**Comparative Constitutional Law**

Lecturer:

JUDr. PhDr. Marek Antoš, LL.M., Ph.D.

[antos@prf.cuni.cz](mailto:antos@prf.cuni.cz)

Summary:

The course is dedicated to the most important institutions ('Rechtsinstitut') of constitutional law which are discussed in comparative perspective. Its aim is to support contacts and cooperation between Erasmus and Czech students who are enrolled on parity. Therefore also the capacity for Erasmus students is restricted 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 analyzed and presented by groups of students from various countries. Active participation and attendance of all participants is therefore essential and required.

Course description:

The first lesson is a brief introduction to the comparative law methodology and to the course requirements. Also the final list of topics (constitutional institutions) will be set here, reflecting preferences expressed by the students in class. Once the schedule is set, groups of 5-6 students, internationally composed, will be formed and assigned with specific topics to prepare a comparative presentation. Each student is supposed to take part in two presentations throughout the course.

The task of the presenting group is to prepare a collective presentation (approx. 45 minutes) providing: a) a short theoretical introduction of the institution; b) a description how the institution is differently implemented in 4-5 countries; c) a comparison (preferably with an analysis how and why is the implementation different). One of the countries described should always be the Czech Republic; the rest of the selection is up to the group, as long as different approaches to the institution are represented. The second half of each lesson is reserved for general discussion and reflection of the presentation by other students. In order to allow them to prepare in advance, the presenting group is expected to prepare a written handout (either in form of a Powerpoint presentation or a text in PDF) which will be distributed to all course participants in advance. 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 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 to pick one. All questions will be based on the course curriculum and handouts from the workshops.

Final grade components:

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

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