**DISCIPLINA:** COMPARATIVE CONSTITUTIONAL LAW  
**CÓDIGO:** GRDDIRELE0115

**PROFESSOR:** THOMAZ PEREIRA  
**CARGA HORÁRIA:** 30h

**EMENTA**

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.

**OBJETIVOS GERAIS**

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.

**OBJETIVOS ESPECÍFICOS**

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.

**BIBLIOGRAFIA OBRIGATÓRIA**


*Lüth,* (1958) 7 BVerfGE 198 (Fed Const’l Ct) [Germany]


*R. v. Butler,* [1992] 1 SCR 452 (Sup Ct) [Canada]

*Von Hannover v Germany,* (2004) [European Court of Human Rights]

*Roe v Wade,* (1973) 410 US 113 (Sup Ct) [United States]

*Abortion I Case,* (1975) 39 BVerfGE 1 (Fed Const’l Ct) [Germany]

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

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

*Edwards v Canada,* [1930] AC 124 (JCPC) [Canada]

*Alice Miller v Minister of Defence,* (1995) HCJ 4541/94 (High Ct Jus) [Israel]

*Beatrice Fernandez,* [2005] 3 MLJ 681 (Fed Ct) [Malaysia]

*Police Pensions Case,* (2009) 3-3-1-41-09 (Sup Ct, en banc) [Estonia]

*Loving v Virginia,* (1967) 388 US 1 (Sup Ct) [United States]

*Lawrence v Texas,* (2003) 539 US 558 (Sup Ct) [United States]

*Reference re Same-Sex Marriage,* [2004] 3 SCR 698 (Sup Ct) [Canada]

*Civil Partner Pensions Case,* (2009) 1 BvR 1164/07 (Fed Const’l Ct) [Germany]

*Olga Tellis v Bombay,* [1985] 3 SCR 545 (Sup Ct) [India]

*Grootboom v Government of RSA,* [2000] ZACC 19 (Const’l Ct) [South Africa]

*Gosselin v Quebec (AG),* [2002] 2 SCR 429 (Sup Ct) [Canada]

*Certification of the Constitution of RSA,* [1996] ZACC 26 (Const’l Ct) [South Africa]

*Reference re: Secession of Quebec,* [1998] 2 SCR 217 (Sup Ct) [Canada]

*C-370 of 2006,* [Const’l Ct] [Colombia]

**BIBLIOGRAFIA COMPLEMENTAR**

Será indicada posteriormente.