

LAWS50118 Democracy, Law and Civil Liberties

Credit Points:	12.5																		
Level:	5 (Graduate/Postgraduate)																		
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: Semester 1, Parkville - Taught on campus. This subject has a quota of 60 students. Please refer to the Melbourne Law JD website for further information about subject quotas																		
Time Commitment:	Contact Hours: 36 hours Total Time Commitment: 132 hours																		
Prerequisites:	Successful completion of all the below subjects: <table border="1" data-bbox="387 600 1485 976"> <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>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	LAWS50026 Obligations	Semester 1	12.50	LAWS50027 Dispute Resolution	Semester 1	12.50	LAWS50028 Constitutional Law	Semester 2	12.50
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LAWS50028 Constitutional Law	Semester 2	12.50																	
Corequisites:	None																		
Recommended Background Knowledge:	None																		
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 inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.																		
Coordinator:	Mr Glenn Patmore																		
Contact:	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)																		

Subject Overview:	<p>This subject will consider the complex challenges involved in regulating civil liberties in a democratic state. The subject will focus on the ways in which legal protection for civil liberties may enhance democracy.</p> <p>The topics covered in this course include:</p> <ul style="list-style-type: none"> # A theoretical framework of democracy and civil liberties # How the law protects liberty and democracy # How the law regulates fundamental freedoms and political rights such as: <ul style="list-style-type: none"> # citizen participation in elections; # freedom of expression in a democracy; # freedoms of assembly and protest; # freedom of association; and # equality and non-discrimination rights. <p>Case law from Australia and the United States concerning specific examples of the conflict between the protection of civil liberties and government policy will be examined. Case studies will include government leaks and the right of citizens to be informed about state activities, how government control of protest and dissent limits 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 both protects and restricts civil liberties.</p> <p>The subject will adopt an interdisciplinary and comparative approach by drawing upon literature in political philosophy, political science and historical studies. The subject canvasses competing conceptions of liberty, equality and democracy, aiming to critically analyse law's regulation of civil liberties in a democratic context.</p>
Learning Outcomes:	<p>On successful completion of this subject, students will have demonstrated an advanced and integrated understanding of:</p> <p>The operation of, and tensions in, civil liberties law;</p> <ul style="list-style-type: none"> # The historical, comparative and jurisprudential scholarship of civil liberties; # The complex legal framework and principles regulating civil liberties in Australia and comparable jurisdictions; and # How different regimes protecting civil liberties respond to particular kinds of factual situations. <p>Students will have drawn on this understanding to:</p> <ul style="list-style-type: none"> # Critically analyse and reflect on the relevant legal principles, and apply those principles to address complex problems in Australia and internationally; # Develop an advanced appreciation of the impact of constitutional and legal principles on the freedoms of the individual and different groups within society; and # Communicate their analysis in appropriate scholarly and professional formats.
Assessment:	<p>Written 3-hour exam – open book (100%); OR Independent 6,000 word research essay on a topic devised by the student and approved by the coordinator, or on a topic set by the coordinator (100%). The due date of the above assessment will be available to students via the LMS.</p>
Prescribed Texts:	<p>Gerangelos. P et al, Australian Federal Constitutional Law: Commentary and Materials (Lawbook Co., 3rd ed, 2013). Specialist printed materials will also be made available from the 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:</p> <ul style="list-style-type: none"> # An advanced and integrated knowledge of civil liberties, inclusive of a specialised understanding of its philosophical antecedents and political context;

	<ul style="list-style-type: none"># Critical and independent thinking which demonstrates the capacity to analyse legal and political questions at a high level; including a synthesis of complex information; and making informed and context-sensitive judgments based on comparative case studies;# The ability to critically reflect on the law of civil liberties; and# The ability to apply an integrated understanding of, and expert judgment about, complex civil liberties questions to current case studies in Australia and North America.
Related Course(s):	Juris Doctor