

## Colloquium Comparative Constitutionalism – Syllabus WS 2008/09

| <b>Date</b> | <b>Questions for the Session</b>  | <b>Reading</b>   | <b>Method</b>   |
|-------------|---|--|---|
| 14 Oct      | <p><b>Introduction</b></p> <p>the concept of the class, expectations, exams and „Scheine“</p> <p>the topic of the class – approaches to comparative legal studies</p> <p>„problems“ to be discussed</p> |  | presentation SB   |
| 21 Oct      | <p><b>Constitution as Text</b></p> <p>constitutions and decisions from different countries</p>  | selected constitutional texts  | presentations by students   |
| 28 Oct      | <p><b>The concept of comparative constitutionalism – more than text</b></p> <p>„democracy“, „rule of law“, „judicial review“</p>  | Dorsen et al, <i>Comparative Constitutionalism 2003</i> (casebook) pp. 10-16, 39-47, 100-121   | class discussion  |
| 04 Nov      | <p><b>Methodology</b></p> <p>Theories I</p>   | Tushnet, Mark, Some reflections on method in comparative constitutional law, in: Choudhry, S., <i>The Migration of Constitutional Ideas</i> , Cambridge: Cambridge University Press 2006, 67-83  | class discussion  |
| 11 Nov      | <p><b>Methodology</b></p> <p>Theories II</p>  | <p>Günther Frankenberg, Critical Comparisons: Re-thinking Comparative Law, 26 <i>Harvard Int'l L Jnl</i> (1985), 411-455</p> <p>German version: Frankenberg, <i>Autorität und Integration</i>, Frankfurt/M: Suhrkamp, 2003, pp 299-363</p>   | close reading   |
| 18 Nov      | <p><b>Method</b></p> <p>a concept for case analysis</p>   | <p>how to present cases:</p> <p><a href="http://baer.rewi.hu-berlin.de/w/files/lspbpdf/comcon_cases.pdf">http://baer.rewi.hu-berlin.de/w/files/lspbpdf/comcon_cases.pdf</a></p> <p><i>Case No. 8 of Judicial Year 17 (May 18, 1996), Supreme Constitutional Court of Egypt</i>, annotated translation by N.J. Brown and C.B. Lombardi, 21 <i>Am.U. Int'l L Rev.</i> (2006), 437-460 - <i>hijab</i></p> | <p>practicing the framework for presenting cases on the Egyptian hijab case</p> <p>small presentations and class discussion</p> |

25 Nov **Problems / "cases"**

02 Dec comparative case analysis on topics chosen from the list

09 Dec

16 Dec

06 Jan

13 Jan

20 Jan

27 Jan

03 Feb

10 Feb

*casebook chapters on:*

Abortion

Death Penalty

Torture

Suicide, Euthanasia

Marriage, Partnership

Family

Sex

Equality and "Protective" Legislation

Affirmative Action

Political parties

political activity: voting rights

political activity: civil disobedience

presentations from students

research additional cases

class discussion