

## LAWS40003 Trauma, Justice and Psychoanalysis

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	2010, Parkville This subject commences in the following study period/s: February, Parkville - Taught on campus. 5 day intensive.
<b>Time Commitment:</b>	Contact Hours: 5 day intensive. Total Time Commitment: 144 hours.
<b>Prerequisites:</b>	Legal Theory or equivalent.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Coordinator:</b>	Assoc Prof Peter Rush
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>This course introduces a psychoanalytic theory of law in order to explore various ways of understanding injury and of responding to the demands of injustice. Drawing on the concept of trauma (events that overwhelm and defy understanding), the course is organised around three themes: experience of injury, ethics of testimony, narratives of responsibility and community. After examining a psychoanalytic and broadly interdisciplinary theory of trauma, the course considers the relevance of this theory for an understanding of legal responses to situations of political injustice and their aftermath. The situational case studies will include a selection from the following:</p> <ul style="list-style-type: none"> <li># Legal responses to the destruction of the European Jewry during World War II and its aftermath;</li> <li># Trauma and transitional justice: criminal justice, truth and reconciliation. Examples include cases before the international criminal court and ad hoc international criminal tribunals, as well as from transitional moments in South Africa, Argentina, East Timor;</li> <li># Australian indigenous peoples and historical injustice: genocide, deaths in custody, the stolen generations litigation;</li> <li># Torture and truth; and</li> <li># Injury and the jurisprudence of rape in national and international jurisdictions.</li> </ul> <p>Note: The essay in the subject will be regarded as a substantial piece of legal writing for honours purposes.</p>
<b>Objectives:</b>	<p>The overall aim of this subject is for students to develop their understanding of contemporary legal theory through a detailed study of one particular theory of law and its relevance for our understanding of legal responses to political injustice. It is expected that, at the end of the successful completion of the subject, a student would be able to:</p> <ul style="list-style-type: none"> <li># Theorise about law, using the conceptual tools of psychoanalysis;</li> </ul>

	<ul style="list-style-type: none"> <li># Understand the advantages and disadvantages of a range of legal responses to trauma and injustice in national and international contexts;</li> <li># Analyse and evaluate the implications of a psychoanalytical theory of trauma for contemporary understandings of injurious experiences;</li> <li># Analyse and evaluate the implications of a psychoanalytical theory of trauma for contemporary understandings of the ethics of testimony;</li> <li># Analyse and evaluate the implications of a psychoanalytical theory of trauma for contemporary understandings of community and responsibility;</li> <li># Understand and discuss intelligently at least one particular context – historical and contemporary - in which law and trauma have provided the terms through which political justice has been formulated and institutionalised.</li> </ul>
<b>Assessment:</b>	Research essay of 5,000 words, 100% (due end February).
<b>Prescribed Texts:</b>	Printed materials will be available from the Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of this subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># The formulation and presentation of theoretical argument;</li> <li># Jurisprudential research;</li> <li># Interdisciplinary research;</li> <li># Textual and contextual interpretation of statutes, trials, judicial judgments and government commissions;</li> <li># Oral and written discussion/presentation of theoretical texts;</li> <li># Ability to develop and research a self-selected topic.</li> </ul>