

Comparative Constitutional Law

(Summer Semester 2014/2015)

Lecturer:

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Summary:

The course is dedicated to the most important institutions ('Rechtsinstitut') of constitutional law which are to be discussed in comparative perspective. Its aim is to promote communication and cooperation between Erasmus and Czech students. In order to achieve balanced composition of the class, the capacity for both is limited to 15 participants. Drawing on wide legal and linguistic background of the students, the course consists of a series of workshops on specific constitutional institutions, which will be analyzed and presented by groups of students from various countries. Active participation and attendance of all participants is essential and therefore required.

Course description:

The first lesson is a brief introduction to the comparative law methodology and to the course requirements. The list of topics (constitutional institutions) will be announced and discussed; the final version will reflect the preferences expressed by the students in class. Once the final schedule is set, students will form internationally-diverse groups of 5-6 people which will be then assigned specific topics on which they are to prepare a comparative presentation. Each student is supposed to take part in two presentations (groups) throughout the course.

The task of the presenting group is to prepare a collective presentation (approx. 45 minutes in length) with the following structure:

- a) a short theoretical introduction of the institution;
- b) a description of how differently the institution is implemented in 4-5 countries;
- c) a comparison (preferably with an analysis of how and why the implementation differs).

One of the covered countries should always be the Czech Republic; the rest of the selection is up to the group as long as selected countries differ in their approach to the institution. The second half of each lesson is reserved for general discussion about the presentation. In order to enable fellow students to prepare in advance, the presenting group is expected to create a written handout (in form of a PowerPoint presentation or a PDF text) which will be sent to all course participants prior to class. References to relevant legal sources, court cases and literature are warmly recommended.

Preliminary list of topics:

- constitutional status and powers of the head of state
- rules of the legislative procedure
- supervisory powers of parliament
- parliamentary minority rights

- courts administration
- constitutional amendment process
- models of judicial review of laws
- second chambers of parliament
- relationship between the government and parliament
- models of federalism
- constitutions and international (and European) law
- budgetary powers of parliaments and their limits (e.g. “debt brakes”)
- forms of direct democracy
- parliamentary immunity
- funding of political parties and election campaigns

Basic reference literature (available in the faculty library):

Rosenfeld and Sajó (ed.): *The Oxford Handbook of Comparative Constitutional Law*. Oxford: Oxford University Press, 2012.

Dorsen, Rosenfeld, Sajó and Baer: *Comparative Constitutionalism: Cases and Materials*. St. Paul: Thomson Reuters, 2010.

Ginsburg and Dixon (ed.): *Comparative Constitutional Law*. Cheltenham: Edward Elgar, 2011.

Ginsburg (ed.): *Comparative Constitutional Design*. Cambridge: Cambridge University Press, 2012.

Prakke and Kortmann (ed.): *Constitutional Law of 15 EU Member States*. Deventer: Kluwer, 2004.

Kortmann, Fleuren and Voermans (ed.): *Constitutional Law of 10 EU Member States: The 2004 Enlargement*. Deventer: Kluwer, 2006.

Tushnet, Fleiner and Saunders (ed.): *Routledge Handbook of Constitutional Law*. London: Routledge, 2013.

Exam requirements:

Each student needs to take part in two presentations, i.e. be part of two groups. In addition, active participation in other workshops throughout the course, based on sufficient preparation, is expected. The attendance is compulsory, with a maximum of two absences allowed. The final exam has the form of an essay which is to be written within 24 hours after essay questions are made available (*take-home exam*). Students will be given a choice of three essay questions from which they pick one. All questions will be based on the course curriculum and handouts from the workshops.

Final grade components:

The final grade reflects achievement of course goals represented by these weighted components:

- 30 % written handouts (15 % for each group, with the group evaluated as a whole)
- 30 % oral presentation (15 % for each group, with the group evaluated as a whole)
- 15 % active participation throughout the course
- 25 % final take-home exam (essay)