

LAWS50117 Law, Justice & Human Rights in China

| Credit Points: | 12.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Level: | 5 (Graduate/Postgraduate) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dates & Locations: | This subject is not offered in 2016. This subject has a quota of 60 students. Details on quota subject selection are available on the JD website. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Time Commitment: | Contact Hours: 36 hours. Total Time Commitment: 144 hours. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prerequisites: | <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>November, 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> <tr> <td>LAWS50029 Contracts</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50031 Legal Theory</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 | November, Semester 2 | 12.50 | LAWS50026 Obligations | Semester 1 | 12.50 | LAWS50027 Dispute Resolution | Semester 1 | 12.50 | LAWS50028 Constitutional Law | Semester 2 | 12.50 | LAWS50029 Contracts | Semester 2 | 12.50 | LAWS50031 Legal Theory | Semester 2 | 12.50 |
| 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 | November, Semester 2 | 12.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LAWS50026 Obligations | Semester 1 | 12.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LAWS50027 Dispute Resolution | Semester 1 | 12.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LAWS50028 Constitutional Law | Semester 2 | 12.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LAWS50029 Contracts | Semester 2 | 12.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LAWS50031 Legal Theory | Semester 2 | 12.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Corequisites: | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recommended Background Knowledge: | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Non Allowed Subjects: | None | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Core Participation Requirements: | <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: www.services.unimelb.edu.au/disability/.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Contact: | <p>Email: law-aso@unimelb.edu.au (mailto:law-aso@unimelb.edu.au) Phone: +61 3 8344 4475 Website: www.law.unimelb.edu.au/jd (http://www.law.unimelb.edu.au/jd)</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subject Overview: | <p>Law is arguably central to the articulation of theories about rights and justice. It is also the foundation for establishment and functioning of the institutions and practices which give practical effect to notions of legal and judicial justice and define the rights enjoyed by citizens. This subject examines the dynamic relationship between law, justice and rights in China. This</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p>subject adopts socio-legal and comparative perspectives to examine the role of the state and law in articulating notions of justice and rights. China is an example of a powerful, developing, 'post socialist' country where administration of justice and the protection of rights and justice are often viewed as competing with the state's priorities of social and political stability and economic development.</p> <p>Topics addressed will include:</p> <ul style="list-style-type: none"> # The relationship between international and domestic human rights laws and norms in China; # Law, policy and reforms in China in the areas of social and economic rights such as property, housing, health and labour; # The administration of criminal and administrative justice and the role of different state and non state actors in defining and protecting rights both in China and in comparison with some recent reforms in other countries in the Asian region; # The role of Chinese and foreign NGOs in advocacy in areas such as environmental protection, health and harm reduction; and # Conceptual and institutional limits on the role of law in defining and protecting rights and justice in China. |
| Learning Outcomes: | <p>A student who has successfully completed this subject will have demonstrated an advanced understanding of, and the ability to critically analyse and reflect on:</p> <ul style="list-style-type: none"> # The structures of the domestic legal regime and its orientation to the articulation and protection of rights; # The substantive law regulating civil, social and economic rights; # Institutional and ideological impediments to the implementation and enforcement of law; # Arguments and analyses about the role that law can or should play in articulating concepts of justice and rights and in giving effect to them in practice; # Methodologies for examining the historical, political and social contexts of law in China and how these contexts shape legal notions of justice and rights; <p>And the ability to:</p> <ul style="list-style-type: none"> # Formulate and express reasoned arguments about law and its relationship to rights and justice in China and to communicate their analysis in appropriate scholarly and professional formats. |
| Assessment: | <p>Submission of research proposal and work in progress presentation of that proposal in class (10%); Research essay (6,000 words) (90%).</p> |
| Prescribed Texts: | <p>Specialist printed materials will be made available from Melbourne Law School.</p> |
| Breadth Options: | <p>This subject is not available as a breadth subject.</p> |
| Fees Information: | <p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p> |
| Generic Skills: | <p>On completion of the subject students will have developed and demonstrated their skills in the following areas:</p> <ul style="list-style-type: none"> # Capacity to locate and critically evaluate a range of primary and secondary source materials to investigate the relationship between law, justice and rights in China; # Capacity to interpret the social, political and historical context of law in order to analyse complex contemporary politico-legal problems; # Capacity to formulate, manage and execute a socio-legal research project from inception to completion; and # Capacity to present and defend an argument orally to demonstrate original and accountable thinking and scholarly practice including: justifying and interpreting methodological approaches or theoretical propositions appropriate to the research task and to communicate these with clarity. <p>Additionally, in developing and completing a research essay, students will also have developed the following skills:</p> <ul style="list-style-type: none"> # The capacity for close reading and analysis of a range of sources; # Openness to new ideas and ethics associated with knowledge creation and usage; # The capacity for critical and independent thought and reflection; |

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| | <ul style="list-style-type: none"># The capacity to communicate, both orally and in writing;# The capacity to plan and manage time; and# Intercultural sensitivity and understanding. |
| Related Course(s): | Juris Doctor |