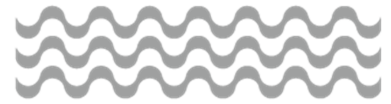


DISCIPLINA ELETIVA: <b>COMPARATIVE CONSTITUTIONAL LAW</b>	CÓDIGO:
PROFESSOR: <b>DIEGO WERNECK E EVAN ROSEAVAR</b>	CARGA HORÁRIA: <b>30h</b>
<b>EMENTA</b> Constitution, Constitutional Courts, Constitutional Interpretation, Social Rights, Social Construction, Jurisdictions, Comparative Constitutional Law.	
<b>OBJETIVOS GERAIS</b> In this course, we will consider and compare constitutional controversies that have been dealt with by the constitutional courts of several jurisdictions. We will discuss classic (such as freedom of expression and religion) and contemporary (such as same-sex marriage, healthcare and housing) constitutional problems, analyzing both the influence of political and institutional factors and the different methods of constitutional interpretation employed in these jurisdictions. By the end of the course, students will have become familiar with a set of important judicial rulings from several jurisdictions and the different approaches to constitutional adjudication they adopt.	
<b>BIBLIOGRAFIA OBRIGATÓRIA</b> Course readings will focus on the original text of judicial decisions by constitutional courts. All readings below are mandatory, and either are available online or will be sent by the instructors in the first week of class. Additional, optional readings will be provided as the semester progresses. <ul style="list-style-type: none"> <li>• Tom Ginsburg, “The Global Spread of Judicial Review”, The Oxford Handbook of Law and Politics. Edited by Gregory A. Caldeira, R. Daniel Kelemen, and Keith E. Whittington, 2005.</li> <li>• Julio Rios-Figueroa &amp; Patricio Navia, “The Constitutional Adjudication Mosaic of Latin America”, Comparative Political Studies, v.38, n.2, 2005</li> <li>• Abortion I Case (1975) 39 BVerfGE 1 (Fed Const’l Ct (Germany))</li> <li>• Attorney General v X and Others (1992) 1 IR 1 (Sup Ct (Ireland))</li> <li>• Roe v Wade (1973) 410 US 113 (Sup Ct (US))</li> <li>• R v Morgentaler (1988) 1 SCR 30 (Sup Ct (Canada))</li> <li>• Alice Miller v Minister of Defence [1995] HCJ 4541/94, 1995-6 Israel Law Reports 1</li> <li>• Beatrice a/p AT Fernandez Lwn Sistem Penerbangan Malaysia dan Kesatuan Sekerja Kakitangan Sistem Penerbangan Malaysia Semenanjung Malaysia [2005] MYFC [Malaysia] 08-51-2003(W)</li> <li>• Constitutional Judgment 3-3-1-41-09 (Police Pensions Case) (Sup Ct [Estonia])</li> <li>• R. v. Butler [1992] 1 S.C.R. 452 [Canada]</li> <li>• Civil Partner Pensions Case (2009) 1 BvR 1164/07 (Fed Const’l Ct (Germany))</li> <li>• Lawrence v Texas (2003) 539 US 558 (Sup Ct (US))</li> <li>• Loving v Virginia (1967) 388 US 1 (Sup Ct (US))</li> <li>• Reference re Same-Sex Marriage (2004) 3 SCR 698 (Sup Ct (Canada))</li> <li>• Brown v Board of Education of Topeka (No 1) (1954) 347 US 483</li> <li>• Moore v British Columbia (Education) [2012] SCC 61</li> <li>• Campaign for Fiscal Equity v State of New York (2001) 719 NYS (2d) 475 (Sup Ct NY)</li> <li>• Chaoulli v Quebec (Attorney General) (2005) 2005 SCC 35 (Sup Ct (Canada))</li> <li>• Soobramoney v Minister of Health (KwaZulu-Natal) (1997) 1997 ZACC 17 (Const’l Ct (South Africa))</li> <li>• TAC (II) (2002) [2002] ZACC 15 (Const’l Ct (South Africa))</li> <li>• NFIB v Sebelius (2012) 567 US ____ (Sup Ct (US))</li> </ul>	



- Gosselin v Quebec (Attorney General) [2002] 2 SCR 429 (Sup Ct (Canada))
- Grootboom v Government of RSA [2000] ZACC 19 (Const'l Ct (South Africa))
- Olga Tellis v Bombay Municipal Corporation (1985) [1985] 3 SCR 545 (Sup Ct (India))
- Fabre C, 'Social Rights in European Constitutions' in Gráinne de Búrca, Bruno de Witte and Larissa Ogertschnig (eds), Social Rights in Europe (Oxford University Press 2005)
- Leyla Sahin v Turkey (Eur Ct Hum Rts (Grand Ch))
- Multani v Commission Scolaire (2006) 1 SCR 256 (Sup Ct (Canada))
- R v Denbigh High School (2006) [2006] UKHL 15 (House of Lords (UK))
- Wisconsin v Yoder (1972) 406 US 205 (Sup Ct (US))
- Bruker v Marcovitz [2007] 3 SCR 607 (Sup Ct (Canada))
- Classroom Crucifix Case [1995] 1 BvR 1087/91
- Lina Joy v Majlis Agama Islam Wilayah Persekutuan (2007) 4 MLJ 585 (Malaysia)
- Lemon v. Kurtzman 403 U.S. 602 (1971)
- New York Times Co. v. Sullivan, **376 U.S. 254** (1964)
- **Von Hannover v Germany [2004]** (Application no. 59320/00) [European Court of Human Rights]
- Luth (1958) 7 BVerfGE 198 (Fed Const'l Ct (Germany))
- Certification of the Constitution of the Republic of South Africa (1996) 1996 ZACC 26 (Const'l Ct (South Africa))
- Reference re: Secession of Quebec (1998) 2 SCR 217 (Sup Ct (Canada))
- C-370 of 2006 (Colombian Constitutional Court)
- Stone Sweet A and Mathews J, 'Proportionality Balancing and Global Constitutionalism' (2008) 47 Columbia Journal of Transnational Law 73
- R v Oakes (1986) 1 SCR 103 (Sup Ct (Canada))
- Omega [2004] European Court of Human Rights
- Francis Coralie Mullin vs. Administrator, Union Territory of Delhi [1981], 1 SCC 608 [India]
- Aviation Security Case [2006], Judgment of the First Senate of 15 February, German Constitutional Court
- Reva Siegel, 'Dignity and Sexuality: Claims on Dignity in Transnational Debates over Abortion and Same-Sex Marriage' (2012) 10 International Journal of Constitutional Law 355