

Socio-Legal Studies

The Faculty of Arts offers an interdisciplinary major in socio-legal studies. This program is designed to provide Bachelor of Arts students with an opportunity to examine law in its societal, political, and cultural context. It will appeal to students who wish to use the methods and perspectives of various academic disciplines to study legal issues and to use the conceptual framework of the law to illuminate empirical and theoretical concerns in the various disciplines. The program is not designed to prepare students for law school nor does it provide paralegal training. It is a field of study within the Faculty of Arts curriculum which helps students develop their ability to think clearly and to analyse arguments critically. It provides sound preparation for a variety of activities including teaching, public and social policy, public advocacy, business administration and government.

There are no prerequisites for first-year subjects in socio-legal studies.

The prerequisite for entry into second-year socio-legal studies subjects is usually the completion of 25 points of arts subjects at first year including the core subject 191-110 Law in Society (p.2). The prerequisite for entry into third-year socio-legal studies subjects is usually three second-year subjects in socio-legal studies (37.5 points) including the core subjects 166-215 Rights and the Law (p.2) and 191-211 Law, Justice and Social Change (p.2).

Time commitment to study

As well as scheduled contact hours for lectures, tutorial and seminars a considerable additional time commitment is needed to complete the academic requirements of each subject.

A subject-specific time commitment to study will be provided by your lecturer or tutor at the beginning of semester to help you schedule your workload and successfully manage your time during the semester. In addition, general estimates of the total time commitment required to study a 12.5-point single semester subject in the Faculty of Arts can be found on page 1.

Requirements for a major

A major in socio-legal studies consists of nine 12.5 point subjects totalling 112.5 points. It comprises:

- two first-year arts subjects (25 points) including 191-110 Law in Society (p.2); and
- three socio-legal subjects at second-year level (37.5 points) including 191-211 Law, Justice and Social Change (p.2) and 166-215 Rights and the Law (p.2); and
- four socio-legal studies subjects at third-year level (50 points) including 191-301 Law in Social Theory (p.2).

Core subjects	Sem.
First-year subject	
191-110 Law in Society (p.2)	2
Second/third-year subjects	
191-211 Law, Justice and Social Change (p.2)	1
166-215 Rights and the Law (p.2)	2
Third-year subject	
191-301 Law in Social Theory (p.2)	2
Optional subjects	Sem.
Students may choose their remaining four subjects from the following options. The inclusion of alternative subjects may be possible in consultation with the socio-legal studies convenor.	
Second/third-year subjects	
102-211 Migrant Nation: Culture and Identity (p.3)	1
121-226 Native Title (p.4)	N/A
131-025 Empire, Race and Human Rights: 1800-2000 (p.6)	N/A
131-072 South Africa Under Apartheid: 1948-1994 (p.10)	1
131-073 Human Rights in Australian History (p.10)	N/A
131-225 Terrorism in Modern Conflict (p.13)	2
131-226 The Struggle for Universal Human Rights (p.14)	2
166-004 Change & Conflict in Australian Society (p.3)	2
166-022 Public Policy Making (p.5)	1
166-024 International Gender Politics (p.5)	2
166-032 Sexual Politics (p.5)	N/A
166-038 Indigenous Rights: Land and Heritage (p.6)	2
166-083 Sociology of Youth & Youth Policy (p.3)	2
166-218 Colonial/Postcolonial S.E.Asian Politics (p.7)	N/A
191-003 Crime and Public Policy (p.2)	1
191-005 Criminal Law and Criminology (p.3)	1
191-006 Policing (p.3)	2
191-008 Sociology of Crime and Deviance (p.3)	2
196-003 Winners? Losers? Inequality in Australia (p.1)	1

Optional subjects	Sem.
196-213 The Legal Context of Human Services (p.1)	2
Third-year subject	
730-394 Indigenous People, History and the Law (p.11)	N/A
760-393 Arts Law in Australia (p.16)	2
Third/fourth-year subjects	
110-429 Islam and the State in Indonesia (p.5)	2
191-407 Sentencing: Law; Judges; Community (p.3)	N/A
191-415 Youth Crime and Society (p.4)	2
191-417 Corporate and White Collar Crime (p.4)	1
191-422 Women, Gender and Crime (p.5)	1
191-427 Crime Ethnicity and Race (p.5)	2
191-428 Crime and Culture (p.5)	1
191-435 Drugs and Justice (p.5)	1
191-438 Criminal Fictions (p.6)	2

Honours entry

Honours Coordinator: Dr Jennifer Balint

Prerequisites

The prerequisites for entry to fourth-year honours in socio-legal studies are:

- completion of all the requirements of the BA; and
- completion of a major in socio-legal studies; and
- an average grade of H2A or higher over the second/third-year subjects within the major.

Application procedures

Students intending to undertake their thesis in socio-legal studies will be required to submit a research proposal of at least 1000 words as part of their application.

Honours students are encouraged to attend the department's research support seminar series program held in semester two.

For information on how to apply see *Applying for Honours* (p.13).

Pure honours

Students undertaking pure honours in socio-legal studies must complete:

- 191-517 Socio-Legal Studies Thesis (p.2);
- 191-530 Criminology Thesis Seminar (p.6);
- two elective subjects chosen from the list below;

and either

- 191-424 Supervised Field Study (p.6);
- or
- two elective subjects chosen from the list below.

Honours elective subjects	Sem.
Third/fourth-year subjects	
166-411 Australian Politics: Democracy & Justice (p.9)	N/A
166-416 Justice, Democracy and Difference (p.9)	N/A
191-428 Crime and Culture (p.5)	1
191-434 Victims (p.5)	2
191-438 Criminal Fictions (p.6)	2
191-502 Crime and Justice in South East Asia (p.6)	1
191-520 Compliance, Regulation & Crime (p.7)	2
191-531 Penal Policy and Practice (p.7)	N/A
191-537 Genocide, State Crime and the Law (p.3)	1
191-538 Law, Race and Indigenous Peoples (p.7)	2
730-315 Jurisprudence (p.13)	N/A

Further study

The socio-legal studies program includes the following courses for graduates:

- Postgraduate Diploma in Arts (Socio-Legal Studies)
- Master of Arts (Socio-Legal Studies)
- Doctor of Philosophy

For more information

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First-year subject

191-110 Law in Society

Availability: 1st year

Credit points: 12.5

Coordinator: Dr J Balint

Contact: Two 1-hour lectures and a 1-hour tutorial per week (*Semester 2*).

Description: Law in Society introduces students to theories and concepts of law and practices of law in contemporary Australian society. It will also provide a foundation both for socio-legal studies subjects in later years and for later subjects in disciplines such as politics and criminology. The course is divided into five parts. 1. Law and multiculturalism examines how law takes cultural diversity into account, what the function of law is and can be in a multicultural society, looking at issues such as the criminalisation of female genital mutilation and the determining of 'reasonable' behaviour in a multicultural society. 2. Aboriginal law and Anglo-Australian law examines the inherent tensions as well as the relationship between these two bodies of law, looking at issues such as the incorporation of 'payback' into Anglo-Australian law. 3. Law's operation examines the jury, the judges, law's accessibility, the language of law and the culture of law. 4. Law and change examines social change and the reach of law, looking at issues such as how the law deals with sexual harassment, changes in technology, racial vilification, and genocide. 5. Alternatives to law examines Alternative Dispute Resolution and institutions such as the Koori Court.

Assessment: A written exercise of 500 words 10% (due early in the semester), an essay of 2000 words 40% (due during semester), and a take-home exam 50% (due at the end of semester).

Second/third-year subjects

191-211 Law, Justice and Social Change

Note: Formerly available as 191-310. Students who have completed 191-310 are not eligible to enrol in this subject.

Availability: 2nd and 3rd year

Credit points: 12.5

Coordinator: Dr J Balint

Prerequisites: Usually 25 points of first-year arts including 191110 Law in Society, or with permission of the subject coordinator.

Contact: A 1-hour lecture and a 2-hour seminar per week (*Semester 1*).

Description: Law, Justice and Social Change examines the ways in which law can be seen as both an instrument of positive social change and yet also as a means of confirming existing social arrangements and resisting social change. It considers what access to justice entails, investigating a series of case studies and theoretical perspectives concerning the struggles for access to justice and involvement in legal processes and institutions by particular groups and individuals. It looks at a selection of issues such as gender politics, ethnicity, race, disability, indigenous politics, non-English speaking background, class and economic struggles, sexual orientation and social dissent. Students choose a current law reform issue to consider in light of the issues discussed in the course, and visit a community legal centre or government body to interview a staff member involved in writing a report or submission that advocates for legal change. These issues and organisations have in the past included the Disability Discrimination Act (The Office of the Public Advocate), Racial and Religious Vilification (Victorian Office of Multicultural Affairs), the Victorian Aboriginal Justice Agreement (Department of Justice Victoria), Same Sex Relationships and the Law and Reproductive Technology and Adoption (Equal Opportunity Commission Victoria), Homelessness and Poverty (Public Interest Law Clearing House), Electro Convulsive Therapy (Mental Health Legal Centre), Unfair Dismissal Protection for Casual Workers (JobWatch), Refugee Rights (Refugee & Immigration Legal Centre), Child Custody Arrangements (Women's Legal Service Victoria), a Children and Young People's Commission (Youth Affairs Council of Victoria), Right to Silence (Victorian Aboriginal Legal Service).

Assessment: A 1500-word report and an informal class presentation on report 35% (due mid-semester) and a 2500-word research essay 65% (due during the examination period).

166-215 Rights and the Law

Availability: 2nd and 3rd year

Credit points: 12.5

Coordinator: Dr John Chesterman

Prerequisites: For socio-legal studies students: Usually 25 points of first-year arts including 191-110 Law in Society. For Political Science students: usually 25 points of first-year politics.

Contact: Thirty contact hours per semester. Two 1-hour lectures for 10 weeks and a 1-hour tutorial per week for 10 weeks. The lecture and tutorial programs are staggered and cover the 12 weeks of semester (*Semester 2*).

Description: This subject examines those entitlements in democratic Australia to which we attach special importance, and which we label rights. The subject asks students to explore the limited way in which rights have traditionally been protected by Australian law, and to consider how this has changed in the past fifty years, with the rising influence of international human rights law on Australian courts and parliaments, and with the broader reading of Australia's Constitution by the High Court. The subject engages with a number of current debates in Australia (including those concerning euthanasia, artificial reproductive technology, terrorism, asylum seekers and Indigenous rights), and will enable students to respond in detail to two key questions: What constitutes a right in contemporary Australia? How should rights best be protected? Students who complete this subject will have a detailed understanding of the extent to which Australian legal and political institutions have defined and protected rights over the last 100 years. They will have an informed understanding of what constitutes a right in modern Australia, and they will have a detailed appreciation of how rights are debated in Australia.

Assessment: An essay of 2000 words worth 50% (due mid-semester) and a 2-hour examination worth 50% (due at the end of semester).

Third-year subject

191-301 Law in Social Theory

Note: Formerly available as 191-210. Students who have completed 191-210 are not eligible to enrol in this subject.

Availability: 3rd year

Credit points: 12.5

Coordinator: Dr J Balint

Prerequisites: Completion of 37.5 points of second-year socio-legal studies including 166215 Rights and the Law and 191211 Law, Justice and Social Change, or with permission of the subject coordinator.

Contact: A 1-hour lecture and a 1.5-hour seminar per week (*Semester 2*).

Description: Law in Social Theory builds upon issues introduced in Law in Society, and Law, Justice and Social Change. It examines the theories of the function and role of law propounded by such writers as Durkheim, Marx, Weber, Habermas, Kennedy, Derrida and others. Students examine these different theories of how law works and law's role in relation to society. Each week, the potentials and limitations of these theories are considered in light of and tested against contemporary socio-legal problems selected by the students and the lecturer. Students conceptualise their chosen case study through the perspective of particular theorists. Case studies in the past have included the Ok Tedi Mining disaster, the David Hicks trial, asylum seekers, the Mabo decision, the International Criminal Tribunal for Rwanda, the Oslo Peace Accords, sparring and Aboriginal customary law, corporate manslaughter, honour killings, the use of art experts in the courtroom, prostitution legislation. The purpose of the course is thus two-fold: to become familiar with different theories of the function of law in relation to society, and to consider the insight these theories give to different socio-legal problems.

Assessment: Written assessment 25% (due during semester), an oral examination 55% (due during the examination period) and class presentation 20%.

Fourth-year subjects

191-517 Socio-Legal Studies Thesis

Availability: 4th year

Credit points: 37.5

Coordinator: Dr J Balint

Prerequisites: Admission to the postgraduate diploma or fourth-year honours in socio-legal studies.

Contact: Regular supervision over two consecutive semesters of enrolment (*Semester 1, repeat 2*).

Description: Students undertaking the Socio-Legal Studies Thesis should demonstrate a clear understanding of a specific field of study at an advanced level. They should demonstrate clear thinking and an ability to integrate theory and method in a logical manner. The student must be able to work in a concentrated way over an extended period and must present their research in a scholarly fashion.

Assessment: A 12,000-word thesis 100% (due at the end of the second semester of enrolment).

191-530 Criminology Thesis Seminar

See full subject details on page 6.

Fourth-year/postgraduate subject

191-537 Genocide, State Crime and the Law

Availability: 4th year and postgraduate

Credit points: 12.5

Coordinator: Dr J Balint

Prerequisites: Admission to the postgraduate diploma, fourth-year honours or postgraduate studies in socio-legal studies, criminology or politics, or permission of the subject coordinator.

Contact: A 2-hour seminar per week (*Semester 1*).

Description: Genocide, State Crime and the Law examines the differing roles played by law and legal process in the wake of genocide and other forms of state crime. It examines the limitations and potentials of law in addressing mass harm, in particular analysing the role and function of law in societal reconstruction and reconciliation. Case studies analysed include Rwanda, South Africa, East Timor, the former Yugoslavia, the Holocaust, Australia and Cambodia.

Assessment: A research essay of 5000 words 100% (due during the examination period).

