

# LAWS90011 Comparative Constitutional Law

<b>Credit Points:</b>	12.5
<b>Level:</b>	9 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	<p>2015, Parkville</p> <p>This subject commences in the following study period/s: March, Parkville - Taught on campus.</p>
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	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.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	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: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Coordinator:</b>	Prof Cheryl Saunders
<b>Contact:</b>	<p>For more information:</p> <p>Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> (<a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a>)</p> <p>Phone: +61 3 8344 6190</p> <p>Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> (<a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a>)</p>
<b>Subject Overview:</b>	This exciting new subject explores comparative constitutional law from a deliberately global perspective. It seeks to take account of the constitutional experience of all regions of the world including Asia, the Americas, Europe, Africa and Australasia. It thus provides an excellent platform on which to evaluate the competing claims of constitutional universalism and particularism, to critically test the global relevance of a range of constitutional theories and practices and to understand how context and culture affect constitutional law in an age of globalisation. Key topics of general relevance chosen for the purposes of comparison include executive/legislative relations, judicial review, constitutional change, socio-economic rights and the relationship between domestic constitutional and international law. The lecturers are leading constitutional scholars who have collaborated together for many years and bring to the subject different bodies of knowledge and experience.

	<p>Principal topics include:</p> <ul style="list-style-type: none"> <li># Mapping the constitutions of the world</li> <li># Methodological challenges in comparative constitutional law</li> <li># Concepts of a constitution</li> <li># Executive/legislative relations</li> <li># Courts and judicial review</li> <li># Socio-economic rights</li> <li># Constitutional change</li> <li># Comparative constitutional problem-solving.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Have an advanced and integrated understanding of the range of constitutional systems of the world and of the implications of globalization for the similarities and differences of constitutional arrangements</li> <li># In particular, have an advanced understanding of the range of constitutional systems within Asia, their similarities and differences and points of comparison with other regions of the world</li> <li># Have an advanced and integrated understanding of the challenges of comparative constitutional law and the methodological options for dealing with them</li> <li># Be able to plan and undertake comparative constitutional projects in at a sophisticated level</li> <li># Be able to critically examine, analyse, and evaluate the constitutional projects of others</li> <li># Be an engaged participant in debate on the competing claims of constitutional universalism and particularism</li> <li># Have a sophisticated appreciation of the comparative possibilities in relation to a range of key aspects of constitutional systems</li> <li># Have the cognitive and technical skills to generate critical and creative ideas relating [to equality and discrimination in the workplace], and to critically evaluate [existing legal theories, principles and concepts with creativity and autonomy]</li> <li># Have the cognitive and technical skills to independently engage in research on comparative constitutional law</li> <li># Have the communication skills to clearly articulate and convey complex information regarding comparative constitutional law to specialist and non-specialist audiences</li> <li># Be able demonstrate autonomy, expert judgment and responsibility as a scholar and practitioner of comparative constitutional law.</li> </ul>
<b>Assessment:</b>	<p>Take-home examination (100%) (8-11 May) or 10,000 word research paper (100%) (24 June) topic approved by the subject coordinator</p>
<b>Prescribed Texts:</b>	<p>Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.</p>
<b>Breadth Options:</b>	<p>This subject is not available as a breadth subject.</p>
<b>Fees Information:</b>	<p>Subject EFTSL, Level, Discipline &amp; Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a></p>
<b>Links to further information:</b>	<p><a href="http://www.law.unimelb.edu.au/subject/LAWS90011/2015">www.law.unimelb.edu.au/subject/LAWS90011/2015</a></p>
<b>Notes:</b>	<p>This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> (<a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a>) for further information about the management of subject quotas and waitlists.</p>