**TEMPLATE**

**Course descriptor**

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| Title of the course | **Comparative Constitutional Law** | | |
| Title of the Academic Programme | Jurisprudence | | |
| Type of the course[[1]](#footnote-1) | Elective | | |
| Prerequisites | Theory of State and Law, Constitutional Law of the Russian Federation, Philosophy | | |
| ECTS workload | 3 | | |
| Total indicative study hours | Directed Study | Self-directed study | Total |
| 36 | 78 | 114 |
| Course Overview | Modern states having unique features, different legal traditions and even ways of life face similar constitutional legal problems such as promotion of the separation of powers principle, search for a balance between public and private interests (including the various aspects of human rights protection), a conflict between national constitutional identity and decisions of international judicial bodies, national security threats etc. Comparative method helps to define and evaluate tendencies of constitutional legal development of foreign countries, find the optimal ways of dealing with constitutional law problems, which can be applied in the Russian context too. The course includes analysis of normative legal materials, leading judicial precedents and theoretical sources of selected jurisdictions (including Israel, Germany, France, Russia, UK, US) and international judicial bodies (European Court of Human Rights, Inter-American Court of Human Rights). | | |
| Intended Learning Outcomes (ILO)[[2]](#footnote-2) | The student has to know:   1. fundamental categories and theories of constitutional law; 2. Specifics of constitutional relations in foreign countries; 3. Territorial and legal foundations of systems of state power in foreign countries; 4. Methodology of comparative law analysis; 5. Methods of work with foreign case law. | | |
| Indicative Course Content | Titles of the main blocks to be discussed:   1. Theoretical foundations of the constitution, meaning of the constitution in different legal traditions. 2. Human Rights as a foundation of constitutional system. 3. Mechanisms of separation of powers and system of checks and balances. 4. Democracy and its limitations. Militant Democracy. 5. The place of the judiciary in a constitutional state. | | |
| Teaching and Learning Methods | 1. Case-studies; 2. Colloquiums; 3. Group projects; 4. Mooting | | |
| Indicative Assessment Methods and Strategy | 1. Comparative research paper of three selected jurisdictions 2. Written close-book examination | | |
| Readings / Indicative Learning Resources[[3]](#footnote-3) | Mandatory  Rosenfeld, Michel. The Oxford handbook of comparative constitutional law, Oxford [etc.] : Oxford University Press. 2012.  Tushnet Mark V. Advanced introduction to comparative constitutional law, Cheltenham, UK : Edward Elgar. 2014.  Давид Р., Жоффре-Спинози, К. Основные правовые системы современности. М., 2009.  Optional  Kommers, Donald P., Miller, Russell A. The Constitutional Jurisprudence of the Federal Republic of Germany: Third edition, Revised and Expanded. 2012.  Rogoff Martin A. French Constitutional law: cases and materials. 2014. | | |
| Course Instructor | Dmiry Kuznetsov | | |

1. ***Notes:***

   Type of the course - core (mandatory); optional or elective. [↑](#footnote-ref-1)
2. Intended Learning Outcomes (ILO) - for the academic programmes which are exposed to international accreditation or other forms of external evaluation, the list of ILO must be complemented with “Mapping of Programme and Course/module learning outcomes”. [↑](#footnote-ref-2)
3. Indicative Learning Resources - to be filled either in the Course descriptor or in the Course Syllabus. [↑](#footnote-ref-3)