

LAWS40053 Comparative Constitutional Law

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	This subject is not offered in 2011. Seminars.
Time Commitment:	Contact Hours: 24, 1x2-hour seminar per week. Total Time Commitment: 120 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; Constitutional Law; or in each case their equivalents.
Corequisites:	None.
Recommended Background Knowledge:	None.
Non Allowed Subjects:	None.
Core Participation Requirements:	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/ .
Contact:	Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475
Subject Overview:	The course will examine a series of normative and institutional challenges that constitutional democracies around the world currently confront. It will compare the approach to critical constitutional issues of a number of jurisdictions, including Australia, the United States, South Africa and several transitional democracies. Drawing on both case law and wider constitutional debates, the course addresses topics such as the sources of constitutional authority; mechanisms of constitutional creation, 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; and the constitutional protection of equality.
Objectives:	On completion of this subject, students should: <ul style="list-style-type: none"> # 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; # Have mastered the essentials of constitutional law and practice in several comparator States, including an understanding of what they share and how they diverge, and how each compares with Australia; # Be able to engage and critique the methods and purposes of the discipline of comparative constitutional law; # 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.
Assessment:	One 3,000-word take-home exam (85%); One 15-20 minute class presentation, prepared and co-presented with 1-2 other students (15%) OR One 750 word written essay distributed to the class a week before the topic in question is discussed (15%).
Prescribed Texts:	Printed materials will be available from the Melbourne Law School.
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:	On completion of the subject, students should have developed the following generic skills: <ul style="list-style-type: none"># 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.