

## Comparative constitutional law

UGRA\_016169

---

Departments	Department of International, European Union and Comparative Law, Department of Law
Teaching Languages	English
ECTS	6
Teacher responsible	Boada Queralt Roger - roger.boada@esade.edu

---

### Course Goals

1. Understanding the fundamental goals of Constitutional Law, namely, ensuring that the State has the capability to pursue its legitimate goals, while placing it under adequate constraints to prevent abuses of power.
2. Acquiring a broad vision of the varied ways in which different countries have attempted to accomplish these two goals through their constitutional arrangements, and understanding the reasons behind these divergences.
3. Being able to critically assess the different arrangements under which constitutional democracy can exist, including different forms of government, forms of territorial organisation, electoral systems, judicial review (or even lack thereof) or constitution-making processes, among others.
4. Understanding the phenomenon of democratic backsliding, the causes that may lead to it and the mechanisms that may prevent it.

### Previous knowledge

Students are expected to have completed their Constitutional Law courses in their home universities. Familiarity with Public International Law and Human Rights Law is helpful, but not required.

### Prerequisites

Constitutional Law I, II and III (or their equivalents, depending on the academic programme at the student's home university).

### Recommended courses

Constitutional Law, Public International Law, Human Rights Law, or their equivalent in the student's home institution.

### Teaching methodology

The course will combine lectures with other teaching methods such as, potentially, simulations, tests or class presentations by the students.

### Description

#### Short description

This course seeks to explore the great topics of Constitutional Law from a comparative perspective. Although in a globalised world such an approach is becoming increasingly indispensable, quite often the study of Constitutional Law remains narrowly focused on its national dimension, which, on its own, might prove insufficient to fully understand the point of constitutionalism and the *raison d'être* of particular constitutional arrangements. We shall therefore explore some of the central topics in Constitutional Law, such as constitution-making, forms of government, electoral systems, judicial review, fundamental rights and their protection mechanisms, and the territorial organisation of the State, but through the lenses of a comparative analysis. In doing so, the students will develop the ability to understand the

reasons behind particular constitutional arrangements, critically assess them, and consider their potential for being replicated in other countries.

## Bibliography

Klein, C. and Sajó, A., The Oxford Handbook of Comparative Constitutional Law, Oxford University Press (Book)

## Content

#	Topic
1	The Methodology of Comparative Constitutional Law
2	Constitution-making and Constitutional Revision
3	The Enforcement of Constitutions
4	Forms of Government
5	Democracy and Democratic Backsliding
6	The Rights of Minorities
7	The Territorial Organisation of the State
8	Secessionism
9	Fundamental Rights and their Enforcement

## Assessment

Tool	Assessment tool	Category	Weight %
Written and/or oral exams	Final exam	Retake and ordinary round	65.00%
Participation in program activities	Class participation, presentations and/or tests	Retake and ordinary round	35.00%

### PROGRAMS

113-Law Exchange Program (Undergraduates: Law)  
113 Year 1 (Optative)