



UNSW Course Outline

JURD7449 Theories of Law and Biology - 2024

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General Course Information

Course Code : JURD7449

Year : 2024

Term : Term 1

Teaching Period : T1A

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 unit explores the emerging complexity of the relation between Law and Biology in the 21th century. It examines the following question: What does the concept "biology" do in legal descriptions of events in the world. Law not just regulates, allows, or limits what can be done or

undone biologically but it also defines or alters our philosophical, political or social self-understanding. Both law and biology are meaningful structures which define, diagnose, and create concepts of persons as "nature", "bodies", "organism", "groups" or "life" (to name just a few). "Law and Biology" aims to provide a historical, analytical, and critical reflection on the legal implications of biological or biologized legalities.

The unit complements other units offered at the law school such as Legal Theory, Law and Social Theory, and Theories of Law and Justice. Similar to these units, Law and Biology has an emphasis on theoretical and critical aspects of the topic and relates law to an interdisciplinary field of knowledge and legal practices. The unit also relates to units such as Law and Medical Health or Intellectual Property Law which connect law with the biomedical or biotechnological field. The main difference with the theory electives is that Law and Biology takes place in an entirely different context, the field of biology, and that its focus is on theorizing law in the contemporary world where biolegitimacy increasingly takes hold. The difference with the other units is that the Law and Biology unit does not focus on matters of litigation. Instead, it opens up a broader and theoretical horizon both in the ways law itself can be understood and how it is connected to biology and science as a method. This connection will be explained through historical, analytical and legal insights and will include reflections on the scientific and ethical questions this relation provokes in the contemporary legal system.

Students wishing to think about law "outside the box" and who are interested in developing a rich theoretical and interdisciplinary perspective on law combining insights from philosophy, biology, technology, sociology, neurology, psychology and ethics will surely enjoy this course. It is recommended that students have some knowledge in legal theory through having taken one of the legal theory prescribed electives before enrolling in this course. No pre-existing knowledge of biology is necessary.

Main Topics

- Law and Nature
- The Body of Law
- Biopolitics
- Biotechnology
- Neurolaw
- Sociobiology
- Forensics
- Criminology

Course Aims

This course provides an introduction and critical overview of a highly relevant emerging and constantly expanding field in which legal thinking is detrimental for the production, limitation or invention of new human practices and self-understanding. "Law and Biology" will build new connections across disciplines (law, biology, science, health, philosophy, governance, medical sciences, anthropology, sociology), include findings from a new research project, emphasize several priorities of the Law School such as experimental learning, interdisciplinary, and innovative thinking.

Relationship to Other Courses

The course has close connections to all legal theory courses, criminology, evidence, health law, legal ethics, patent and property law, and courses in genetics, neuroscience, bioethics, reproductive and community health, critical race studies, gender studies, and postcolonial studies.

Course Learning Outcomes

| Course Learning Outcomes |
|--|
| CLO1 : Understand the relationship between law and biology from a theoretical, historical, analytical, critical, moral, and interdisciplinary perspective (PLOs 1, 11) |
| CLO2 : Apply understanding of the relationship between law and biology in order to evaluate and discuss current problems, definitions and practices in which biology and law interconnect (PLOs 1, 3, 5, 7, 8) |
| CLO3 : Critically read, analyze and discuss relations between law and biology (PLO 5, 7) |
| CLO4 : Evaluate and contextualize primary materials in the context of current cases and debates (PLOs 5, 7) |
| CLO5 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 6, 12) |
| CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10) |
| CLO7 : Apply understanding of the relationship between law and biology to contemporary debates about race and genetics (PLOs 2, 7). |

| Course Learning Outcomes | Assessment Item |
|--|--|
| CLO1 : Understand the relationship between law and biology from a theoretical, historical, analytical, critical, moral, and interdisciplinary perspective (PLOs 1, 11) | <ul style="list-style-type: none"> • Class Participation • Research Synopsis • Research Essay |
| CLO2 : Apply understanding of the relationship between law and biology in order to evaluate and discuss current problems, definitions and practices in which biology and law interconnect (PLOs 1, 3, 5, 7, 8) | <ul style="list-style-type: none"> • Class Participation • Research Synopsis • Research Essay |
| CLO3 : Critically read, analyze and discuss relations between law and biology (PLO 5, 7) | <ul style="list-style-type: none"> • Class Participation • Research Synopsis • Research Essay |
| CLO4 : Evaluate and contextualize primary materials in the context of current cases and debates (PLOs 5, 7) | <ul style="list-style-type: none"> • Class Participation • Research Synopsis • Research Essay |
| CLO5 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 6, 12) | <ul style="list-style-type: none"> • Research Synopsis • Research Essay |
| CLO6 : 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"> • Class Participation • Research Essay |
| CLO7 : Apply understanding of the relationship between law and biology to contemporary debates about race and genetics (PLOs 2, 7). | <ul style="list-style-type: none"> • Class Participation |

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

This course is interactive: besides 'lecturing' the class-discussions, asking critical questions, and student presentations are central to the course: coming prepared to class is crucial for each students' learning experience.

Additional Course Information

This course focusses on cutting edge developments in the biosciences (from designer babies to using brain-scans in criminology and beyond) using the theoretical lens of biolegality and STS (Science and Technology Studies); all topics will be examined from a transdisciplinary perspective. Students choose their own topics for an extensive research essay and can work on

this over the course of the...course!

Assessments

Assessment Structure

| Assessment Item | Weight | Relevant Dates |
|--|--------|---|
| Class Participation Assessment Format: Individual | 20% | Start Date: Usually one forum submission per week. Due Date: One per week submitted before the lecture |
| Research Synopsis Assessment Format: Individual | 20% | Start Date: Not Applicable |
| Research Essay Assessment Format: Individual | 60% | Start Date: students can work on the essay over the entire term Due Date: Final due date depends on format of the course (intensive/ standard) and will be clarified in the first lecture. |

Assessment Details

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

Course Learning Outcomes

- CLO1 : Understand the relationship between law and biology from a theoretical, historical, analytical, critical, moral, and interdisciplinary perspective (PLOs 1, 11)
- CLO2 : Apply understanding of the relationship between law and biology in order to evaluate and discuss current problems, definitions and practices in which biology and law interconnect (PLOs 1, 3, 5, 7, 8)
- CLO3 : Critically read, analyze and discuss relations between law and biology (PLO 5, 7)
- CLO4 : Evaluate and contextualize primary materials in the context of current cases and debates (PLOs 5, 7)
- CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10)
- CLO7 : Apply understanding of the relationship between law and biology to contemporary debates about race and genetics (PLOs 2, 7).

Detailed Assessment Description

Active class participation is expected (CP is not given just for attendance); submissions to online forums, in-class presentation (individual or in group), and reflective journal (collected forum

submissions) are all part of CP which is given as a 'holistic' mark.

Assessment Length

Each Forum entry must be at least 350 words (in intensive mode), and 250 words in the standard mode.

Submission notes

At the end of the course all submissions form a 'reflective journal' and are submitted to the Turnitin Portal

Assessment information

Any additional information is on Moodle.

Assignment submission Turnitin type

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

Research Synopsis

Assessment Overview

This assessment requires you to write a synopsis for a research essay.

Course Learning Outcomes

- CLO1 : Understand the relationship between law and biology from a theoretical, historical, analytical, critical, moral, and interdisciplinary perspective (PLOs 1, 11)
- CLO2 : Apply understanding of the relationship between law and biology in order to evaluate and discuss current problems, definitions and practices in which biology and law interconnect (PLOs 1, 3, 5, 7, 8)
- CLO3 : Critically read, analyze and discuss relations between law and biology (PLO 5, 7)
- CLO4 : Evaluate and contextualize primary materials in the context of current cases and debates (PLOs 5, 7)
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 6, 12)

Detailed Assessment Description

The Research Synopsis outlines 1) the research essay question, 2) potential argument, 3) essay structure, and 4) short literature review. Due date depend on course format (intensive or standard), and will be announced at the beginning of the course.

Assessment Length

1000 words

Assessment information

Due dates depend on format of course (intensive or standard) and are announcement at the beginning of the course and on Moodle.

Assignment submission Turnitin type

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

Research Essay

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CLO1 : Understand the relationship between law and biology from a theoretical, historical, analytical, critical, moral, and interdisciplinary perspective (PLOs 1, 11)
- CLO2 : Apply understanding of the relationship between law and biology in order to evaluate and discuss current problems, definitions and practices in which biology and law interconnect (PLOs 1, 3, 5, 7, 8)
- CLO3 : Critically read, analyze and discuss relations between law and biology (PLO 5, 7)
- CLO4 : Evaluate and contextualize primary materials in the context of current cases and debates (PLOs 5, 7)
- CLO5 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 6, 12)
- CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 9, 10)

Detailed Assessment Description

In this elective each student can choose their own topic for the research essay as long as it falls within the overall topic/ framework of the course. To avoid misunderstandings about inclusion of footnotes and bibliography these are split in: pure essay content (3750 words), bibliography (250 words); to be clear: you can have a (much) longer bibliography but only 250 words of this will be counted towards the 4000 word requirement; footnotes are excluded from word-count.

Assessment Length

3750 word content; 250 word bibliography (see details above)

Submission notes

Always include exact question/ topic of the essay on top of the first page, and state how many content words it has.

Assessment information

All further relevant information will be provided on the Moodle page.

Assignment submission Turnitin type

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

General Assessment Information

All assignment tasks will be discussed in the first lecture, including due dates (which differ dependend on the course format as intensive or standard); the second assignment "Research Synopsis" is a task in preparation for the long research essay allowing students to work in one key topic over the course of the course. CP contains active class participation (just being present does not generate CP marks), Forum entries, and a class presentation (invidividual or as part of a group). Reference and bibliography requirements will be explained in class. Use of AI for the writing of the essay is prohibited and perceived as plagiarism.

Grading Basis

Standard

Requirements to pass course

To gain an overall Pass for the course students need to attend at least 80% of all classes, submit two assigments (synopsis and research essay), and fulfill the CP requirements.

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.

General Schedule Information

In T1 2024 this course is offered as an "intensive" over six days in the first three weeks of Term: Tuesday & Friday 9.00am-4.00pm (with several shorter and a 12-1pm lunch break).

Course Resources

Prescribed Resources

All resources are available on the website.

Recommended Resources

All resources are available on the Moodle website, including class-readings, power-points, video and audio clips, and additional links to websites and literature.

Additional Costs

NA

Course Evaluation and Development

Student feedback in this course is gathered during the course formally mid-term and at the end in MyExperience but the course is constructed to be inter-active, based on individual and group discussion; several in-class exercises will engage students throughout the course. Overall comments on the course content and format were very positive. Course will offer more legal case examples as a result of previous comments.

Staff Details

| Position | Name | Email | Location | Phone | Availability | Equitable Learning Services Contact | Primary Contact |
|----------|---------------|-------|--------------------------|-------|-------------------------------|-------------------------------------|-----------------|
| Lecturer | marc de leeuw | | Room 330 Law Building | | after class or by appointment | 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 & Justice Assessment Policy & Student Information](#).

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.