



A new degree in socio-legal studies at the University of Sydney

Thinking about law is increasingly important in today's world, and in many senses too important to be left only to lawyers.

Many of us are interested in thinking about legal institutions, processes and ideas, particularly their central role in society, politics and economics, without necessarily wanting to practice as lawyers, but until now it has been difficult to do that outside the professional law degree. This will change in 2007, when the University of Sydney will be offering a new degree in Socio-Legal Studies, based in the Faculty of Arts. It will consist of a core major of eight dedicated socio-legal units of study, restricted to the BSLS students, combined with at least one second major in the humanities or social sciences, and a range of electives covering law-related topics, such as human rights, ethics, sociology of law, genocide and reconciliation, indigenous rights, and concepts of justice. A central element of the core program will be training in research. It will also be possible to do a fourth Honours year to consolidate and extend one's research skills. The degree Director will be Robert van Krieken, in the Department of Sociology. The program will also be staffed by Dierdre Howard-Wagner and Rebecca Scott Bray.¹

The Bachelor of Socio-Legal Studies has been developed for three reasons: first, over the last thirty years the study of law from the perspectives of the humanities and social sciences has emerged as a major area of research and teaching. The interdisciplinary field of socio-legal studies has its empirical, theoretical and methodological bases both in law and in the humanities and social sciences more broadly. Its central object is to understand legal ideas, institutions and practices in their social, historical, cultural,

political and economic contexts. While it has links to 'black letter' legal education and jurisprudence, it is distinct from both to the extent that its methodology is more empirical, historical and social-theoretical than doctrinal or philosophical. Many researchers in socio-legal studies are trained in law, but as many come from other disciplines, predominantly sociology, history, philosophy and politics.

The list of exciting and important problems and questions addressed through socio-legal study, teaching and research is already very long and constantly growing: the sociology and history of crime, crime control and punishment, law and family life, social policy, the legal regulation of sport, accountability, governance and regulation in government and business, the legal profession, law and the media, the economics of the legal system, the globalisation of legal practices and institutions, the discourse of law, legal pluralism, cultural analyses of law, law and colonialism, comparative legal systems, responses to historical injustice, the legal dimensions of political change and stability, legal decision making, the social and psychological impact of legal processes, legal informalism, legal reasoning and social scientific knowledge, 'science in court' and 'forensic' social science.

Second, there is significant interest amongst prospective students: in 2004, 8492 HSC students sat 'Legal Studies', constituting nearly 13% of the total HSC candidature, more than Economics (5924) and almost as many as in 'all languages other than English' (8837), Ancient History (9718) and Modern History (9521). In addition enrolments in individual socio-legal units in various disciplines in the faculties of Arts and Economics and Business are strong, and students express vigorous interest in linking the various disciplinary

approaches into a unified approach to law and society. Put simply, there is clearly a solid body of students interested in law without wanting to become lawyers. Moreover, while there are strong socio-legal studies programs and degrees in Victoria the offerings in NSW outside law faculties are scanty.

Third, there is clearly a need in a variety of professional settings for interdisciplinary approaches to research and policy analysis of law-related issues. The degree is designed to meet the needs of students aiming to work in an ever-expanding range of professions and occupations requiring the particular combination of knowledge, skills and capacities associated with the study of the legal system from the perspectives of a range of disciplines in the humanities and the social sciences.

It should be emphasised that it is not a law degree and no credit will be gained towards future enrolment in an LLB. The course is not a vocational degree—there will be no direct pathways to particular professional positions. At the same time, however, the skills and capacities acquired in the degree are highly likely to smooth the way into a variety of professional sectors. High level qualifications in socio-legal studies will be an advantage for positions in policy analysis, criminology, policy research and legal research, particularly in statutory and other government bodies such as the HREOC, the ICAC, the Bureau of Crime Research, the New South Wales and Australian Law Reform Commissions, Department of Corrections and the Police Department.

The ALRC itself has indicated the need for greater inter-disciplinary study of Australian legal concepts and institutions (ALRC 89, 2000) recommending, for example, the establishment of an Australian Academy of Law with its objectives to include the promotion of multi-disciplinary research and scholarly linkages. It is now self-evident that the law reform process and the development of public policy in response to emerging social problems and issues require not only aggregated expertise from a range of disciplines, but also the capacity to think and research in ways that link law to the humanities and social sciences: sociology, philosophy, history, anthropology, etc. The New South Wales Law Reform Commissioner, Professor Michael Tilbury, in supporting the introduction of the degree, suggested that 'the importance of the degree lies in its application of social science methods to law; in its consideration of such methods in

effecting legal change and, more generally, in addressing the jurisprudential question of legal change'. Graduates would be well-suited, then, to any positions where legal policy formulation is informed by data collection and analysis.

For those interested in participating in the many exciting fields of research studying legal ideas and institutions in their historical, cultural and social contexts, or working in the fields of professional practice that link an understanding of law with other forms of knowledge, Sydney University's Bachelor of Socio-Legal Studies aims to provide them with the skills and capacities they need.

Endnotes

- 1 Contact: robertvk@usyd.edu.au, website: <<http://www.arts.usyd.edu.au/degrees/sociolegalstudies/>>.



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10. See <www.democrats.org.au>.
11. Pitman et al. *Profile of Young Australians*. 5.
12. Pitman et al. *Profile of Young Australians*. 3.
13. Adele Horin and Alexa Moses. 'The class of '91 grows up'. *Sydney Morning Herald*, June 18 2003.
14. The attitudes and behaviours of Y'ers to the world of work present a particular challenge to trade unions. Because Y'ers move in and out of professions and workplaces and are employed in hard-to-unionise sectors, they are difficult for unions to reach and retain. Their acceptance of job insecurity and dog-eat-dog attitude to career success doesn't help. The statistics are evidence of this. Only 18 per cent of young people joined a union in 2002. Pitman et al. *Profile of Y Australians*, 35.
15. See <www.pophouse.com.au>.
16. Brigid Delaney. 'The Young and the Restless'. *Sydney Morning Herald*. 23 October 2004.
17. Bonnie Malkin. 'Generation flex'. *Sydney Morning Herald*. July 26 2003.
18. Mark McCrindle. 'Understanding Generation Y'. *Prime Focus*, May 2003.
19. Annabel Stafford. 'A Generation so good at saying no'. *Australian Financial Review*. 22 March 2005. That being said, a survey of 7500 people by recruitment firm Hudson found that it was Xers who nominated 'more interesting work' as the single biggest motivating factor in terms of employment, whereas Generation Y were 'more materialistic' and were inspired to work for 'better money'. Jackie Woods. *Sydney Morning Herald*. July 28 2004. My view if given a choice, is that some Y'ers might opt for more money for boring work and find fun and stimulation outside the office.

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areas is the erection of a well-documented and fair contractual process which is known and agreed to by those concerned, or imposed as a condition of involvement in the activity. Another theme is the recurrent nature of the type of dispute and the expertise which has been developed within sport to deal with it. In addition, each of the areas is confined to a sporting context—they do not have the general commercial flavour that would attract the routine interest of the courts.

It is likely that the courts will maintain this 'demarcation' between areas in which they will and will not become generally involved. The legal/sporting landscape is one of change, and one can envisage that other areas may emerge to join this group.

Endnotes

1. See, for example, *News Limited v Australian Football League* (1996) ATPR 41–521; *News Limited v South Sydney District Rugby League Football Club Limited* [2003] HCA 45; *Hospitality Group Pty Ltd v Australian Rugby Union Ltd* (2001) ATPR 41 831; current 'C7' litigation.
2. *Australian Football League v Carlton Football Club* [1998] 2 VR 546 at 549–550. The reasons of the three appeal court judges varied widely. A majority appeared to believe that the trial judge went further than was necessary in reviewing a determination of an internal tribunal and overturning it.
3. *Watherston v Woolven* (unreported, South Australian Supreme Court, 21 October 1987), noted in *The Australian*, 9 November 1987, 4.
4. *Forbes v Australian Yachting Federation Inc* (1996) 131 FLR 241.
5. *Raguz v Sullivan* [2000] 50 NSWLR 236.
6. *Australian Football League v Carlton Football Club* [1998] 2 VR 546 (Tadgell and Hayne JJA; Ashley JA dissenting).
7. Hedigan J at first instance and Ashley JA in dissent on appeal would have given the court a broader role.
8. A competitor does have the right to apply to the Administrative Appeals Tribunal for a review of a decision to place his or her name on the register.