

732-707 Constitutionalism and Transnationalism

Level:	Graduate/Postgraduate
Time Commitment:	Contact Hours: 24 - 26 contact hours per subject. Total Time Commitment: The time commitment for this subject depends on the candidates background and experience.
Prerequisites:	N.A.
Corequisites:	N.A.
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	N.A.
Subject Overview:	<p>Objectives:</p> <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Understand the different ways in which constitution drafters and interpreters use, distance themselves from, incorporate and engage with foreign and international law # Understand the principal objections &ndash; some grounded in interpretive theory, some on prudential factors &ndash; to the role of foreign or international law in constitutional interpretation; and, in the constitution-drafting context, the objections over the transferability of knowledge as well as the relative importance of local power elites and constituencies in exercising control # Understand the principal benefits of constitutional engagement with transnational legal sources, both in interpretation and in drafting # Understand in a more general way the challenges of comparative public law, and the possibilities and limits of what can be learnt from comparison. <p>Syllabus:</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Changing concepts of sovereignty and the role of constitutional law # Constitution drafting and transnational influence Resistance to the transnational &ndash; constitutions and local culture, local democracy # Convergence with the transnational &ndash; constitutions and judges that seek harmony and consistency with international law, especially international human rights law # Engagement with the transnational &ndash; constitutional conversations across national borders; is there a discipline there? # Federalism and transnational law: Compliance with international obligations and domestic constitutional challenges; sub-national entities&rsquo; use of international law # Equality law (race, gender, etc.): Transnational? Universal? Local?
Assessment:	Take-home examination (100%) (18–21 September)
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/732707