

# LAWS50120 The Rule of Law in Theory & in Practice

Credit Points:	12.50																													
Level:	5 (Graduate/Postgraduate)																													
Dates & Locations:	This subject is not offered in 2014.																													
Time Commitment:	Contact Hours: 36 hours. Total Time Commitment: 144 hours.																													
Prerequisites:	<table><tr><th>Subject</th><th>Study Period Commencement:</th><th>Credit Points:</th></tr><tr><td>LAWS50023 Legal Method and Reasoning</td><td>February</td><td>12.50</td></tr><tr><td>LAWS50024 Principles of Public Law</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50025 Torts</td><td>November, Semester 2</td><td>12.50</td></tr><tr><td>LAWS50026 Obligations</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50027 Dispute Resolution</td><td>Semester 1</td><td>12.50</td></tr><tr><td>LAWS50028 Constitutional Law</td><td>Semester 2</td><td>12.50</td></tr><tr><td>LAWS50029 Contracts</td><td>Semester 2</td><td>12.50</td></tr><tr><td>LAWS50031 Legal Theory</td><td>Semester 2</td><td>12.50</td></tr></table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50025 Torts	November, Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50029 Contracts	Semester 2	12.50	LAWS50031 Legal Theory	Semester 2	12.50
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Corequisites:	None.																													
Recommended Background Knowledge:	None.																													
Non Allowed Subjects:	None.																													
Core Participation Requirements:	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>																													
Contact:	<p>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</p>																													
Subject Overview:	<p>Law graduates will become solicitors, in-house counsel, barristers, judges, legislators, public servants, lobbyists, journalists, and teachers. They will work for firms of solicitors, for corporations, for the state, for the people, for themselves, for the United Nations, for think tanks.</p>																													

	<p>for NGOs, for schools, and for universities. Whatever law graduates do in their professional lives, they will be expected not only to possess knowledge of the laws, but also to have a particularly well-developed insight into the meaning and significance of "the Law" as a collection of institutional and cultural phenomena. In order to meet this legitimate expectation, law graduates should be capable of speaking and writing in a way that is informed by a reasonably well-developed conception of the Rule of Law, and this whether or not they are called upon to make explicit reference to the Rule of Law. They should be aware of its potential force as a thread that unifies "the Law" in its various institutional and cultural contexts. They should have an appreciation of the theoretical aspect of the Rule of Law. Is it merely a negative virtue, or does it entail positive goods? What has it meant to the greats of political philosophy, ancient (Socrates, Plato, and Aristotle) and modern (Hobbes, Locke, and Nietzsche)? What does it mean to contemporary thinkers? Students should also have an appreciation of its applied aspect. What are the implications of the Rule of Law for private law, for public law, for criminal law, for international law, for legal ethics, and for business regulation? How is the notion of the Rule of Law used in public debate? By whom? To what ends?</p>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and complex understanding of key questions, debates, and texts connected with the Rule of Law;</li> <li># Understand that as conceptions the Rule of Law are many and controversial, to invoke the Rule of Law as justification for this or that is to commit oneself to defending an existing conception or to advancing a new one, in each case, in the face of rival claims;</li> <li># Recognise the merits and demerits of leading conceptions of the Rule of Law, and, in turn, will attain a critical vantage point from which to decide where he or she should stand and why;</li> <li># Be capable of speaking and writing for specialist and non-specialist audiences in a way that is informed by a reasonably well-developed conception of the Rule of Law;</li> <li># Have an understanding of the ways in which the Rule of Law may be relevant to private law, to public law, to criminal law, to international law, to legal ethics, and to business regulation;</li> <li># Have a well-developed ability to connect theoretical aspects of the Rule of Law with their potential practical implications;</li> <li># Have an appreciation of how the notion of the Rule of Law is used in public debate, and by whom, and to what ends; and</li> <li># Have developed the ability to research and to evaluate the relevance and significance of materials directly and indirectly relevant to the Rule of Law tradition.</li> </ul>
<b>Assessment:</b>	<p>Class Participation (10%); Literature review of 2,000 words (hurdle requirement), entailing close reading and critical analysis of one or more of the texts examined in the course. Detailed parameters will be announced in class; 5,000 word piece (90%). Although students are required to conduct some independent research, they should rely to a significant extent upon seminar discussions and the materials cited in the reading guide.</p>
<b>Prescribed Texts:</b>	<p>Prescribed text TBA; Specialist printed materials will be made available from Melbourne Law School.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Generic Skills:</b>	<ul style="list-style-type: none"> <li># Deep understanding of the key questions, debates, and texts in the Rule of Law tradition;</li> <li># Mastery of technical research skills relevant to the Rule of Law;</li> <li># Expert, specialised cognitive and technical skills for critical and independent thought and reflection in connection with theoretical and practical aspects of the Rule of Law;</li> <li># Expert, specialised cognitive, creative and technical skills to address problems connected with the Rule of Law; and</li> <li># The ability to expertly communicate specialized and complex information, ideas, concepts, and theories relevant to the Rule of Law to specialist and non-specialist audiences.</li> </ul>
<b>Notes:</b>	<p>This subject has a quota of 60 students.</p>