



LAW 869

Law, Globalisation and Cultural Transformations

S3 External 2014

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

Archana Parashar

archana.parashar@mq.edu.au

Contact via archana.parashar@mq.edu.au

W3A 618

By prior appointment

Credit points

4

Prerequisites

Admission to MEnvLaw or MIntEnvLaw or PGDipIntEnvLaw or PGCertIntEnvLaw or LLM in (Environmental Law or International Environmental Law) or MIntTrdeComLaw or PGDipIntTrdeComLaw or PGCertIntTrdeComLaw or MIntRelMIntTrdeComLaw or 42cp in LAW units at 400 or 500 level or (admission to JD and 32cp in LAW units at 800 level)

Corequisites

Co-badged status

Unit description

This unit examines the economic, social, cultural, religious and political tensions brought by globalisation to people in the developed and developing nation states and how these tensions are reflected in law. The unit will examine the role of national institutions, the increasing transplantation of laws, the impact of emerging technologies and the recognition of human rights in analysing these tensions. The sites of property law, corporate governance, environmental sustainability and human rights will be used to explore these issues.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Analyze the various interdisciplinary explanations of why globalization is inevitable, desirable or undesirable.

Critically evaluate the role of law in the prevailing explanations of globalization. Describe

and analyze how law facilitates or is implicated in cultural transformations. Assess the explanations about the interdependence of law and other processes of globalization.

Synthesize available ideas to form your own views about the role of law in creating a socially just world order

Communicate your own ideas clearly and systematically in written and oral forms and apply sophisticated research, writing and referencing skills.

Assessment Tasks

Name	Weighting	Due
<u>Presentation in class</u>	20%	9th January 2015
<u>Short essay</u>	30%	15th January 2015
<u>Take Home Exam</u>	50%	30th January 2015

Presentation in class

Due: **9th January 2015**

Weighting: **20%**

Each student will be allocated six readings by the second week of December 2014. They will be required to write critiques of these readings and bring them to the on campus session. From these allocated readings the tutor will choose randomly the critiques that each student will present to the class at the on campus session. All other students will be expected to respond to the presentation and the presenter will have the opportunity of reworking these critiques and submit them as their Short essay assignment.

Reading the prescribed texts and preparation of questions/readings for class discussions at the OCS (Internal and Distance Students).

Assessment Criteria

Your work will be assessed according the extent of your:

Excellent

= HD-D

Good

= Credit

Satisfactory

= Pass

Unsatisfactory

= Fail

Preparation for class discussion as demonstrated by relevance of participation to general discussion

Has the capacity to notice important information in the readings and use it to build new arguments in class discussion

Uses information in the readings to enhance learning in the class discussion

Notices basic contextual issues and asks questions

Fails to identify important information in readings and their relevance to discussion in class

Understanding and expressing abstract and complex ideas orally

Can generalise from personal reflection on theoretical ideas or real life and evaluate the efficacy of ideas from a number of standpoints

Can synthesise a number of concepts or factors into a larger idea and construct own position.

Limited capacity to synthesise a number ideas into a larger argument

Responses remain anecdotal and not related to other theoretical ideas

Assisting other class members by contributing to student learning

Willing to share novel insights with others

Supports other members' views but not necessarily adopt them

Listens to other views but does not integrate in discussion

Does not manage to see another point of view

Expressing and countering arguments orally

Articulates a personal position, but is willing to modify it if persuaded by others

Prioritizes the need for compromise in decision- making rather than formulating opinions

Identifies different viewpoints but tends to follow majority viewpoint

Has difficulty formulating own opinion or relating to another's opinion

Listening attentively and showing respect to other students participating in class

Independent thinker, takes initiative as well as co-operating effectively with others

Relates professionally to colleagues. Makes effective contributions to the discussion

Attempts to relate to colleagues

Does not make an effort to relate to colleagues

On successful completion you will be able to:

- Analyze the various interdisciplinary explanations of why globalization is inevitable, desirable or undesirable.
- Synthesize available ideas to form your own views about the role of law in creating a socially just world order
- Communicate your own ideas clearly and systematically in written and oral forms and apply sophisticated research, writing and referencing skills.

Short essay

Due: **15th January 2015**

Weighting: **30%**

Each student will be assigned three readings by the tutor. You must write critiques of these readings and include in each critique a short summary of the argument made by the author. Assess whether the author has been able to accomplish what they set out to do. Do you agree or disagree with the argument and how it has been developed.

Maximum word length: 500 words for each critique (total word length 1500 words).

All assignments should be typed double spaced in 12pt Times New Roman. All assignments should be submitted through the turnitin icon on the ilearn page of this unit.

Assessment Criteria

Your work will be assessed according the extent of your: Excellent= HD-D Good= Credit

Satisfactory= Pass Unsatisfactory= Fail

Understanding of the law in this area Thorough and accurate understanding of concepts and processes of law. Uses this knowledge to abstract principles and applies them in novel situations. Uses concepts to build new knowledge and understanding. Recognises the limitations of current theories.

Thorough and accurate understanding of concepts and processes of law and can analyse and apply them in new situations. Knows basic concepts and can use them to solve problems and extend to new areas

Knows a few concepts. Focused introduction Uses the introduction to formulate a clear argument, identify parts of the argument, relevant issues and theories that will be addressed. Recognises the limitations of current thinking and the need for new ways of thinking. Can formulate an argument, and identify relevant issues and theories to be addressed.

Basic introduction with all the formal elements but stops short of giving clear picture of the essay. Formal introduction with not clear articulation of the argument or structure.

Coherent Structure and Written Expression Meets all expectations and conventions. Distinctive personal style in the specific execution of the task. A unique but appropriate presentation of work. Fulfills standard conventions with all expected attributes present. Some translation and interpretation of the conventions to suit personal style and the specific execution of the task. Fulfills basic expectations regarding the formatting and presentation of work. E.g., titles name on work, introduction, conclusion. Spell checked & grammatically correct. Lacks a coherent structure of argument, organization of ideas into different sections, fails to use spell checker, some sentences fail to use correct grammatical rules.

Depth of Analysis Uses principles to formulate a position or an argument about the literature. Can articulate the limited nature of their argument and can challenge to boundaries of disciplinary understanding. Recognises competing explanations and can identify the relative merits and limitations of an argument. Can describe and defend their own view or position. Mostly reports others' views without assessing them. Little interpretation or translation to a new problem or issue. Descriptive account of the available literature without any or very little analysis.

Developed and Sustained Argument Uses available ideas and theories accurately. Abstracts and applies them in novel situations. Uses concepts to build new knowledge and understanding. Recognises the limitations of current thinking Shows a

thorough and accurate understanding of concepts and processes. Has the capacity to analyse and apply them in new situations. Knows basic concepts and rules. Requires more effort in synthesizing own arguments. Knows some of the ideas and rules. Does not extend own analysis or argument. Consistent Conclusion. Makes a major contribution to the essay by pulling together all strands of the argument. Makes a judicious use of the available space to reinforce the argument of the essay. Makes a significant contribution to the structure of the essay. Can pull together various strands of the argument. Competent summary of the main arguments with very little effort at reinforcing the argument. Repetitious reiteration of points already discussed without any effort to reinforce the argument. Use of AGLC Style Guide for footnotes and bibliography. References and citations, including the bibliography use accurate, consistent and appropriate styles. Good effort at adapting the approach to different disciplinary conventions when using non-law literature. References and citations, including the bibliography are accurate, consistent and appropriate. References and citations are basically accurate in style. Occasional lack of consistency; reasonable acknowledgment of the sources of information. Absence or inaccurate use of referencing and citation conventions.

On successful completion you will be able to:

- Analyze the various interdisciplinary explanations of why globalization is inevitable, desirable or undesirable.
- Critically evaluate the role of law in the prevailing explanations of globalization. Describe and analyze how law facilitates or is implicated in cultural transformations. Assess the explanations about the interdependence of law and other processes of globalization.
- Synthesize available ideas to form your own views about the role of law in creating a socially just world order.
- Communicate your own ideas clearly and systematically in written and oral forms and apply sophisticated research, writing and referencing skills.

Take Home Exam

Due: **30th January 2015**

Weighting: **50%**

Take Home Exam will be issued on 28th January 2015. It will be posted on the iLearn page of the unit. The completed test must be returned by 5pm 30th January 2015.

Maximum word length: 4000 words

All assignments should be submitted through the Turnitin link provided on the unit's iLearn page

Assessment Criteria

Your work will be assessed according to the extent of your:

Excellent

= HD-D

Good

= Credit

Satisfactory

= Pass

Unsatisfactory

= Fail

Knowledge of the various ideas about the nature of law

Thorough and accurate understanding of concepts and processes of law. Uses this knowledge to abstract principles and applies them in novel situations. Uses concepts to build new knowledge and understanding. Recognises the limitations of current theories about them.

Thorough and accurate understanding of concepts and theories of law and can analyse and apply them in new situations.

Knows basic concepts and can use them to solve problems and extend to new areas

Knows a few

Rules and concepts. Does not use any theoretical understanding of the issues.

Introduction:

Uses the introduction to formulate a clear argument, identify parts of the argument, relevant issues and theories that will be addressed. Recognises the limitations of current thinking and the need for new ways of thinking.

Can formulate an argument, and identify relevant issues and theories to be addressed.

Basic introduction that contains all the formal elements but stops short of giving a clear picture of the essay.

Formal introduction with not a clear articulation of the argument or structure of the essay.

Depth of analysis:

Uses principles to formulate a position or an argument about the literature. Can articulate the

limited nature of their argument and can challenge to boundaries of disciplinary understanding.

Recognises competing explanations and can identify the relative merits and limitations of an argument. Can describe and defend their own view or position.

Mostly reports others' views without assessing them. Little interpretation or translation to a new problem or issue.

Descriptive account of the available literature without any or very little analysis.

Argument:

Uses available ideas and theories accurately. Abstracts and applies them in novel situations. Uses concepts to build new knowledge and understanding. Recognises the limitations of current thinking.

Shows a thorough and accurate understanding of concepts and processes. Has the capacity to analyse and apply them in new situations.

Knows basic concepts and rules. Requires more effort in synthesizing own arguments.

Knows some of the ideas and rules. Does not extend own analysis or argument

Coherent Structure:

Meets all expectations and conventions. Systematic and coherent organisation of ideas in sentences/paragraphs/sections. Distinctive personal style in the specific execution of the task. A unique but appropriate presentation of work.

Fulfills standard conventions with all expected attributes present. Some translation and interpretation of the conventions to suit personal style and the specific execution of the task.

Fulfills basic expectations regarding the formatting and presentation of work. E.g., titles name on work, introduction, conclusion. Spell checked & grammatically correct.

Lacks a coherent structure of argument, organization of ideas into different sections, fails to use spell checker, some sentences fail to use correct grammatical rules.

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Use of AGLC Style Guide for footnotes and bibliography

References and citations, including the bibliography use accurate, consistent and appropriate styles. Good effort at adapting the approach to different disciplinary conventions when using non-law literature.

References and citations, including the bibliography are accurate, consistent and appropriate.

References and citations are basically accurate in style. Occasional lack of consistency; reasonable acknowledgment of the sources of information.

Absence or inaccurate use of referencing and citation conventions.

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On successful completion you will be able to:

- Analyze the various interdisciplinary explanations of why globalization is inevitable, desirable or undesirable.
- Critically evaluate the role of law in the prevailing explanations of globalization. Describe and analyze how law facilitates or is implicated in cultural transformations. Assess the explanations about the interdependence of law and other processes of globalization.
- Synthesize available ideas to form your own views about the role of law in creating a socially just world order
- Communicate your own ideas clearly and systematically in written and oral forms and apply sophisticated research, writing and referencing skills.

Delivery and Resources

• Technology used and required

A set of twelve lectures will be pre-recorded and available on the iLearn page of the unit

• Teaching and Learning strategy

Lectures combined with face to face contact at three day on campus intensive sessions. Attendance at the three day intensive on campus sessions is compulsory for ALL students (day and external students).

• Lecture and Tutorial times

The content of the unit will be delivered through a combination of pre-recorded lectures and face to face contact at the on-campus intensive sessions on three days, 9, 10, 11 January 2015. See the time tables page for details of the venue for on campus sessions.

• Information about iLearn or other resources for this unit.

The details of the dates, times and venue for the on-campus session are available on the iLearn page of the unit.

Pre recorded lectures will be available on the ECHO facility on the iLearn page of the unit.

• Resources and Other material :

The unit is organized around the prescribed text:

Frank Lechner and J Boli Eds *The Globalization Reader*, 4th edn (Wiley-Blackwell2012).

Please purchase or borrow a copy of this text.

See the iLearn page for additional recommended readings.

Unit Schedule

1. TOPIC ONE: WHAT IS GLOBALIZATION
2. TOPIC TWO: INTERDISCIPLINARY THEORIES OF GLOBALIZATION
3. TOPIC THREE: ECONOMICS OF GLOBALIZATION
4. TOPIC FOUR: ECONOMICS ...continued
5. TOPIC FIVE: POLITICAL STATE IN GLOBALIZATION
6. TOPIC SIX: GOVERNANCE AND GLOBALIZATION
7. TOPIC SEVEN: CIVIL SOCIETY AND GLOBALIZATION
8. TOIC EIGHT: CULTURE, MEDIA AND GLOBALIZATION
9. TOPIC NINE: ENVIRONMENT AND GLOBALIZATION
10. TOPIC TEN: ENVIRONMENT ...continued
11. TOPIC ELEVEN: GLOBAL JUSTICE MOVEMENT AND GLOBALIZATION
12. TOPIC TWELVE: BRINGING TOGETHER THE MAIN TOPICS IN THE UNIT

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

It is Macquarie Law School's policy that:

In the absence of a successful application for special consideration, any assessment task submitted after its published deadline will not be graded and will receive a mark of zero.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Analyze the various interdisciplinary explanations of why globalization is inevitable, desirable or undesirable.
- Communicate your own ideas clearly and systematically in written and oral forms and apply sophisticated research, writing and referencing skills.

Assessment tasks

- Presentation in class
- Short essay
- Take Home Exam

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Analyze the various interdisciplinary explanations of why globalization is inevitable, desirable or undesirable.
- Critically evaluate the role of law in the prevailing explanations of globalization. Describe and analyze how law facilitates or is implicated in cultural transformations. Assess the explanations about the interdependence of law and other processes of globalization.
- Synthesize available ideas to form your own views about the role of law in creating a socially just world order
- Communicate your own ideas clearly and systematically in written and oral forms and apply sophisticated research, writing and referencing skills.

Assessment tasks

- Presentation in class
- Short essay
- Take Home Exam

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcomes

- Critically evaluate the role of law in the prevailing explanations of globalization. Describe and analyze how law facilitates or is implicated in cultural transformations. Assess the explanations about the interdependence of law and other processes of globalization.
- Synthesize available ideas to form your own views about the role of law in creating a socially just world order

Assessment tasks

- Short essay
- Take Home Exam

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcomes

- Analyze the various interdisciplinary explanations of why globalization is inevitable, desirable or undesirable.
- Critically evaluate the role of law in the prevailing explanations of globalization. Describe and analyze how law facilitates or is implicated in cultural transformations. Assess the explanations about the interdependence of law and other processes of globalization.
- Synthesize available ideas to form your own views about the role of law in creating a socially just world order

- Communicate your own ideas clearly and systematically in written and oral forms and apply sophisticated research, writing and referencing skills.

Assessment tasks

- Presentation in class
- Short essay
- Take Home Exam

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcomes

- Critically evaluate the role of law in the prevailing explanations of globalization. Describe and analyze how law facilitates or is implicated in cultural transformations. Assess the explanations about the interdependence of law and other processes of globalization.
- Synthesize available ideas to form your own views about the role of law in creating a socially just world order

Assessment tasks

- Presentation in class
- Short essay
- Take Home Exam

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Analyze the various interdisciplinary explanations of why globalization is inevitable, desirable or undesirable.
- Critically evaluate the role of law in the prevailing explanations of globalization. Describe and analyze how law facilitates or is implicated in cultural transformations. Assess the

explanations about the interdependence of law and other processes of globalization.

- Synthesize available ideas to form your own views about the role of law in creating a socially just world order

Assessment task

- Take Home Exam