

DISCIPLINA: COMPARATIVE CONSTITUTIONAL LAW	CÓDIGO: GRDDIRELE0115
PROFESSOR: THOMAZ PEREIRA	CARGA HORÁRIA: 30h
<p>EMENTA</p> <p>This course will explore constitutional law through a comparative lens. We will discuss how different constitutional democracies grapple with concepts of separation of powers, federalism, judicial review, human dignity and social rights, among others. Special focus will lie on how these concerns intersect with the fashioning of identities and communities, and on how constitutional law can only be truly understood as existing in a normative universe that integrates history, culture and institutions.</p>	
<p>OBJETIVOS GERAIS</p> <p>Constitutional law will be analyzed in its different dimensions of (i) a theoretical form of legitimating power, (ii) a product of a specific political history and culture, and (iii) a normative framework that constitutes and regulates political institutions.</p>	
<p>OBJETIVOS ESPECÍFICOS</p> <p>The course has two purposes: first, to introduce students to the relevant topics in comparative constitutional law; and second, through comparison of the experiences of different constitutional democracies, to encourage critical thinking about fundamental issues regarding constitutional law and theory. The division of the program in two parts reflects these two fundamental concerns.</p>	
<p>BIBLIOGRAFIA OBRIGATÓRIA</p> <p>Vicki C. Jackson; Mark Tushnet (eds.), <i>What is Comparative Constitutional Law</i>, in COMP. CONST. LAW (2d ed. 2006), pp. 141-155.</p> <p>Bruce Ackerman, <i>The Rise of World Constitutionalism</i>, 83 VA. L. REV. 771 (1997), pp. 771-775.</p> <p>Dieter Grimm, <i>The Achievement of Constitutionalism and its Prospects in a Changed World</i>, in THE TWILIGHT OF CONSTITUTIONALISM? (Petra Dobner & Martin Loughlin eds., 2009), pp. 3-22.</p> <p>Adam Przeworski, <i>Democracy as an Equilibrium</i>, 123 PUB. CHOICE 253 (2005), pp. 265-273.</p> <p>Bruce Ackerman, <i>The Rise of World Constitutionalism</i>, 83 VA. L. REV. 771 (1997), pp. 775-797.</p> <p>H.W.O. Okoth-Ogendo, <i>Constitutions Without Constitutionalism</i>, in CONSTITUTIONALISM AND DEMOCRACY: TRANSITIONS IN THE CONTEMPORARY WORLD (Douglas Greenberg, Stanley N. Katz, Melanie Beth Oliviero, and Steven C. Wheatley eds., 1993), (excerpts).</p> <p>Bruce Ackerman, <i>WE THE PEOPLE I: FOUNDATIONS</i> (1991), pp. 3-24.</p> <p>Ran Hirschl, <i>TOWARDS JURISTOCRACY: THE ORIGINS AND CONSEQUENCES OF THE NEW CONSTITUTIONALISM</i> (2007), pp. 1-16.</p> <p>Jed Rubenfeld, <i>Unilateralism and Constitutionalism</i>, 79 N.Y.U. L. REV. 1971 (2004), pp. 1971-1976; 1991-2021.</p> <p>Jack Balkin & Reva Siegel, <i>Principles, Practices, and Social Movements</i>, 154 U. PA. L. REV. 927 (2006), pp. 927-933, 946-950.</p> <p>Alec Stone Sweet, <i>Constitutions and Judicial Power</i>, in <i>Comparative Politics</i> (Daniele Caramani ed., 2008), pp. 217-239.</p>	

Tom Ginsburg, *JUDICIAL REVIEW IN NEW DEMOCRACIES: CONSTITUTIONAL COURTS IN ASIAN CASES* (2003), pp. 1-20.

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Alec Stone Sweet; Jud Mathews, *Proportionality, Balancing and Global Constitutionalism*, 47 *COLUMBIA J. TRANSNAT'L LAW* 72 (2008), (excerpts).

Dieter Grimm, *Proportionality in Canadian and German Constitutional Jurisprudence*, 57 *U. OF TORONTO L. J.* 383 (2007), pp. 383-397.

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R v Morgentaler, (1988) 1 SCR 30 (Sup Ct) [Canada]

Attorney General v X and Others, (1992) 1 IR 1 (Sup Ct) [Ireland]

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BIBLIOGRAFIA COMPLEMENTAR

Será indicada posteriormente.