



# LAWS13016 Jurisprudence

## Term 2 - 2019

Profile information current as at 30/11/2025 11:25 pm

All details in this unit profile for LAWS13016 have been officially approved by CQUUniversity and represent a learning partnership between the University and you (our student). The information will not be changed unless absolutely necessary and any change will be clearly indicated by an approved correction included in the profile.

### General Information

#### Overview

Unlike prior units which focus on law as it is - 'black-letter' law - this capstone unit considers more theoretical, analytical, doctrinal and philosophical aspects of the entire law enterprise - a specialised societal subsystem. This unit canvasses several philosophical doctrines including: natural law, legal positivism, sociological context of law and economic analyses of the law. These and related topics are explored in this unit to enable you to integrate legal knowledge into the broad inter-disciplinary mainstream and equip you with enhanced practical legal reasoning skills.

#### Details

Career Level: *Undergraduate*

Unit Level: *Level 3*

Credit Points: 6

Student Contribution Band: 10

Fraction of Full-Time Student Load: 0.125

#### Pre-requisites or Co-requisites

Prerequisite: 96 credit points in law units

Important note: Students enrolled in a subsequent unit who failed their pre-requisite unit, should drop the subsequent unit before the census date or within 10 working days of Fail grade notification. Students who do not drop the unit in this timeframe cannot later drop the unit without academic and financial liability. See details in the [Assessment Policy and Procedure \(Higher Education Coursework\)](#).

#### Offerings For Term 2 - 2019

- Online

#### Attendance Requirements

All on-campus students are expected to attend scheduled classes - in some units, these classes are identified as a mandatory (pass/fail) component and attendance is compulsory. International students, on a student visa, must maintain a full time study load and meet both attendance and academic progress requirements in each study period (satisfactory attendance for International students is defined as maintaining at least an 80% attendance record).

#### Website

[This unit has a website, within the Moodle system, which is available two weeks before the start of term. It is important that you visit your Moodle site throughout the term. Please visit Moodle for more information.](#)

## Class and Assessment Overview

### Recommended Student Time Commitment

Each 6-credit Undergraduate unit at CQUniversity requires an overall time commitment of an average of 12.5 hours of study per week, making a total of 150 hours for the unit.

### Class Timetable

#### [Regional Campuses](#)

Bundaberg, Cairns, Emerald, Gladstone, Mackay, Rockhampton, Townsville

#### [Metropolitan Campuses](#)

Adelaide, Brisbane, Melbourne, Perth, Sydney

### Assessment Overview

#### 1. **Written Assessment**

Weighting: 40%

#### 2. **Group Discussion**

Weighting: 20%

#### 3. **Written Assessment**

Weighting: 40%

### Assessment Grading

This is a graded unit: your overall grade will be calculated from the marks or grades for each assessment task, based on the relative weightings shown in the table above. You must obtain an overall mark for the unit of at least 50%, or an overall grade of 'pass' in order to pass the unit. If any 'pass/fail' tasks are shown in the table above they must also be completed successfully ('pass' grade). You must also meet any minimum mark requirements specified for a particular assessment task, as detailed in the 'assessment task' section (note that in some instances, the minimum mark for a task may be greater than 50%). Consult the [University's Grades and Results Policy](#) for more details of interim results and final grades.

## CQUniversity Policies

**All University policies are available on the [CQUniversity Policy site](#).**

You may wish to view these policies:

- Grades and Results Policy
- Assessment Policy and Procedure (Higher Education Coursework)
- Review of Grade Procedure
- Student Academic Integrity Policy and Procedure
- Monitoring Academic Progress (MAP) Policy and Procedure – Domestic Students
- Monitoring Academic Progress (MAP) Policy and Procedure – International Students
- Student Refund and Credit Balance Policy and Procedure
- Student Feedback – Compliments and Complaints Policy and Procedure
- Information and Communications Technology Acceptable Use Policy and Procedure

This list is not an exhaustive list of all University policies. The full list of University policies are available on the [CQUniversity Policy site](#).

## Previous Student Feedback

### Feedback, Recommendations and Responses

Every unit is reviewed for enhancement each year. At the most recent review, the following staff and student feedback items were identified and recommendations were made.

#### Feedback from Self and students.

##### Feedback

In the lectures I am brief and do not repeat what is in the Study Guides.

##### Recommendation

Consideration be given to more extensive lectures.

## Unit Learning Outcomes

### On successful completion of this unit, you will be able to:

1. Undertake an account of the ancient and modern history concerning an enquiry into the nature and purpose of law
2. Demonstrate a sound knowledge of the main theories of law, disputes, doctrines, topics and principles canvassed in the unit and explain their ongoing relevance to current legal practice
3. Apply the analytical and critical legal skills developed in the unit to contemporary legal problems, issues and challenges
4. Undertake and effectively communicate research on topics and issues in this unit as well as formulating practical legal argumentation compliant with rationality requirements and acceptable modes of legal reasoning
5. Act and respond appropriately to the comments and opinions expressed by others.

## Alignment of Learning Outcomes, Assessment and Graduate Attributes



### Alignment of Assessment Tasks to Learning Outcomes

Assessment Tasks	Learning Outcomes				
	1	2	3	4	5
<b>1 - Written Assessment - 40%</b>	•	•	•	•	•
<b>2 - Group Discussion - 20%</b>	•	•	•	•	•
<b>3 - Written Assessment - 40%</b>	•	•	•	•	•

### Alignment of Graduate Attributes to Learning Outcomes

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
<b>1 - Communication</b>	•	•	•	•	•
<b>2 - Problem Solving</b>	•	•	•	•	•

Graduate Attributes	Learning Outcomes				
	1	2	3	4	5
3 - Critical Thinking	•	•	•	•	•
4 - Information Literacy	•	•	•	•	•
5 - Team Work	•	•	•	•	•
6 - Information Technology Competence	•	•	•		•
7 - Cross Cultural Competence	•	•	•		•
8 - Ethical practice	•	•	•	•	•
9 - Social Innovation					
10 - Aboriginal and Torres Strait Islander Cultures					

### Alignment of Assessment Tasks to Graduate Attributes

Assessment Tasks	Graduate Attributes									
	1	2	3	4	5	6	7	8	9	10
1 - Written Assessment - 40%		•	•							
2 - Group Discussion - 20%	•	•	•		•					
3 - Written Assessment - 40%		•	•							

## Textbooks and Resources

### Textbooks

LAWS13016

#### Prescribed

##### Legal Theory

Edition: 3 (2018)

Authors: Jonathan Crowe

Law Book Co of Australasia

Sydney , NSW , AU

ISBN: 9780455240671

Binding: eBook

LAWS13016

#### Supplementary

##### Jurisprudence

Edition: 2 (2013)

Authors: Suri Ratnapala

Cambridge University Press

Melbourne , VIC , Australia

ISBN: 9781107612570

Binding: eBook

#### Additional Textbook Information

For those who want a hard copy of the prescribed text, the publisher has made 'Legal Theory' available for purchase at a discounted rate via the link: <https://legal.thomsonreuters.com.au/nutshell-legal-theory-3rd-edition/productdetail/126690>  
- PROMO CODE: UNIS15 provides a 15% discount with free postage

[View textbooks at the CQUniversity Bookshop](#)

### IT Resources

#### You will need access to the following IT resources:

- CQUniversity Student Email
- Internet
- Unit Website (Moodle)
- Students must have access to stable and quality internet and be able and willing to access the Zoom app using both video and audio

## Referencing Style

All submissions for this unit must use the referencing style: [Australian Guide to Legal Citation, 4th ed](#)

For further information, see the Assessment Tasks.

## Teaching Contacts

**Constance Lee** Unit Coordinator

[c.y.lee@cqu.edu.au](mailto:c.y.lee@cqu.edu.au)

## Schedule

### Week 1: Philosophy of Law (Topic 1) - 15 Jul 2019

Module/Topic	Chapter	Events and Submissions/Topic
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Introduction to Legal Theory: What is Philosophy of Law?

Chs 1 & 2; Jonathan Crowe, Legal Theory (3rd ed, 2018)  
 Lon Fuller "The Case of the Speluncean Explorers" (1949) 62 Harvard L Rev 616-645.

**Week 2: Morality and Law (Topic 2) - 22 Jul 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Morality and the Law: Are there any Objective Values?	Chapter 10; Jonathan Crowe, Legal Theory (3rd ed, 2018)	

**Week 3: Natural Law Theory I (Topic 3) - 29 Jul 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Natural Law Theory I: Law and the Good Life	Chapter 3; Jonathan Crowe, Legal Theory (3rd ed, 2018)	

**Week 4: Legal Positivism I (Topic 4) - 05 Aug 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Legal Positivism I: Law and Social Norms	Chapter 4; Jonathan Crowe, Legal Theory (3rd ed, 2018) H.L.A Hart, The Concept of Law (2nd ed, 1994, or 3rd ed, 2014).	

**Week 5: Legal Positivism II (Topic 5) - 12 Aug 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Legal Positivism II: Law and Social Norms	Chapter 4; Jonathan Crowe, Legal Theory (3rd ed, 2018)	

**Vacation Week - 19 Aug 2019**

Module/Topic	Chapter	Events and Submissions/Topic

**Week 6: Take Home Paper (Assessment 1) - 26 Aug 2019**

Module/Topic	Chapter	Events and Submissions/Topic

**Week 7: Natural Law Theory II (Topic 6) - 02 Sep 2019**

Module/Topic	Chapter	Events and Submissions/Topic
Natural Law Theory II: Law and Practical Reason	Chapter 5; Jonathan Crowe, Legal Theory (3rd ed, 2018)	<b>Assessment One: Take Home Written Paper</b> Due: Week 7 Monday (2 Sept 2019) 10:00 pm AEST
	Chs 6 & 7; Suri Ratnapala, Jurisprudence (2nd ed, CUP, 2013)	
	Constance Youngwon Lee, 'Calvinist Natural Law and Constitutionalism' (2016) 39 Australian Journal of Legal Philosophy 1	
	Constance Youngwon Lee, 'John Calvin's Natural Law Theory' Ch 6 in Jonathan Crowe and Constance Youngwon Lee (eds) Research Handbook of Natural Law Theory (Edward Elgar, 2019) (Forthcoming)	

## Week 8: Liberalism and the Law (Topic 7) - 09 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic
<b>Liberalism and Law: Evolutionary Jurisprudence</b>	Chapter 6; Jonathan Crowe, <i>Legal Theory</i> (3rd ed, 2018)  Chapter 12; Suri Ratnapala <i>Jurisprudence</i> (2nd ed, CUP, 2013)  Jonathan Crowe and Constance Youngwon Lee, 'Law as Memory' (2015) 26(3) <i>Law and Critique</i> 251	<b>Assessment Two:</b> Student presentations and participation in group discussions.

## Week 9: Postmodern Critiques of Law (Topic 8) - 16 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic
<b>Postmodern Critiques of Law: Beyond Objective Truth</b>	Chapter 7; Jonathan Crowe, <i>Legal Theory</i> (3rd ed, 2018)  Constance Youngwon Lee and Jonathan Crowe, 'The Deafening Silence of the 'Comfort Women': A Response Based on Lyotard and Irigaray' (2015) 2(2) <i>Asian Journal of Law and Society</i> 339-356	<b>Assessment Two:</b> Student presentations and participation in group discussions.

## Week 10: Feminist Critiques of Law (Topic 9) - 23 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic
<b>Feminist Critiques of Law: Women and the Law</b>	Chapter 7; Jonathan Crowe, <i>Legal Theory</i> (3rd ed, 2018)  Chapter 6; Margaret Davies, <i>Asking the Law Question</i> (Thomson Reuters, 2008)	<b>Assessment Two:</b> Student presentations and participation in group discussions.

## Week 11: Jural Relations (Topic 10) - 30 Sep 2019

Module/Topic	Chapter	Events and Submissions/Topic
<b>Jural Relations: Legal rights and duties</b>	Chapter 8; Jonathan Crowe, <i>Legal Theory</i> (3rd ed, 2018)	<b>Assessment Two:</b> Student presentations and participation in group discussions.

## Week 12: Finalise Research Topic (Assessment 3) - 07 Oct 2019

Module/Topic	Chapter	Events and Submissions/Topic
		<b>Assessment Three.</b> Finalise Research Topic with Unit Coordinator by Monday, 7 October 2019.

## Assessment Three: Research Essay - 14 Oct 2019

Module/Topic	Chapter	Events and Submissions/Topic
		<b>Assessment Three: Research Essay</b> Due: Review/Exam Week Monday (14 Oct 2019) 10:00 pm AEST

## Assessment Tasks

### 1 Assessment One: Take Home Written Paper

#### Assessment Type

Written Assessment

#### Task Description

A written assessment in the form of a take home paper posted on Monday, 26 August 2019 at 22.00 (AEST) available for one (1) week until 2 September 2019 22.00 (AEST), to be completed and posted within 24 hours between the day and time the student opens the exam paper and the day and time the student posts her or his answer. The paper contains four compulsory questions each worth 10%. Word limit for each answer for each of the questions is 500 words, excluding references. References are not required, except to avoid plagiarism. The paper questions will test your knowledge of

Topics 1 - 5.

Answers are posted in one document on Moodle.

Weighting of 40% for the unit (10% for each question).

### **Assessment Due Date**

Week 7 Monday (2 Sept 2019) 10:00 pm AEST

Due 24 hours after opening the paper (Available 1 week from 22.00 AEST, Monday 26 August 2019)

### **Return Date to Students**

Week 10 Monday (23 Sept 2019)

### **Weighting**

40%

### **Minimum mark or grade**

40%

### **Assessment Criteria**

1. Demonstrate a sound knowledge of the main theories of law canvassed in the unit.
2. Demonstrate an ability to formulate and express your own point of view about the main theories of law canvassed in the unit.
3. Apply appropriate and professional written language skills.
4. Demonstrate problem solving and critical thinking skills in response to each of the questions.

### **Rubrics for marking**

The rubrics apply to each of the four questions, hence out of 10%.

The benchmark for each criterion includes each of the benchmark levels before it. For example to achieve a distinction you also need to meet the criteria for a credit and pass.

Students must achieve ALL the minimum benchmark criteria at a particular grade level to be awarded an overall final grade at that level. Marks are not divided among each individual criterion, but are benchmarked to minimum standards.

Pass 5 - 6

Identifies the topic relevant to the question and makes a coherent answer to the question. Basic understanding of the topic and basic confidence with the jurisprudential materials. Some deficiencies in written language skills.

Credit 7

Good presentation and moderate written language skills. Demonstrates some understanding of the topic and some confidence with the jurisprudential materials. Provides an accurate but incomplete answer to the question.

Demonstrates some critical thinking.

Distinction 8

Superior presentation and written language skills. Demonstrates good understanding of the topic and confidence with the jurisprudential materials. Demonstrates critical thinking. Demonstrates a willingness and ability to form and express own point of view, supported by relevant materials. Provides a relatively complete answer to the question.

High Distinction 9 - 10

Demonstrates superior understanding of the topic, superior confidence with the jurisprudential materials and strong critical thinking. Demonstrates clearly a willingness and ability to form and express own point of view, supported by relevant materials together with an ability to think for oneself, supported with discussion of key theorists. Provides a complete answer to the question.

### **Referencing Style**

- [Australian Guide to Legal Citation, 4th ed](#)

### **Submission**

Online

### **Learning Outcomes Assessed**

- Undertake an account of the ancient and modern history concerning an enquiry into the nature and purpose of law
- Demonstrate a sound knowledge of the main theories of law, disputes, doctrines, topics and principles canvassed in the unit and explain their ongoing relevance to current legal practice
- Apply the analytical and critical legal skills developed in the unit to contemporary legal problems, issues and challenges
- Undertake and effectively communicate research on topics and issues in this unit as well as formulating practical legal argumentation compliant with rationality requirements and acceptable modes of legal reasoning
- Act and respond appropriately to the comments and opinions expressed by others.

## Graduate Attributes

- Problem Solving
- Critical Thinking

## 2 Assessment Two

### Assessment Type

Group Discussion

### Task Description

Group discussions of five topics in each of Topics 7 to 10 as appears in the Tutorial Topics Schedule (TTS) (as appearing in the folder 'Tutorials' and first week study notes). Each student presents one topic and all students attend and participate each week. The Unit Coordinator will discuss with students the distribution of discussion topics. Attendance is via Zoom and requires audio and video on weeks 8 - 11 (9 Sept 2019 to 4 Oct 2019).

In the event that a student is unable to attend a discussion topic for good reason, the student may contact the Unit Coordinator before the first tutorial in the relevant week and arrange to submit by email attachment a brief response to the topic for that week in lieu of attendance.

Weighting of 20% for the unit.

### Assessment Due Date

Marking will be progressive from weeks 8 to 11 and be returned at least 1 week prior to the due date for the Final Assessment, Research Essay.

### Return Date to Students

Week 12 Monday (7 Oct 2019)

### Weighting

20%

### Minimum mark or grade

20%

### Assessment Criteria

1. Demonstrate a sound knowledge of the main theories of law canvassed in the unit.
2. Demonstrate an ability to formulate and express orally your own point of view about each of the discussion topics as they relate to the main theories of law canvassed in the unit.
3. Demonstrate problem solving and critical thinking skills in response to the assigned topic in which you lead discussion and generally in respect of each of the discussion topics.
4. Act and respond appropriately to the comments and opinions expressed by others.

### Rubrics for marking

0 - 12 marks for preparing and making an oral presentation of approximately 5 minutes duration relevant to the Topic chosen in the selected week. High quality literature review of the selected reading

0 marks for non-submission; 1 - 3 marks minimal content; 4 - 6 marks good content; 7 - 9 marks very good content; 10 - 12 marks excellent content including original ideas.

PLUS 0 - 8 marks for critical reasoning and reflection

### Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

### Submission

Online

### Learning Outcomes Assessed

- Undertake an account of the ancient and modern history concerning an enquiry into the nature and purpose of law
- Demonstrate a sound knowledge of the main theories of law, disputes, doctrines, topics and principles canvassed in the unit and explain their ongoing relevance to current legal practice
- Apply the analytical and critical legal skills developed in the unit to contemporary legal problems, issues and challenges
- Undertake and effectively communicate research on topics and issues in this unit as well as formulating practical legal argumentation compliant with rationality requirements and acceptable modes of legal reasoning
- Act and respond appropriately to the comments and opinions expressed by others.

## Graduate Attributes

- Communication
- Problem Solving
- Critical Thinking
- Team Work

## 3 Assessment Three: Research Essay

### Assessment Type

Written Assessment

### Task Description

Each student prepares a written assessment in the form of a Research Essay that includes a theme relevant to both (a) a topic agreed to between student and Unit Coordinator (by Monday, 7 October 2019) and (b) at least one aspect of Seminar Topics 1 to 10. Maximum word count is 1,500 words, excluding references. Assessment 3 is due Monday, 14 October 2019.

Weighting of 40% for the unit.

### Assessment Due Date

Review/Exam Week Monday (14 Oct 2019) 10:00 pm AEST

### Return Date to Students

### Weighting

40%

### Minimum mark or grade

40%

### Assessment Criteria

1. Demonstrate an ability to formulate and express your own point of view on the topic you have chosen.
2. Demonstrate problem solving and critical thinking skills in response to the topic you have chosen, in particular in relating your research assignment to aspects of the main theories of law canvassed in the unit.
3. Demonstrate an ability to engage in relevant research.
4. Apply appropriate and professional written language skills.

### Rubrics for marking

The benchmark for each criterion includes each of the benchmark levels before it. For example to achieve a distinction you also need to meet the criteria for a credit and pass.

Students must achieve ALL the minimum benchmark criteria at a particular grade level to be awarded an overall final grade at that level. Marks are not divided among each individual criterion, but are benchmarked to minimum standards.

Pass 20 - 25

Identifies a theme relevant to the discussion topic and addresses that theme with reference to at least one aspect of the main theories of jurisprudence canvassed in the unit. Basic understanding of the topic and basic confidence with the jurisprudential materials. Some deficiencies in written language skills. Some research.

Credit 26 - 29

Good presentation and moderate written language skills. Evidence of research planning. Moderate development of the theme. Demonstrates some understanding of the topic and some confidence with the jurisprudential materials

Distinction 30 - 33

Superior presentation and written language skills. Good and interesting development of the topic supported by relevant research. Demonstrates good understanding of the topic and confidence with the jurisprudential materials Demonstrates critical thinking. Demonstrates a willingness and ability to form and express own point of view, supported by relevant materials.

High Distinction 34 - 40

Very high standard of presentation and written language skills comparable to jurisprudential articles referred to in the unit. Superior understanding, of the topic and superior confidence with the jurisprudential materials. Demonstrates superior critical thinking. Demonstrates clearly an ability to think for oneself. Superior research, supported by relevant materials.

### Referencing Style

- [Australian Guide to Legal Citation, 4th ed](#)

### Submission

Online

### Learning Outcomes Assessed

- Undertake an account of the ancient and modern history concerning an enquiry into the nature and purpose of law
- Demonstrate a sound knowledge of the main theories of law, disputes, doctrines, topics and principles canvassed in the unit and explain their ongoing relevance to current legal practice
- Apply the analytical and critical legal skills developed in the unit to contemporary legal problems, issues and challenges
- Undertake and effectively communicate research on topics and issues in this unit as well as formulating practical legal argumentation compliant with rationality requirements and acceptable modes of legal reasoning
- Act and respond appropriately to the comments and opinions expressed by others.

#### **Graduate Attributes**

- Problem Solving
- Critical Thinking

## Academic Integrity Statement

As a CQUniversity student you are expected to act honestly in all aspects of your academic work.

Any assessable work undertaken or submitted for review or assessment must be your own work. Assessable work is any type of work you do to meet the assessment requirements in the unit, including draft work submitted for review and feedback and final work to be assessed.

When you use the ideas, words or data of others in your assessment, you must thoroughly and clearly acknowledge the source of this information by using the correct referencing style for your unit. Using others' work without proper acknowledgement may be considered a form of intellectual dishonesty.

Participating honestly, respectfully, responsibly, and fairly in your university study ensures the CQUniversity qualification you earn will be valued as a true indication of your individual academic achievement and will continue to receive the respect and recognition it deserves.

As a student, you are responsible for reading and following CQUniversity's policies, including the [Student Academic Integrity Policy and Procedure](#). This policy sets out CQUniversity's expectations of you to act with integrity, examples of academic integrity breaches to avoid, the processes used to address alleged breaches of academic integrity, and potential penalties.

#### **What is a breach of academic integrity?**

A breach of academic integrity includes but is not limited to plagiarism, self-plagiarism, collusion, cheating, contract cheating, and academic misconduct. The Student Academic Integrity Policy and Procedure defines what these terms mean and gives examples.

#### **Why is academic integrity important?**

A breach of academic integrity may result in one or more penalties, including suspension or even expulsion from the University. It can also have negative implications for student visas and future enrolment at CQUniversity or elsewhere. Students who engage in contract cheating also risk being blackmailed by contract cheating services.

#### **Where can I get assistance?**

For academic advice and guidance, the [Academic Learning Centre \(ALC\)](#) can support you in becoming confident in completing assessments with integrity and of high standard.

#### **What can you do to act with integrity?**



**Be Honest**

If your assessment task is done by someone else, it would be dishonest of you to claim it as your own



**Seek Help**

If you are not sure about how to cite or reference in essays, reports etc, then seek help from your lecturer, the library or the Academic Learning Centre (ALC)



**Produce Original Work**

Originality comes from your ability to read widely, think critically, and apply your gained knowledge to address a question or problem