

WEEK	TOPIC
1	Introduction to the unit, group work guidelines and critical analysis skills and communication
2	Philosophies of law and justice
3	Rule of Law
4	Human rights
5	Ethics and Law
6	NO LECTURE
7	Power
8	Equality and anti-discrimination
9	Indigenous legal experiences
10	Indigenous legal issues
11	Access to justice
12	Technology and the law

WEEK 1 LECTURE: INTRODUCTION TO THE UNIT, GROUP WORK GUIDELINES AND CRITICAL ANALYSIS SKILLS AND COMMUNICATION

CONTEMPORARY LAW AND JUSTICE: WHAT IS IT ALL ABOUT?

1. Knowledge of the context informing Australian law

- In this unit, we are looking beyond and beneath the law that is written in legislation or found in cases and focusing on law-related issues
- We want to dig a little deeper and ask the questions:
 - What influences can law have on society, culture and the economy?
 - How do actors, ideas and values influence the law?
 - What role *should* the law play in society?
 - Does the law reflect our community's attitudes and values?
 - What philosophical and political ideas have influenced the way that law is created and applied in Australia?
 - How does the law impact on certain groups within our community?

WHAT IS JUSTICE?

- We also want to understand the relationship between law and justice:
 - What is 'justice'? What different kinds of justice are out there?
 - Is it about making sure all people are treated fairly within our legal system?
 - Is it about making sure that people who do the wrong thing are punished?
 - Is it about making sure that people who are victims of wrongdoing receive some sort of compensation?
 - Is it about making sure that people in positions of power don't abuse that power?
 - Is it all of the above?
 - How can we make sure that the law works to achieve justice?
 - How can we identify when the law *isn't* working justly?

"THE LAW" AND "LAW-RELATED" ISSUES

- "The law" = legal systems in a broad sense. Encompassing:
 - Rules in statutes, cases, contracts, constitutions, treaties or regulations
 - Decisions by official actors and organisations

- Policies underpinning rules, institutions or decisions
- Institutionalised procedures
- “Law-related issues” =
 - Any situation or matter that is regulated by or intersects with “the law” in some way

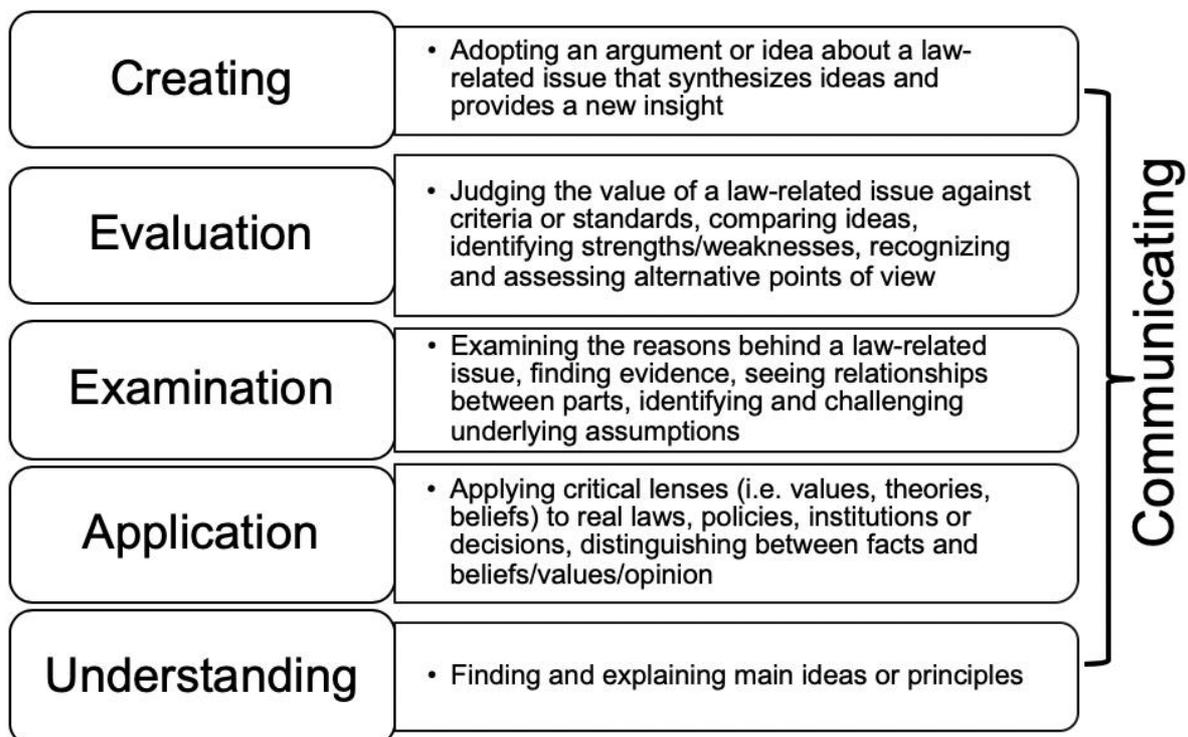
2. Critical Legal Analysis Skills

- “The art of knowledgeable and skilful disobedience directed towards legal claims and arguments, legal doctrine, rules and processes, and the social and political consequences of legal decisions and choices”

James et al, ‘Conceptualising, Developing and Assessing Critical Thinking in Law’ (2010) 15(3) *Teaching in Higher Education* 285, 288

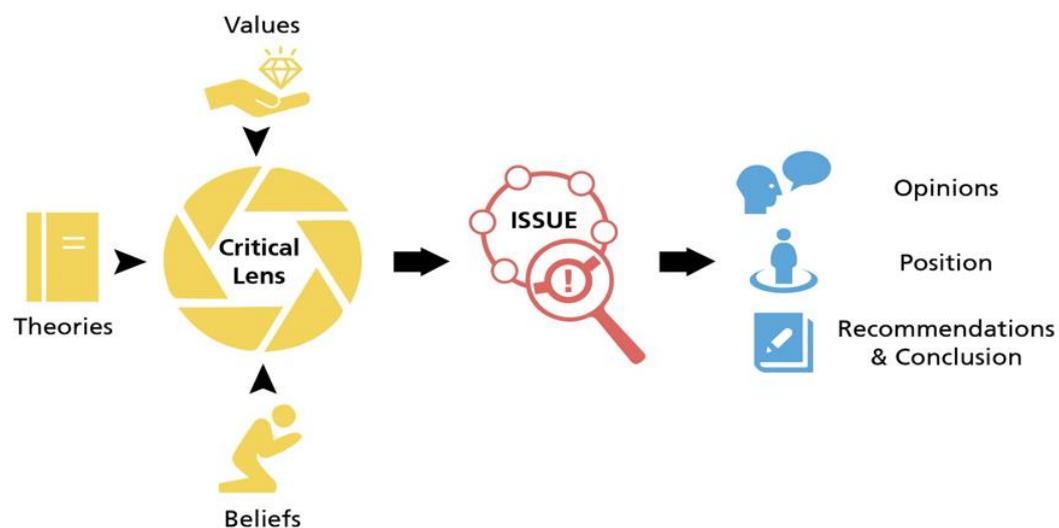
- A broad area of skill base – more specifically but coming up with a reasoned perspective/view on a situation
- Critical analysis – its more about making a persuasive argument about law related issues and making recommendations about the law

ACTIVITIES THAT MAKE UP CRITICAL LEGAL ANALYSES

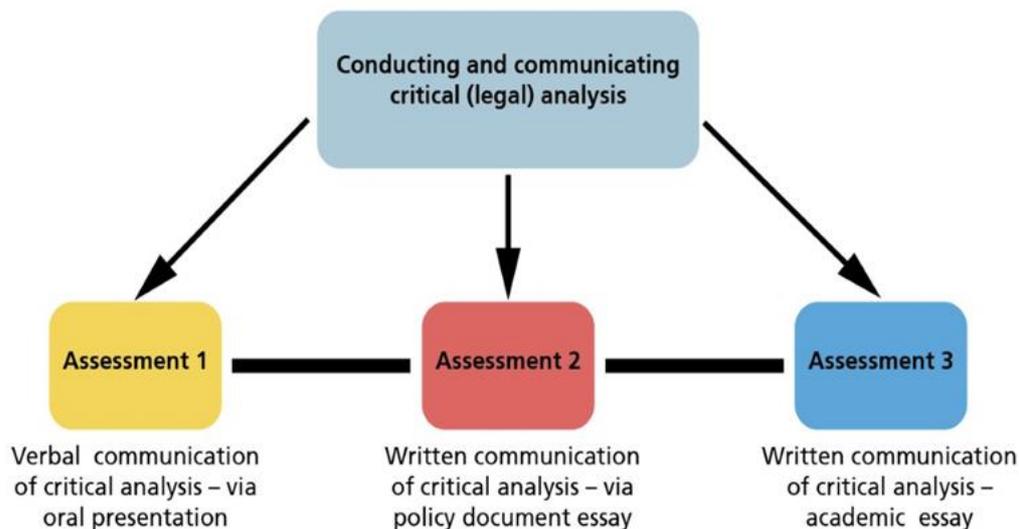


CRITICAL LENSES

- This unit uses the concept of a ‘critical lens’ to help you learn the skills of application in critical legal analysis.
- A critical lens takes certain theories, assumptions, values or principles and uses these as the basis to conduct a critical analysis.
 - Its about finding the deeper reasons for why something is the way it is or why you want it changed
- You can use a critical lens like a set of criteria against which to analyse a particular concept, law or policy.
- A critical analysis will produce different conclusions/opinions depending on which critical lens is applied.
- When conducting critical analysis it is important to identify your critical lens.
- Sometimes a critical lens is derived from a philosophical, political, legal or ideological theory – eg feminism, liberalism, economic rationalism
 - You could adopt one theory/perspective and argue with it or use different elements from within a perspective e.g. liberalism as a critical lense but using liberty
- Sometimes a critical lens is based on your own values or beliefs –
 - for example you might believe that certain actions are morally good or bad
 - for you might have strong opinions on a particular issue, like the role of government, or animal ethics
- Sometimes a critical lens might be referred to as a critical framework, theoretical framework, analytical framework, critical theory – these are all very similar and work in similar ways as a basis for conducting critical analysis



3. Communicating critical legal analyses



GENERIC APPROACH TO STRUCTURING THE COMMUNICATION OF A CRITICAL LEGAL ANALYSIS

1. INTRODUCTION

- Introduces the topic
- Establishes the relevance/importance of the topic
- States your position
- Outlines structure of the document/presentation
- Punchy and very clear about what the paper will be about

2. SUB-ARGUMENTS

- To support position
- These are generally divided into paragraphs with topic sentences
- Each paragraph has an internal structure similar to the overall structure of the communication
- Each paragraph supports the central position and its point/focus logically follows from the previous paragraph
- Each will have a similar structure: topic sentence – what the paragraph is about, the reasoning/evidence to support that point – we aren't just taking your word for it i.e. report, study, stats,; then a concluding/linking sentence that ties it together again.

3. CONCLUSION

Reiterates your main points...

Provides a summary of what you have said:

- Use the topic sentences from each paragraph to guide your summary – if the summary seems ad hoc, check the structure of your arguments/the document.

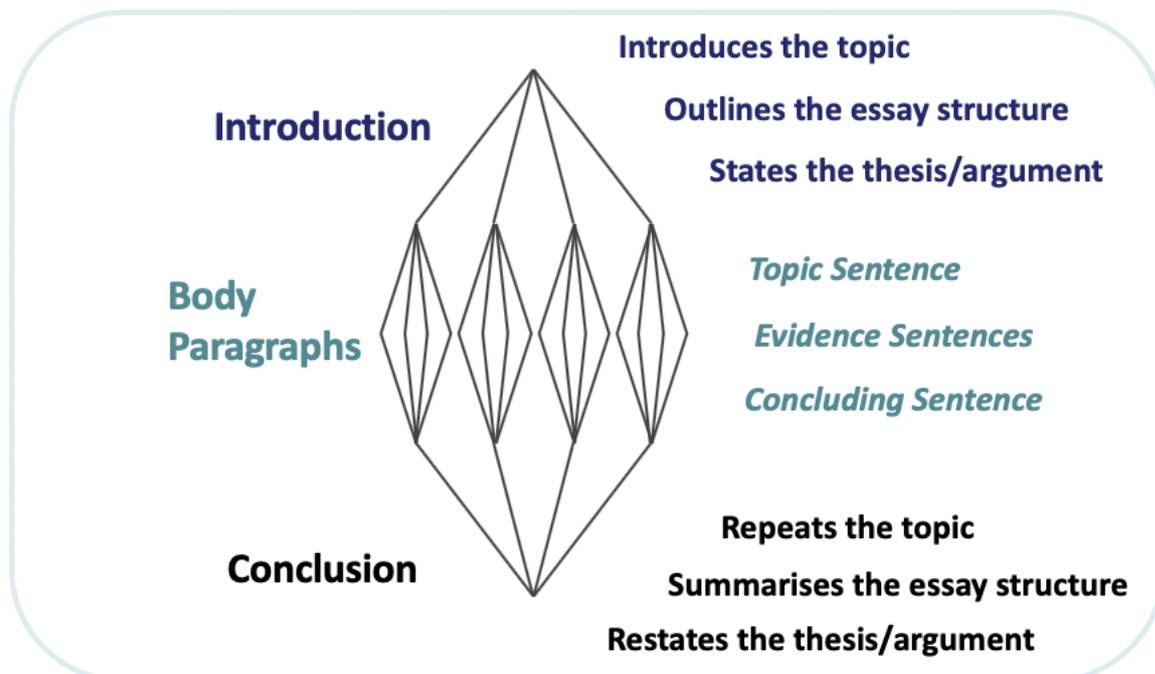
- In law, a good conclusion will briefly do one of the following:
Explains the contribution of the analysis to conversations about the issue, OR
- Provides practical advice for next steps, OR
- Point to further research/support required

BEFORE – PRE-DRAFTING STAGE

- Examine the assessment instructions closely including:
 - What skills? Check CRA
 - What content? Read Question/Task carefully
 - Description without analysis rarely required
 - **Read the task sheet and understand what it's asking you to do.**
- Find and evaluate evidence about the law-related issue
 - Sources of law (cases, statutes etc.), journal articles, government reports, reports of official bodies
 - Also looking for secondary materials/commentary – go look at what other people have said about your topic, what are the arguments?

QUT Library/Student Success Group provide academic writing resources
<https://www.library.qut.edu.au/study/writing/>

BEFORE – INITIAL STRUCTURE OF YOUR COMMUNICATION



A paragraph should contain a single sub-argument i.e. a single idea or topic that supports the position **providing evidence** and **logical argument**

