

## Comparative constitutional law

UGRA\_016169

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Departments	Department of International, European Union and Comparative Law, Department of Law
Teaching Languages	English
ECTS	6
Teacher responsible	Tommaso Amico di Meane - <a href="mailto:tommaso.amicodimeane@esade.edu">tommaso.amicodimeane@esade.edu</a>

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### Course Goals

At the end of the course, students will be able to:

1. Identify and discuss the main methodological approaches used in Comparative law.
2. Encompass selected contemporary issues from a comparative legal perspective.
3. Trace the historical development of Comparative law and its main protagonists.
4. Critically reflect on some of the challenges facing constitutionalism today.
5. Become aware of the main taxonomies of Comparative law.

### Previous knowledge

It is recommended that students have some prior knowledge of Constitutional law or Public law. Students who are interested in political and institutional news from around the world and curious about different legal cultures will be able to enjoy the course to the greatest extent.

### Prerequisites

No

### Recommended courses

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

### Teaching methodology

The course takes a highly interdisciplinary approach, combining law with subjects such as History, Economics, Political science and Anthropology, as well as Art and Literature. More precisely, the adopted methodology is that of "law in context", which involves contextualizing legal data within the relevant political, economic, and social scenario. Students will learn comparative theory and have the opportunity to study real cases from various parts of the world. All this will be achieved through lectures, first-hand accounts, extensive debates and case studies analysis, as well as group presentations by students.

## Description

### Short description

This Today's lawyers need to be "global". This does not mean that they must have detailed knowledge of every legal system in the world. However, it does mean that they must have some general knowledge of different legal cultures and understand that these offer different laws and ways of looking at reality. This course provides students with the theoretical, methodological and practical tools of Comparative Constitutional law, equipping them with an indispensable skill for any 21<sup>st</sup> century lawyer: the ability to approach and understand the law of other countries. The course explores Comparative law from its origins to the present day. It begins by introducing the key figures in this discipline to enable students to grasp their objectives, theories and methods. What is Comparative law? When did it come into being, and why? Adopting a diachronic approach, the course will examine the development of Comparative law during the 20<sup>th</sup> century, considering how the discipline adapted to pivotal events such as the industrial revolution, the advent of totalitarianism, the Cold War, decolonization, the fall of the Berlin Wall, globalization, the internet, algorithms and artificial intelligence. How has Comparative law changed during this period? When did Comparative Constitutional law emerge, and what are its main research topics, methods, and taxonomies? Crucially, how should comparisons be carried out? The course will culminate in group presentations by students, who will have the opportunity to apply the concepts and methods learnt during the lessons by working on concrete cases of legal comparison. By the end of the course, students will be ready to embark on their own journeys into the diverse world of law.

## Bibliography

Rosenfeld, M. and A. Sajó (eds.), *The Oxford Handbook of Comparative Constitutional Law*, Oxford University Press, 2012 (selected chapters). (Book Chapter)

## Content

#	Topic
1	1 The Ancestors of Comparative law
2	2 The Birth of the discipline
3	3 The Masters of Comparative law
4	4 Legal Families, Taxonomies and Classifications
5	5 Methodology
6	6 The Renaissance of Comparative Constitutional law
7	7 Common law vs. Civil law
8	8 Legal Pluralism and Indigenous Law

#	Topic
9	9 Decolonizing Comparative Law
10	10 Digital Constitutionalism

## Assessment

Tool	Assessment tool	Category	Weight %
Written and/or oral exams	Final exam	Retake and ordinary round	50.00%
Participation in program activities	Class participation, presentations and/or tests	Retake and ordinary round	50.00%

## PROGRAMS

113-Law Exchange Program (Undergraduates: Law)

113 Year 1 (Optative)