

LAWS70434 Rule of Law in Asia

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2013.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	None
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique 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 to 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 who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information, contact the Melbourne Law Masters office. Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>The rule of law has been promoted by scholars, politicians and lawyers as necessary to underpin political reform in the countries of Asia, even though the concept remains contested. This subject explores debates about the meaning, value and implementation of the rule of law and its relevance to state order in Asian jurisdictions, including China, India, Indonesia, Vietnam, Japan, Singapore and Malaysia.</p> <p>Academic experts in particular Asian legal systems will lead seminars analysing the ways in which the idea of the rule of law has been used rhetorically and how, if at all, it has been implemented. In seminars we will draw on specific topics to explore how the rule of law has been interpreted in Asian contexts, including constitutional doctrine and institutional arrangements, as well as the role of individuals, the legal profession and organisations agitating for legal reform. The significance of rule of law debate for legal reform will also be discussed.</p> <p>This subject will involve both critical assessment of thinking about rule of law in Asia, as well as case studies drawn from each jurisdiction that demonstrate how these ideas are interpreted and applied in law and policy.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Key approaches to the rule of law # Diverse approaches within Asia to ideas of rule of law. This will involve detailed examination of relevant constitutional laws, taking into account different legal systems, social, political and cultural traditions, structures and practices

	<ul style="list-style-type: none"> # An analysis of the ways in which State law reflects social issues, implements policy and orders power and relationships between individuals, diverse groups and the State. This will include case studies of how relevant policy is formed and regulation developed # The role played by different legal institutions in State ordering, including in the protection of individual and/or collective rights # The role played by lawyers in State legal orders, including the realisation of rights or challenges to State power. This will include consideration of judicial decisions, where possible # The role played by non-government organisations (NGOs) in State order, including in the formation of policy and the mediation of State power. Again, case studies will be investigated # Analysis of the possibilities for convergence or harmonisation of notions of rule of law.
Objectives:	<p>For each jurisdiction canvassed in this subject, successfully completing students should have:</p> <ul style="list-style-type: none"> # A specialised understanding of the rule of law, including its historical development # A specialised understanding of the applicability of differing ideas about rule of law in a range of contemporary Asian societies # A specialised understanding of state legal orders, including local constitutional doctrines and their application # A specialised understanding of the ways in which legal institutions (constitutions, parliaments and courts) are involved in state order and the politico-legal and constitutional architecture # An advanced and deep understanding of the ways in which the rule of law is enabled and constrained, including the roles played by the legal profession and non-governmental organizations in promoting rights # The capacity to critically and comparatively examine and assess the role of law and its impacts on state order # The oral skills to participate in nuanced seminar discussions regarding current and emerging issues relating to the rule of law in Asia # Have an advanced understanding of the challenges for constitutional and institutional law reform # Have the research skills autonomously to produce advanced and sophisticated analytical research scholarship relating to the rule of law # Have the communication skills to clearly articulate a thesis relevant to Asia-focused rule of law studies and research.
Assessment:	Take-home examination (100%) (22–25 November) or 10,000 word research paper (100%) (25 November) on a topic approved by the subject coordinator
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
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
Links to further information:	http://www.law.unimelb.edu.au/subject/LAWS70434/2013