

Lecture One

What is harm and how does the law regulate harm?

Harm is contingent over time & place, how does our perspective of it change

What is harm and who decides?

The law distributes rights and responsibilities often unequally depending on how we are situated in the law - determines the sorts of relations that we have with one other. Harm against some people is not seen as harm at all e.g. Nari

The law regulates the sorts of rights and freedoms we want under the social contract - the social contract is a moral obligation to treat people in a certain way, give up a sense of sovereignty or some of our freedoms in return for government protections. You agree to behave or conduct yourselves in certain ways in order for other benefits

What is permissible - not everyone counts as the same under the law, not everyone is seen as a 'fit subject' of the law or worthy of the protections of the social contract - white, male land owners often seen as 'fit subjects' more than others

If harm is never self-evident, what does it mean for us to regulate acts such as:

Sado-masochism

Torture and terror - *how is it that we get to a point where torture as a harm is no longer seen in the same way - post 9/11, seen as OK as an act of counter terrorism... Certain people not worthy of the protection of the law*

Female circumcision and multiculturalism

Childhood sexualisation

Refugee movement (immigration detention)

Indigenous law and settler colonial law

Violence - who determines what counts as violence?

We tend to learn more from the law by looking at those on the margins and those who are in the center.

Harm as Contestable

What is harm? What sort of acts would you consider harmful?

Does harm always have a perpetrator and a victim - the "personal sphere" eg incest

Torture - a fundamental denial of human dignity

How the law responds to sexual assault is also seen as a harm a lot of the time?

Subjective nature of harm

Why is it that we always turn to the law? The government and the police are expected to back public opinion

Examine the underlying principles of the law, and the processes which are used to establish and justify/legitimize 'law' as the 'proper' way of regulating public and private life.

We reflect on the responsibilities which law creates or diminishes depending on social and other contexts, and the sorts of relations it produces in the society in which we live.

Entering society, entering the law

Law regulates us in ways we often do not even imagine, or think about

So what happens when we 'enter' the social contract?

Are we all 'wild things' in need of, and desirous of being 'tamed' by the law?