

LAWS90061 American Constitutional History & Rights

Credit Points:	12.5									
Level:	9 (Graduate/Postgraduate)									
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: July, 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: 144 hours									
Prerequisites:	Successful completion of all the below subjects: <table border="1" data-bbox="387 600 1485 804"> <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>12.5</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Semester 1</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.5	LAWS50024 Principles of Public Law	Semester 1	12.5
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LAWS50023 Legal Method and Reasoning	February	12.5								
LAWS50024 Principles of Public Law	Semester 1	12.5								
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.									
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:	This intensive course will introduce Australian students to the U.S. Constitution and constitutional rights from a historical perspective. The goal will be an understanding of constitution making and amending in the U.S. context, showing how American constitutional law both is impacted by and impacts the wider social context. Topics addressed will include: <ul style="list-style-type: none"> # The American Constitutional Convention and ratification process; # American federalism and division of powers between state and nation; # American constitutional structure with checks between branches; # U.S. Bill of Rights and the evolving understanding of individual rights; 									

	<ul style="list-style-type: none"> # U.S. constitutional interpretation by the courts: original intent vs. living constitution; # Impact of amendments over time, especially the 14 th amendment to the U.S. Bill of Rights, which addresses citizenship rights and equal protection before the law.
Learning Outcomes:	<p>A student who has successfully completed this subject should have an advanced understanding of, and be able to assess, evaluate, and critically analyse:</p> <ul style="list-style-type: none"> # American constitutional history, law and theory; # The nature of federalism and balance of powers in the United States; # The evolving concept of constitutional rights and individual freedom in American legal and political history; # Presidential powers in the American context; # Judicial review and the role of courts in interpreting the American constitution; <p>and</p> <ul style="list-style-type: none"> # Apply this understanding and analytical capacity to new situations and contexts; # Communicate their analysis in appropriate scholarly formats.
Assessment:	<p>Class participation based on specific responsibility, as a member of a group, for leading discussion in relation to a pre-assigned topic and assessment of student understanding through class participation and completion of a short reaction memorandum that students submit before class on a set topic (max 500 words) (10%); A 3-hour supervised open book exam, at the end of the assessment period (90%).</p>
Prescribed Texts:	<p>Akhil Amar, America's Constitution: A Biography (chapters 9-12 assigned, others recommended); Edward Larson and Michael Winship, The Constitutional Convention: A Narrative History from the Notes of James Madison; 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>A student who successfully completes this subject should have developed and demonstrated their skills to engage in:</p> <ul style="list-style-type: none"> # Specialist understanding, reading and critical engagement with cases relating to American constitutional law and making comparisons between them; # Specialist understanding, reading and critical engagement with the American Constitution and related statutes; # Specialist interpretation, critical reflection and comparison about historical sources relevant to American constitutional law; # Critical assessment of challenges to the American Constitution; # Formulate and articulate views on difficult historical and technical issues relating to American Constitution law in oral discussion.
Related Course(s):	<p>Juris Doctor</p>