

## LAWS70448 Global Constitutionalism

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| <b>Credit Points:</b>                    | 12.5  |
| <b>Level:</b>                            | 7 (Graduate/Postgraduate)   |
| <b>Dates &amp; Locations:</b>            | This subject is not offered in 2016.  |
| <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>Contact:</b>                          | For more information:<br>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> )<br>Phone: +61 3 8344 6190<br>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> )   |
| <b>Subject Overview:</b>                 | This innovative subject is designed to explore the highly topical phenomenon of the globalisation of constitutional law. Taking the idea of legitimate authority as a focus, it examines two broad themes: (1) the extent to which national constitutional law is, or should be, converging on international standards; and (2) the extent to which international institutions are, or should be, influenced by standards of a constitutional kind. Under theme (1) it examines whether the constitutions of the world are, or ought to be, converging towards a point at which it will be possible to identify constitutional standards that apply within each state, with implications for the legitimacy of each constitutional order. Under theme (2) it examines the constitutional standards that properly apply to legitimate international legal institutions, e.g. Security Council, International Court of Justice (ICJ) and the World Trade Organization (WTO). Bringing the two themes together, the subject concludes by examining the prospects of a global constitutional court tasked with upholding a global constitutional minimum. The two lecturers in the subject bring different bodies of expertise to bear on these challenging issues. Laureate Professor Cheryl Saunders works in the field of global comparative constitutional law; Professor John Tasioulas is a legal philosopher, whose work focuses on international law.<br><br>Principal topics will include: |

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|                                      | <ul style="list-style-type: none"> <li># The forces of internationalisation and globalisation</li> <li># Concepts and standards of legitimacy</li> <li># Mapping the constitutional systems of the world</li> <li># The possibilities of common standards</li> <li># Mapping the international legal system</li> <li># Constitutional standards and international institutions</li> <li># Case study: an International Constitutional Court?</li> </ul>  |
| <b>Learning Outcomes:</b>            | <p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Understand and be able to evaluate the impact of internationalisation and globalisation on national constitutional systems</li> <li># Understand the concept of legitimacy as it applies to law and the sorts of considerations that are relevant to establishing it</li> <li># Understand and be able to assess the significance of the movement of authority to the international sphere</li> <li># Have a reasoned position on the extent to which common constitutional standards are emerging through the convergence of national constitutional systems</li> <li># Understand how and why questions of constitutional standards arise in relation to international decision-making</li> <li># Be able to evaluate the extent to which constitutional standards adapted from national experience or developed from other sources can and should be applied at the international level</li> <li># Appreciate the implications of these developments for the legitimacy of national constitutions and the international legal order.</li> </ul> |
| <b>Assessment:</b>                   | Take-home examination (100%) or 10,000 word research paper (100%) on a topic approved by the subject coordinator   |
| <b>Prescribed Texts:</b>             | 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.   |
| <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>Links to further information:</b> | <a href="http://www.law.unimelb.edu.au/subject/LAWS70448/2014">www.law.unimelb.edu.au/subject/LAWS70448/2014</a>   |
| <b>Notes:</b>                        | 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.  |
| <b>Related Course(s):</b>            | <p>Graduate Diploma in Government Law<br/> Graduate Diploma in Legal Studies<br/> Master of Law and Development<br/> Master of Laws<br/> Master of Public and International Law</p>  |