

LAWS 3042 JURISPRUDENCE

Credit Points 10

Legacy Code 200649

Coordinator Bradley Gooding ([https://directory.westernsydney.edu.au/search/name/Bradley Gooding/](https://directory.westernsydney.edu.au/search/name/Bradley%20Gooding/))

Description This subject engages students in the critical analysis of modern law through reflection on the major traditions and contemporary practices of legal theory. The subject encourages students to examine and question key legal concepts that inform the law, such as power, morality and truth. Students will interpret, analyse, justify and critique issues and ideas using tools of critical reflection drawn from texts in legal philosophy, ancient to modern. In this way, they will develop tools that allow them to understand and uncover the foundational ideas and assumptions on which we base our view of the law and its consequences, leaving students well-placed to embark upon systematic inquiries in legal reform and further studies in legal theory.

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 1006 OR
LAWS 1003 AND
LAWS 1008 OR
LAWS 1009

Learning Outcomes

On successful completion of this subject, students should be able to:

1. Evaluate theoretical perspectives on the conceptualisation of law and its institutions.
2. Critique constructs of legal philosophy regarding the nature and role of law and legislation.
3. Use the tools of jurisprudential legal theory to cultivate theoretical appreciations, and expressive critiques, of concepts of law as they manifest in practical and academic discourses.
4. Propose solutions to problems in the philosophy of law through the interpretation, justification and critique of theoretical propositions.

Subject Content

- The Contestible Nature of the Relationship of Law to Morality, Politics and Justice
- The Autonomy of Legal Thought and the Professionalization of Legal Service
- The History of Jurisprudence
- The Positivism versus Natural Law Dichotomy, and its Evolution in Contemporary Jurisprudence
- The Role of Interpretation in Legal Reasoning and Adjudication
- Theoretical Challenges to the Colonial/Anglophone Legal Tradition, in the Context of Contemporary Social Justice Concerns
- An Introduction to Postmodern Critiques of Western Law and Liberalism
- The Premises and Functions of Critical Feminist Theory and Critical Race Theory

- The Normative Obligations of the Legal System to Diverse Communities, emphasizing Indigenous, Eco- and Pluralist Jurisprudence as Contemporary Ethical Frontiers
- Case Studies in the Transformation of Fundamental Legal Concepts (Rights, Jurisdiction, the Liberal Individual)
- Law's Treatment of 'Otherness', and the Need to Understand and Overcome the Theoretical Alterity of, for example, Marxist, Feminist and Indigenous Theories of Justice

Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/ Group Task
Presentation	15-20 minutes	30	N	Individual
Reflection	1,500 words total	25	N	Individual
Essay	Ongoing	45	N	Individual

Teaching Periods

Autumn (2024)

Parramatta - Victoria Rd

On-site

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View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3042_24-AUT_PS_1#subjects)