

## 730-440 Comparative Constitutional Law

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2009. To be taught intensively over the summer semester
<b>Time Commitment:</b>	Contact Hours: To be taught intensively over the summer semester Total Time Commitment: Estimated total time commitment of 120 hours.
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; Constitutional Law; or in each case their equivalents.
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	None
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	<p>&lt;p&gt;For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.&lt;/p&gt;         &lt;p&gt;It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: &lt;a href="http://services.unimelb.edu.au/disability"&gt;http://services.unimelb.edu.au/disability&lt;/a&gt;&lt;/p&gt;</p>
<b>Subject Overview:</b>	<p>The course will examine a series of normative and institutional challenges that constitutional democracies around the world currently confront. Aside from Australia, the main reference-points will be South Africa and the United States, which represent two leading and well-contrasted constitutional traditions. Drawing on both case law and wider constitutional debates, the course addresses topics such as the sources of constitutional authority; mechanisms of constitutional change and visions of constitutional and democratic politics; the scope and limits of judicial review; the relationship between international and foreign law and constitutional law; the protection of fundamental rights, including social and economic rights; the constitutional protection of equality; and the radiation of constitutional law into private relations where the government is not a party.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing for honours purposes.</p>
<b>Objectives:</b>	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> <li>· have developed an understanding of how the basic map of constitutional themes and vocabularies – including democracy, human rights, the rule of law and the separation of powers – translate in a variety of constitutional systems</li> <li>· have mastered the essentials of constitutional law and practice in the United States and South Africa, including an understanding of what they share and how they diverge, and how each compares with Australia</li> <li>· be able to engage and critique the methods and purposes of the discipline of comparative constitutional law</li> <li>· be able to draw on comparison to resolve or highlight present-day constitutional or political challenges, engage new practices or discourses of constitutional politics, and/or offer new programs or directions for constitutional reform in Australia (federally or in Victoria) or elsewhere</li> </ul>
<b>Assessment:</b>	One 3000-word take-home exam (85%). One 15-20 minute class presentation, prepared and co-presented with 1-2 other students (15%).
<b>Prescribed Texts:</b>	Printed materials will be issued by the Faculty of Law.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>

**Generic Skills:**

On completion of the subject, students should have developed the following generic skills: ·

- the ability to converse in and apply normative and institutional analysis in law ·
- the tools of case analysis, including national and international cases from jurisdictions which are not immediately familiar ·
- the capacity for independent reflective and critical thought ·
- the ability to work collaboratively in a team and be sensitive to the new ideas and frameworks that may result from collaboration ·
- the ability to engage in problem solving, and techniques of issue-spotting, analysis, option-generation and judgement ·
- the capacity to communicate in oral and written form a series of complex ideas in a limited time ·
- confidence in knowing when to focus on details and when to focus on broad principles