

# Comparative Constitutional Law

## Course Description

### Contact

Course lecturer: Daniel Moeckli (daniel.moeckli@ius.uzh.ch)

Assistants in charge of the course: Alexandra Glarner and Mona Gubler (lst.moeckli@ius.uzh.ch)

### Course description

This course covers both the methodology and the substance of comparative constitutional law. We will explore commonalities and differences amongst various constitutional systems. In particular, we will compare different approaches to key constitutional concepts such as creation and amendment of constitutions, democracy, constitutional review and fundamental rights.

### Prerequisites

A thorough knowledge of at least one constitutional system is indispensable.

### Number of participants

Due to the interactive nature of the course, the number of participants is limited to 22. In order to participate, please book the corresponding module, following the instructions of the University of Zurich and its Faculty of Law. Mobility students should turn to the Mobility Office for guidance. Once you have secured a spot via the module booking tool, please inform us (lst.moeckli@ius.uzh.ch) of your intended participation in order to obtain access to Moodle. Moreover, make sure to attend the first class on Tuesday, 17 September 2024.

### Course objectives

At the end of the course, students should have a good understanding of the methodologies commonly used in comparative constitutional law. Furthermore, students should be able to critically analyse different approaches to the key constitutional concepts covered in the course and to engage in meaningful discussions about these concepts. A further aim of this course is for students to be able to grasp the main arguments of a judgment concerning constitutional issues and to be able to compare these ideas to those prevalent in other jurisdictions.

### Course format

The course consists of 12 two-hour sessions, each devoted to a specific topic (see Syllabus). Preparation and active student participation is key to the success of this course. The course is reading intensive. Students are expected to read all the materials assigned for each week and to be prepared to answer questions on these readings. They are expected to contribute actively to class by giving a presentation (see below) and taking part in the discussions. If you are unable to prepare a class due to extraordinary circumstances, you should let us know before the class.

### Assessment

The assessment of the course consists of three parts:

- 1) An **oral exam** of 15 minutes in the last week before the Christmas break (**70%** of the final mark).
- 2) A **short presentation** of 10 minutes in class (**20%** of the final mark). The topic of the presentation can be chosen from a list of topics at the beginning of the semester. Please send us any slides, handouts etc. you intend to use by Monday, 14.00h before your presentation.
- 3) Participation in class (**10%** of the final mark).

## Reading

Students are expected to read the articles and other materials assigned for the respective session. The readings indicated on the Syllabus will be available on Moodle. The course materials uploaded on Moodle are provided for use in this course only and may not be shared.

Additional materials that you may find useful include the following comparative constitutional law (text)books:

- Michel Rosenfeld and András Sajó (eds), *The Oxford Handbook of Comparative Constitutional Law* (OUP 2012)
- Norman Dorsen, Michel Rosenfeld, András Sajó, Susanne Baer and Susanna Mancini (eds), *Comparative Constitutionalism: Cases and Materials* (4th edn, West Academic Publishing 2022)
- Roger Masterman and Robert Schütze (eds), *The Cambridge Companion to Comparative Constitutional Law* (Cambridge University Press, 2019)
- Mark Tushnet (ed), *Advanced Introduction to Comparative Constitutional Law* (2nd edn, Edward Elgar Publishing 2017)

Relevant Journals include:

- International Journal of Constitutional Law (OUP)
- European Constitutional Law Review (Cambridge University Press)

Other useful resources are:

- Comparative Constitutions Project : <https://comparativeconstitutionsproject.org/>
- Max Planck Encyclopedia of Comparative Constitutional Law: <https://oxcon.ouplaw.com/home/mpeccol>
- NYU Law GlobalLex: [https://www.nyulawglobal.org/globalex/Comparative\\_Constitutional\\_Law.html#\\_Introductory\\_Materials](https://www.nyulawglobal.org/globalex/Comparative_Constitutional_Law.html#_Introductory_Materials)
- Verfassungsblog: <https://verfassungsblog.de/blog/>