

730-704 Constitutional Design

Credit Points:	12.500
Level:	Graduate/Postgraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 2, - Taught on campus.
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidate's background and experience.
Prerequisites:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Coordinator:	Prof Sanford Levinson
Subject Overview:	<p>Objectives:</p> <p>A candidate who has successfully completed the subject should:</p> <ul style="list-style-type: none"> # Understand the role that constitutions are expected to play in conditions of development, transition of various kinds and conflict resolution, and become aware of some of the empirical literature regarding such expectations # Understand the phases of constitution-making, the issues likely to require resolution in each phase and the options for dealing with them, with special emphasis on the role that transparency can play in the process of constitutional design # Be aware and be able to evaluate the relevance of a range of issues thought to be particularly salient in designing constitutions, including electoral systems, the difference between parliamentary and presidential systems, constructing an independent-yet-accountable judiciary, and processes of constitutional amendment # Understand the practical experience of past attempts at constitutionmaking in countries that have been chosen as case studies # Address the question of whether there is a genuine trans-social expertise in the subject of constitutional design or whether constitutions are so justifiably dominated by local concerns and exigencies as to make the notion of expertise questionable. <p>Syllabus:</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Nature, functions and limitations of constitutions # Circumstances in which constitutions are likely to be renewed or substantially changed # Substance of constitutions, with emphasis on the hard-wired aspects of constitutions that are unlikely to be litigated or call for interpretation in the standard sense # Selected case studies, including (but not necessarily limited to) the United States, European Union, South Africa, Turkey and Iraq.
Assessment:	Take-home examination (100%) (12-15 September) or Research paper 10,000 words (100%) (23 October) (topic approved by the subject coordinator)
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Please visit the subject homepage on the Melbourne Law Masters website by following the link at the bottom of this subject entry.
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:	Please see the Subject Objectives for this information.
Links to further information:	For the latest information on this subject, please visit: http://www.masters.law.unimelb.edu.au/subject/730704