

## Liverpool John Moores University

Title: Democracy, Rule of Law and Human Rights  
Status: Definitive  
Code: **7123LAWPL** (120306)  
Version Start Date: 01-08-2016

Owning School/Faculty: Law  
Teaching School/Faculty: Law

Team	Leader
Nirmala Pillay	Y

**Academic Level:** FHEQ7  
**Credit Value:** 15  
**Total Delivered Hours:** 20  
**Total Learning Hours:** 150  
**Private Study:** 130

### Delivery Options

Course typically offered: Semester 2

Component	Contact Hours
Lecture	10
Seminar	10

**Grading Basis:** 40 %

### Assessment Details

Category	Short Description	Description	Weighting (%)	Exam Duration
Essay	AS1	4000 word essay	100	

### Aims

*This course introduces students to the jurisprudence that informs the basic building blocks of a modern liberal state.*

### Learning Outcomes

After completing the module the student should be able to:

- 1 Critically illustrate and evaluate the ideas which inform liberal democracy.
- 2 Demonstrate a critical understanding of the themes of democracy, rule of law and human rights, and their role in a modern liberal state.
- 3 Critically analyse ideas of democracy, liberalism and human rights.
- 4 Demonstrate a critical appreciation of a range of primary texts in this area.

## Learning Outcomes of Assessments

The assessment item list is assessed via the learning outcomes listed:

4000 word essay	1	2	3	4
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## Outline Syllabus

*Topic One: The rule of law convention*

*The rule of law ancient and modern (history)*

*Anglo American 'rule of law'; German Rechtsstaat and French Etat de droit*

*Rule of Law as prevention of tyranny: the procedural elements of the rule of law*

*Rule of law as preservation of freedom: substantive elements of the rule of law*

*An examination of the main theories (texts) Albert Venn Dicey; Lon Fuller; Joseph Raz; Tom Bingham; Jurgen Habermas*

*Topic Two: Government by consent*

*The formation of Republican government*

*Written and unwritten constitutions and the role of the courts*

*Theories of democracy*

*Representative democracy*

*Democracy and rule of law represent conflicting political and legal values*

*Topic Three: A liberal theory of rights*

*Liberalism and personal autonomy*

*Liberalism as a political philosophy*

*Rule of law and liberal rights – legal liberty vs political and personal liberty*

*Liberalism and democracy – some theoretical problems*

*Human rights and the common law – issues in jurisprudence*

*Ways in which rule of law, democracy and human rights are mediated in the modern nation state*

## Learning Activities

10 lectures: listening and note taking

10 tutorials: reading, groupwork, discussion and presentations

Self-directed study: reading and researching the study themes

Assessment: researching, organising material and writing the essay

## Notes

This course gives students the opportunity to explore the informing philosophy of liberal states. For example even though the United States, Europe and Britain may have different legal traditions and constitutions unique to each country they are all based on similar theoretical presuppositions and confront the same political and legal dilemmas. In addition to knowledge acquisition the course develops the analytical skills of students by exposing them to the main literature on democracy, liberalism and human rights.