Legal Studies Assessment Support Material

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Unit standard** | 27840 | | | | |
| **Title** | Evaluate a concept of justice in relation to an actual situation | | | | |
| **Level** | 3 | **Credits** | 4 | **Version** | 3 |

Page 3 of 1

Page 3 of 1

**Ākonga/Learner Guidelines**

Introduction

This assessment requires you to evaluate a concept of justice, by explaining its application to an actual situation, such as an actual significant case from past, present, New Zealand or overseas law, or a particular area of law or piece of legislation.

The actual situation may have already been discussed in class, but you will be required to complete extra research to complete the task.

**Award of Grades**

* For award with ***Achieved***, a concept of justice is evaluated in relation to its application to an actual situation. The evaluation compares differing viewpoints in relation to the application of a concept of justice.
* For award with ***Merit***, the in-depth evaluation of a concept of justice in relation to an actual situation is demonstrated by:
* discussing one strength and one weakness of a concept of justice;
* discussing a range of differing viewpoints in relation to the application of a concept of justice.
* selecting and applying relevant supporting detail.
* For award with ***Excellence***, the comprehensive evaluation of a concept of justice in relation to an actual situation is demonstrated by:
* assessing the validity of differing viewpoints in relation to the application of a concept of justice
* selecting and applying a range of relevant supporting detail;
* considering actual and/or possible consequences: consequences may be for any one of but not limited to:
* future law making
* societal development
* civic engagement
* economic development
* environmental development
* justifying clear conclusions (*explaining the reasons for the particular conclusions with supporting evidence*).

**Conditions of Assessment**

Assessors will set the conditions of assessment as appropriate.

**Assessment activity**

The assessment activity has two tasks.

You will undertake research for and complete an essay related to one concept of justice.

**Task One - Research**

The first part of the assessment involves research which will take place over *<teacher insert suitable number here>* hours of class time.

You must research an actual situation. This means you must research an actual significant case from past, present, New Zealand or overseas law, or a particular area of law or piece of legislation. Significance will be determined by the case’s legal and/or social and/or political impact.

Your assessor may provide you with an actual situation. Alternatively, you may wish to choose your own specific situation, but you must first discuss its suitability with your teacher.

The actual situation you are given or select must relate to a concept of justice.

Concepts of justice refer to the theories or principles that inform how we judge the fairness of the application of law. These may include:

* utilitarian;
* retributive;
* restorative;
* distributive;
* marae;
* balancing competing claims;
* impartiality;
* equity.

**Specific situations might include**

* Troy Davis capital punishment case (USA)
* Claim of Right and Waihopai “Dome-Busters” case.

You will research the facts of the situation and also compare viewpoints in relation to the application of a concept of justice.

As you complete your research, you should take notes and keep a reference list of all source material you use. You should prepare a bibliography based on this. Your source material may include media reports, case commentary, expert commentary.

**Task Two - Essay (Time allowed: *to be set by assessor*)**

In your essay, you will use your research to:

1. Describe the facts/details of your chosen actual situation.
2. Choose one concept of justice listed, and:
3. Explain what is meant by that concept.
4. Evaluate how it can be applied to the specific situation.
5. Compare different viewpoints on the application of the chosen concept of justice to the actual situation.
6. Discuss at least one strength and one weakness of the concept; discuss a range of different viewpoints about the concept and select and apply relevant supporting detail.
7. Select and apply a range of relevant supporting detail, assess the validity of differing viewpoints about the concept, and consider consequences.

Your essay may include footnotes or endnotes, and you must attach a bibliography showing source material.