

Summer Term 2024

Department 06

Law

Lecture: Comparative Constitutional Law

Prof. Dr. Lars Viellechner, LL.M. (Yale)

Subject

In recent years, the recourse to comparative arguments has significantly increased in the constitutional adjudication of many states across the Western legal tradition and beyond. Nevertheless, the admissibility of such an approach to constitutional interpretation is still disputed for reasons of democratic self-determination. Objections of this kind are forcefully raised in the United States of America, for example. Yet even where comparativism in constitutional law has become an unquestioned practice, as in Germany, the preconditions, aims and methods often remain unclear. The course intends to approach these basic problems of comparative constitutional law. It equally treats the empirical, normative and methodological dimensions of the subject.

Professor of Public Law,
in particular Constitutional Law,
Constitutional Theory, Legal Philosophy
and Transnational Law

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Organisation

The course is divided in two parts. Starting on 2 April 2024, we will meet every second week on Tuesday in order to study and discuss important court decisions and texts so as to provide essential background knowledge on the subject (building GW1, room A0160, 10 to 12 a.m.). Two full days at the end of the term will be reserved for individual presentations on more specific issues. The language of instruction is English. All information and material is available on Stud.IP.

Credit

The course is offered as an elective course both in the field of specialisation and for the master degree in "Transnational Law". Credits according to Paragraph 31 Sect. 2 No. 2, 4 and 5 of the Examination Rules or 6 ECTS can be obtained.

Bibliography

- Norman Dorsen/Michel Rosenfeld/András Sajó/Susanne Baer/Susanna Mancini, *Comparative Constitutionalism: Cases and Materials*, Saint Paul: West Academic Publishing, 4th edn. 2022.
- Günter Frankenberg, *Comparative Constitutional Studies: Between Magic and Deceit*, Cheltenham: Edward Elgar 2018.
- Mark Tushnet, *Advanced Introduction to Comparative Constitutional Law*, Cheltenham: Edward Elgar, 2nd edn. 2018.