

LAWS40087 Indigenous People, History and the Law

| | |
|--|--|
| Credit Points: | 12.50 |
| Level: | 4 (Undergraduate) |
| Dates & Locations: | This subject is not offered in 2012. |
| Time Commitment: | Contact Hours: One 3-hour seminar per week. Total Time Commitment: 144 hours. |
| Prerequisites: | Legal Method and Reasoning; Legal Theory; Principles of Public Law; Torts. |
| Corequisites: | None. |
| Recommended Background Knowledge: | None. |
| Non Allowed Subjects: | None. |
| Core Participation Requirements: | 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: http://www.services.unimelb.edu.au/disability/ . |
| Contact: | Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475 |
| Subject Overview: | This subject is a study of the relationship between Indigenous Australians and the law brought to Australia by the British from 1788 onwards, with an emphasis on twentieth century Australian history. Topics studied will include notions of sovereignty and the state; possession and use of the land; citizenship and political rights; land rights and native title and the courts; and indigenous activism through litigation. Students will be expected to participate actively in the weekly seminar discussions. The seminars will introduce students to a range of scholarship and perspectives through the invitation of guest lecturers and speakers. Weekly readings will be given in advance. The approach taken in this subject will be an interdisciplinary one that takes account of historiographical and jurisprudential limits and possibilities for indigenous rights and justice. In so doing, this subject aims to support students to undertake research which encompasses the ideas and/or method from another discipline, in order to understand better the experience of indigenous Australians with law, and how the past has shaped the present. The research undertaken will result in preparation of a substantial piece of legal writing. Students will be expected to submit a detailed research proposal by the end of week 8. In weeks 11 and 12 of the semester, students will be required to present a brief work-in-progress outlining their research project, and to participate in providing feedback to other students in the subject. Students may also combine Indigenous People, History and Law with another optional Law subject or Advanced Legal Research (single semester) and prepare a 10,000 word research paper as combined assessment for both subjects. The approval of both the IPHL coordinator and the optional Law subject coordinator or Advanced Legal Research coordinator is required. Students are awarded the same mark for both subjects. The subjects may be taken in the same semester or in sequential semesters. |
| Objectives: | A candidate who has successfully completed the subject should: <ul style="list-style-type: none"> # Have a critical understanding of the historical relationship between Indigenous Australians and the Anglo-Australian legal system; # Develop research and writing skills on issues concerning the history of Indigenous Australians and Anglo-Australian law. |
| Assessment: | Research essay 5,000 words due in the examination period (100%). |
| Prescribed Texts: | None. |
| Recommended Texts: | Curthoys, Genovese, and Reilly, <i>Rights and Redemption: History, Law and Indigenous People</i> (2008). |

| | |
|--------------------------|---|
| 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: | <p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # Attitudes towards knowledge that include valuing openness to new ideas and ethics associated with knowledge creation and usage; # The capacity for close reading and analysis of a range of sources; # The capacity for critical and independent thought and reflection; # The capacity to solve problems, including through the collection and evaluation of information; # The capacity to communicate, both orally and in writing; # The capacity to plan and manage time; # The capacity to participate as a member of a team; # Intercultural sensitivity and understanding. <p>In addition, by completing this subject, students will have the opportunity to practice and/or be assessed in the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> # Legal research and writing skills, including an ability to: <ul style="list-style-type: none"> - Formulate a feasible and interesting research question (under general direction); - Develop and substantiate a reasoned argument (thesis). # Interpretation of the historical context of law; # Understanding social, ethical and cultural context through the contextualisation of judgements, developing a critical self-awareness, being open to new ideas and possibilities and constructing an argument. |
| Notes: | The essay in this subject is regarded as a substantial piece of legal writing for honours purposes. |