

## LAWS40025 Crime, Punishment and Legal Genealogy

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2011.
<b>Time Commitment:</b>	Contact Hours: One 2-hour seminar per week and 4 hours of research supervision sessions. Total Time Commitment: Estimated total time commitment of 144 hours.
<b>Prerequisites:</b>	Legal Theory; Criminal Law or in each case their equivalents.
<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>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> ( <a href="mailto:law-studentcentre@unimelb.edu.au">mailto:law-studentcentre@unimelb.edu.au</a> ) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>This subject discusses a series of problems at the intersection of jurisprudence and criminal justice. Its theme is the relation between the origin of law, ethics and politics and historical practices of crime and punishment. This theme is developed by reading the theories of law and genealogy articulated in the work of Nietzsche and Freud, and their interpreters Foucault and Lacan. The first part of the course addresses the genealogical theories of law, ethics and politics elaborated in the work of Nietzsche and Freud. It does so by closely reading and comparing <i>On the Genealogy of Morals</i> and <i>Civilisation and its Discontents</i>. The second part of the course explores these theories by studying contemporary problems of law, ethics and criminal justice. In this part, case studies are taken from both substantive criminal law and contemporary practices of policing and punishment. The case studies will be chosen from amongst the following: homicide and the history of common law; dangerousness; legal reason and democracy; sexual assault and the history of manners; imprisonment and detention; policing, political reason and security. The third and final part of the course provides an opportunity for additional case studies to be chosen and presented by students in consultation with the lecturer.</p> <p>Note: The essay in this subject will be regarded as a substantial piece of legal writing for honours purposes.</p>
<b>Objectives:</b>	<p>The aim of this course is to introduce students to a theoretical understanding of the relations between law, ethics and politics in the genealogy of criminal justice. It is expected that, at the end of the course, a student would be able to:</p> <ul style="list-style-type: none"> <li># Critically analyse the theories of Nietzsche and Freud regarding the origins of law and punishment;</li> <li># Develop a theoretical account of the reasons and histories of the contemporary law of criminal justice;</li> <li># Understand the plural and mobile relations between law, ethics and politics;</li> <li># Provide an in-depth analysis of one problem in the contemporary law of criminal justice;</li> <li># Locate contemporary issues in criminal law within a historical context;</li> <li># Analyse and evaluate the politics and ethics of contemporary practices of law, policing and punishment.</li> </ul>

<b>Assessment:</b>	A 5,000-word research essay, 100% (due end of semester).
<b>Prescribed Texts:</b>	Printed materials will be available from the Melbourne Law School; On the Genealogy of Morals (F Nietzsche), CUP; Civilisation and Its Discontents (S Freud), in Volume 12 of the 'Penguin Freud Library', Penguin Press.
<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 the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage;</li> <li># The capacity for close reading and analysis of a range of sources;</li> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to solve problems, including through the collection and evaluation of information;</li> <li># The capacity to communicate, both orally and in writing;</li> <li># The capacity to plan and manage time;</li> <li># The capacity to participate as a member of a team;</li> <li># Intercultural sensitivity and understanding.</li> </ul> <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> <li># The formulation and presentation of conceptual argument;</li> <li># Jurisprudential and interdisciplinary research;</li> <li># Reading a variety of legal materials in their historical, social and cultural contexts;</li> <li># Oral and written discussion of theoretical texts;</li> <li># Ability to develop and research a self-selected topic.</li> </ul>