights and social contract theory (Aquinas, Hobbes, Locke and Kant and Rawls)
- Non-contractualist theories of law and justice: Hume, the Utilitarians and particularly Hegel
- Legal justice and justice as interpretation; Dworkin, and Gadamer
- Marx's critique of all prevailing conceptions of legal rights, the rule of law and justice.
- Justice in a pluralist society; the just (secular) state; the just multicultural state and Global justice.
- The contemporary Frankfurt School's theories of law and justice in terms of theories of discourse and recognition.
- Feminism, the ethic of care and the critique of legal justice.
- The post-structuralist deconstruction of law and justice.

## **Course Aims**

- To understand the complex and often fraught relationship between law and justice in contemporary modern society.
- To embed this understanding by way of introducing students to broad theoretical thinking about law and society.
- To deal more specifically with the application of ideas of justice in public and private law.
- To explore the possibilities and the difficulties of achieving international justice, intergenerational justice, historical or transitional justice?

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness of principles of theories of law and justice and their relationship to the broader context (PLOs 1 ,3)
CLO2 : Engage in critical analysis of legal institutions and their connection to specific social and cultural institutions (PLOs 1,2)
CLO3 : Engage in critical analysis of the law on one hand and personal and public morality on the other (PLOs 1, 11)
CLO4 : Produce scholarly writing that demonstrates: (1) acquaintance with legal and social theoretical terminologies and styles; (2) analysis, synthesis, critical judgment, reflection and evaluation; and (3) cites a range of practical and scholarly interdisciplinary research sources (PLOs 5, 6, 8)
CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10)
CLO6 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness of principles of theories of law and justice and their relationship to the broader context (PLOs 1 ,3)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-Session Assessment</li> <li>• Final Research Essay</li> </ul>
CLO2 : Engage in critical analysis of legal institutions and their connection to specific social and cultural institutions (PLOs 1,2)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-Session Assessment</li> <li>• Final Research Essay</li> </ul>
CLO3 : Engage in critical analysis of the law on one hand and personal and public morality on the other (PLOs 1, 11)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Mid-Session Assessment</li> <li>• Final Research Essay</li> </ul>
CLO4 : Produce scholarly writing that demonstrates: (1) acquaintance with legal and social theoretical terminologies and styles; (2) analysis, synthesis, critical judgment, reflection and evaluation; and (3) cites a range of practical and scholarly interdisciplinary research sources (PLOs 5, 6, 8)	<ul style="list-style-type: none"> <li>• Mid-Session Assessment</li> <li>• Final Research Essay</li> </ul>
CLO5 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10)	<ul style="list-style-type: none"> <li>• Class Participation</li> </ul>
CLO6 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)	<ul style="list-style-type: none"> <li>• Mid-Session Assessment</li> <li>• Final Research Essay</li> </ul>

# Learning and Teaching Technologies

Moodle - Learning Management System

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	20%	
Mid-Session Assessment Assessment Format: Individual	30%	
Final Research Essay Assessment Format: Individual	50%	

### Assessment Details

#### Class Participation

##### Assessment Overview

Class Participation

Not maximizable.

Based on in class discussion around the 9 on-line responses to reading questions (one response per week) and on general in class participation.

##### Content/ Skills

- Critically engage with the readings
- Elicit constructive discussions in class with peers

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

##### Course Learning Outcomes

- CL01 : Demonstrate awareness of principles of theories of law and justice and their relationship to the broader context (PLOs1 ,3)
- CL02 : Engage in critical analysis of legal institutions and their connection to specific social and cultural institutions (PLOs 1,2)
- CL03 : Engage in critical analysis of the law on one hand and personal and public morality on the other (PLOs 1, 11)
- CL05 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflectiveand respectful manner (PLOs 9, 10)

### **Detailed Assessment Description**

Your lecturer should inform you with further detail on how CP will be assessed. It may be broken down in the following way, for example: general (class and moodle forum) participation plus two chosen 'CP classes' (15%); and timely and reasonable completion of the weekly online modules (5%).

## **Mid-Session Assessment**

### **Assessment Overview**

Short research essay (1,500 words)

### **Content/ Skills**

- Display understanding and critical engagement with the literature
- Development of the skills of exposition, analysis and argumentation as they pertain to theoretical thinking

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### **Course Learning Outcomes**

- CL01 : Demonstrate awareness of principles of theories of law and justice and their relationship to the broader context (PLOs 1,3)
- CL02 : Engage in critical analysis of legal institutions and their connection to specific social and cultural institutions (PLOs 1,2)
- CL03 : Engage in critical analysis of the law on one hand and personal and public morality on the other (PLOs 1, 11)
- CL04 : Produce scholarly writing that demonstrates: (1) acquaintance with legal and social theoretical terminologies and styles; (2) analysis, synthesis, critical judgment, reflection and evaluation; and (3) cites a range of practical and scholarly interdisciplinary research sources (PLOs 5, 6, 8)
- CL06 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)

### **Detailed Assessment Description**

Students must write a short essay based on their critical reading of a primary text or texts from the first half of the course. Essay question and range of classes/topics from which to choose to be confirmed by lecturer. Note that the CP assessment may restrict which essay topic can be chosen by students. Where CP involves students to select classes in which they will lead discussion, students will not be able to use the texts from these classes as the focus for their essay(s). Please see term Moodle page for full details.

Students are given feedback on this (short) essay prior to their research essay.

### **Assessment Length**

1500 plus strict 10% leeway

### **Assignment submission Turnitin type**

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

## **Final Research Essay**

### **Assessment Overview**

Final Research Essay (3200 words)

### **Content/ Skills**

- Perform in-depth research on legal thinking in a particular area
- Critically engage with legal theory literature/ authors
- Develop argument & draw reflective conclusion

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### **Course Learning Outcomes**

- CL01 : Demonstrate awareness of principles of theories of law and justice and their relationship to the broader context (PLOs 1,3)
- CL02 : Engage in critical analysis of legal institutions and their connection to specific social and cultural institutions (PLOs 1,2)
- CL03 : Engage in critical analysis of the law on one hand and personal and public morality on the other (PLOs 1, 11)
- CL04 : Produce scholarly writing that demonstrates: (1) acquaintance with legal and social theoretical terminologies and styles; (2) analysis, synthesis, critical judgment, reflection and evaluation; and (3) cites a range of practical and scholarly interdisciplinary research sources (PLOs 5, 6, 8)
- CL06 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)

### **Detailed Assessment Description**

Students must submit a research essay focused on a text or texts from the second half of the course. Essay question and range of classes/topics from which students may choose to be confirmed by lecturer. This essay must show critical engagement with the primary and secondary literature, independent research and analysis, and the conventions of academic essay-writing.

### Assessment Length

3000 plus strict 10% leeway

### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

## General Assessment Information

### Grading Basis

Standard

## Course Schedule

### Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure** and **Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Justine Rogers					Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.

- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law &](#)



## Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

## Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## **School Contact Information**

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.