

LAWS 3075 LAW'S SELF-UNDERSTANDING

Credit Points 10

Legacy Code 201027

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Description This unit of study explores the central organising ideas for our present understanding of law. What do these ideas amount to? What, according to these ideas, is significant about us from the legal standpoint? Can the proponents of these ideas deal with their critics? What are the similarities and differences between the legal subject and other ways of thinking about ourselves, such as from a moral or political standpoint? How should we understand the connections between these three separate realms? What is the character of the legal sphere in comparison with these other spheres? What is the character of legal, moral and political reasoning?

School Law

Discipline Law, Not Elsewhere Classified.

Student Contribution Band HECS Band 4 10cp

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

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 1008 OR
LAWS 1009 AND
LAWS 2008

Incompatible Subjects LAWS 3042 - Jurisprudence

Assumed Knowledge

A basic familiarity with legal reasoning and the 'separation of powers' context in which they judiciary operates, and a basic understanding of the precepts of contemporary Western liberal political culture.

Learning Outcomes

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

1. Examine the key concepts which theoretically constitute our contemporary appreciation of the Australian legal system and its functions, to better understand their interaction in rivalrous theorizing about law, morality, and politics.
2. Develop the metatheoretical grounding appropriate for examining and critiquing relevant conceptualizations as they are applied in professional legal and political practice.
3. Integrate conceptual toolsets for pursuing responsible, defensible professional practices with the broader perspectives afforded by increased theoretization.
4. Utilise critical reasoning skills to analyse philosophical/normative legal texts, and participate constructively in the critical discourses which permeate legal thought, both from internal and external perspectives.
5. Apply professional (legal) research and communication skills in the construction and expression of critical perspectives on legal practice.

Subject Content

Module 1. Law and Practical Reasoning

- Critical Thinking and Reflective Equilibrium
- Hart on Human Nature and the Separation of Law and Morality

Module 2. Law and Adjudication

- Dworkin and Interpretation as Integration
- Objectivity, Interpretation and Opinion
- The Internal and External Perspectives in Legal Consciousness

Module 3. Law and the Subject

- The Role of the Legal Subject in Legal Reasoning
- Law and Literature

- Tropes, Cases, and Paradigms: Reasoning by Analogy

Module 4. Legal Methods

- Formalism vs Realism
- Originalism and Literalism in Common Law Constitutionalism
- Applied Methods in Statutory Interpretation

Module 5. The Role of Reasonableness in Law

- Practical Reasoning and Reasonable Disagreement
- The Reasonable in Judicial Reasoning
- The Reasonable in Statutory Interpretation

Module 6. Law and Critical Theory

- The Critique of Rights-Discourse
- Paradox and Other Critical Challenges for Legal Functionality
- Feminism and the Law

Module 7. Course Summary

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.

Item	Length	Percent	Threshold	Individual/ Group Task
Participation	On-going/ Class 1-7	10	N	Individual
Minor Essay	1,500 words	30	N	Group
Major Essay	3,000 words	60	N	Individual

Teaching Periods