

191-538 Law, Race and Indigenous Peoples

Credit Points:	12.50
Level:	9 (Graduate/Postgraduate)
Dates & Locations:	2009, This subject commences in the following study period/s: Semester 2, - Taught on campus.
Time Commitment:	Contact Hours: A 2-hour seminar per week Total Time Commitment: 2 contact hours/week , 6.5 additional hours/week. Total of 8.5 hours per week.
Prerequisites:	Admission to the postgraduate certificate/ diploma or fourth-year honours in criminology, socio-legal studies, political science or sociology, the Master of Criminology or Master of Social Policy.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
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Subject Overview:	This subject examines the historical underpinnings of the contemporary over-representation of Indigenous peoples in the criminal justice systems of settler states (including Australia, New Zealand, Canada, United States of America, and South Africa). It introduces students to the history of Law's relation to Indigenous peoples and its responsiveness to colonialism from the fifteenth century. In particular, the subject explores connections between European notions of sovereignty, the idea of race and the historical experiences of Indigenous peoples, including the legal and criminological frameworks of dispossession and nation-building. This subject enables students to develop a critical appreciation of the historical, social, cultural, ethical and economic contexts of Law's relation to Indigenous peoples and to bring this knowledge to bear on current concerns, particularly in the Australian context.
Objectives:	<ul style="list-style-type: none"> # to comprehend the historical development of Law's relation to Indigenous peoples from 1492 to the present; # to appreciate the significance of these historical developments in understanding contemporary relationships between Indigenous peoples and the Law in settler states; # to recognise and explain the significance of these developments in understanding the broader experiences of Indigenous peoples in settler states; # to understand the historical, social, cultural, ethical and economic contexts of European notions of sovereignty and their enduring consequences for Indigenous peoples; # to recognise and explain the correlation between Law's relation to Indigenous peoples and the emergence of the idea of race (including criminalisation).
Assessment:	An essay of 5000 words, 100% (due during the examination period)
Prescribed Texts:	A subject reader will be available from the University Bookshop

Recommended Texts:	Anghie, A., 'Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law' in Harvard International Law Journal, vol. 10, No. 1, Winter 1999, 1-80. Armitage, D., The Ideological Origins of the British Empire, Cambridge University Press, Cambridge, 2002. Fitzpatrick, P., (ed.), 2001, Modernism and the Grounds of Law (Cambridge). Fitzpatrick, P., and E. Darian-Smith (eds), Laws of the Postcolonial (Ann Arbor). Haney-Lopez, I., White by Law: the Legal Construction of Race, New York: New York University Press, 1996. Keal, P. European Conquest and the Rights of Indigenous Peoples: The Moral Backwardness of International Society, Cambridge: Cambridge University Press, 2003. Lunenfeld M., (ed), 1492 Discovery, Invasion, Encounter: Sources and Interpretations, D. C. Heath & Co: Toronto, 1991. Mommsen, W.J. and J.A. De Moor, European Expansion and Law: The Encounter of European and Indigenous Law in 19th and 20th Century Africa and Asia. Pagden, A., 1995, Lords of All The World: Ideologies of Empire in Spain, Britain and France, c.1500 - c.1800 (New Haven). Tuck, R., The Rights of War and Peace: Political Thought and the International Order From Grotius to Kant, Oxford University Press: Oxford, 2001. Williams, R.A., The American Indian in Western Legal Thought: The Discourses of Conquest, Oxford University Press: NY, 1990
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<ul style="list-style-type: none"> # to demonstrate the capacity to think in theoretical terms; # to demonstrate advanced skills in critical thinking and analysis; # to demonstrate the capacity to apply theoretical and historical thinking to the analysis of contemporary social issues.
Notes:	<i>Formerly available as 191-538. Students who have completed 191-538 are not eligible to enrol in this subject.</i>
Related Course(s):	Master of Criminology (CWT)
Related Majors/Minors/Specialisations:	Criminology Criminology Socio-Legal studies Socio-legal Studies