

# LAWS50086 Civil Liberties Law And Democracy

<b>Credit Points:</b>	12.50																							
<b>Level:</b>	5 (Graduate/Postgraduate)																							
<b>Dates &amp; Locations:</b>	This subject is not offered in 2012. 24 hours of seminar classes offered as 12 weekly 2 hour seminars over a semester.																							
<b>Time Commitment:</b>	Contact Hours: 24 hours. Total Time Commitment: 132 hours.																							
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50025 Torts</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Semester 1</td> <td>12.50</td> </tr> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.50</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.50	LAWS50024 Principles of Public Law	Semester 1	12.50	LAWS50025 Torts	Semester 2	12.50	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50
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<b>Corequisites:</b>	None.																							
<b>Recommended Background Knowledge:</b>	None.																							
<b>Non Allowed Subjects:</b>	None.																							
<b>Core Participation Requirements:</b>	<p>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: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a>.</p>																							
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475																							
<b>Subject Overview:</b>	This course will consider the specialised area of regulation of civil liberties in a democracy. It will start with an in-depth examination of the theoretical and legal framework for the protection of civil liberties and then consider regulation of fundamental freedoms. Topics include citizen participation in elections, freedoms of assembly, speech, association and equality rights.																							

	<p>The focus of this course will be on the ways in which civil liberties may enhance greater democratisation. Case studies will be drawn from contemporary legal problems arising from the conflict between civil liberties and government in Australia and North America. Examples include the right of citizens to be informed about government activities arising through leaks, government controls of protest and dissent as a limit on political participation, and the banning of political organisations in the name of state security. These case studies will consider the tensions between freedom and democracy, and the way law protects and restricts civil liberties.</p> <p>The subject will adopt an interdisciplinary and comparative approach to understanding the regulation of civil liberties by drawing upon literature in political philosophy, political science and historical studies. The historically contingent meaning of freedom in Western political thought will be examined. This will include a consideration of competing conceptions of liberty and democracy, which in turn will then be used to ground a critique of law's regulation of civil liberties. The course will primarily examine Australian public law but will consider relevant material from comparative jurisdictions.</p>
<b>Objectives:</b>	<p>On completion of this subject, students should have developed an advanced and integrated understanding of:</p> <ul style="list-style-type: none"> <li># The operation of, and tensions in, civil liberties law;</li> <li># The historical, comparative and jurisprudential scholarship of civil liberties;</li> <li># The complex legal framework and principles regulating civil liberties in Australia and comparable jurisdictions; and</li> <li># How different regimes protecting civil liberties respond to particular kinds of factual situations.</li> </ul> <p>Students should be able to draw on this understanding to:</p> <ul style="list-style-type: none"> <li># Critically analyse and reflect on the relevant legal principles, and apply those principles to address complex problems in Australia and internationally;</li> <li># Develop an advanced appreciation of the impact of constitutional and legal principles on the freedoms of the individual and different groups within society;</li> <li># Undertake advanced, independent research in the field of civil liberties in the contemporary practice of law; and</li> <li># Communicate their analysis in appropriate scholarly and professional formats.</li> </ul>
<b>Assessment:</b>	Written exam – open book (100%); OR Independent research essay on a topic devised by the student and approved by the coordinator, or on a topic set by the coordinator (100%).
<b>Prescribed Texts:</b>	Specialist printed materials will be made available from Melbourne Law School.
<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>
<b>Generic Skills:</b>	<p>On completion of the subject students should have developed and demonstrated:</p> <ul style="list-style-type: none"> <li># Specialist knowledge in, and critical reflection about, the law of civil liberties;</li> <li># An advanced and integrated knowledge of civil liberties, inclusive of a specialised understanding of its philosophical antecedents and political context;</li> <li># Critical and independent thinking which demonstrates the capacity to reflect at a high level; including a syntheses of complex information; and making informed and context-sensitive judgments based on comparative case studies; and</li> <li># Problem solving, demonstrating an integrated understanding of, and expert judgment about, complex civil liberties questions in Australia and North America.</li> </ul>