

LAWS50067 European Civil Law

Credit Points:	12.50
Level:	5 (Graduate/Postgraduate)
Dates & Locations:	2011, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. Seminars with optional opportunity for student presentations of research in progress towards the end of the semester.
Time Commitment:	Contact Hours: One 3 hour class session per week and two half-day workshops in weeks 11 and 12. Total Time Commitment: 144 hours.
Prerequisites:	LAWS50023 Legal Method and Reasoning; LAWS50024 Principles of Public Law; LAWS50025 Torts; LAWS50027 Dispute Resolution; LAWS50029 Contracts.
Corequisites:	None.
Recommended Background Knowledge:	Knowledge of one or more European languages is an advantage.
Non Allowed Subjects:	None.
Core Participation Requirements:	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: http://www.services.unimelb.edu.au/disability/ .
Coordinator:	Assoc Prof Martin Vranken
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:	This subject seeks to offer students an opportunity to see their own legal system in a broader (comparative) perspective. It thus aims at providing an extra dimension to the study of Australian law. Specifically, students will be exposed to a major legal family apart from the common law. The focus is on two core representatives of the European civil law: France and Germany. Principal topics include: <ul style="list-style-type: none"> # Comparativism and the comparative method; # Historical formation of the Romano-Germanic family of law; # Codes and codification; # Selected case studies (tort, contract, labour law); # Impact of the legal order of the European Union as a source of supra-national law;

	# Theories of convergence and divergence.
Objectives:	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> # Understand and be able to critically assess the fundamental features of the European civil law; # Be able to critically discuss the interaction between the main legal actors in codified systems of law; # Be able to critically reflect on the relative merits of a deductive approach to legal reasoning; # Appreciate the growing influence of the legal order of the European Union; # Be able to critically reflect on the competing theories of convergence and divergence in comparative law.
Assessment:	Research paper 5,000 words (100%).
Prescribed Texts:	M Vranken, European Civil Law and Impact of the European Community (2010, 2nd ed, Federation Press, Sydney).
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:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # The capacity for critical and independent thought and reflection; # The capacity to critically review legal scholarship across different families of law; # The capacity to critically evaluate the merits of inductive and deductive approaches to legal reasoning; # The capacity to engage in comparative research; # The capacity to communicate clearly the outcome of that research; # The capacity to place legal phenomena in their broader historical, socio-economic and political settings.