

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.), What is Comparative Constitutional Law, in Comp. Const. Law (2d ed. 2006), pp. 141-155. Jack Balkin & Reva Siegel, Principles, Practices, and Social Movements, 154 U. Pa. L. Rev. 927 (2006), pp. 927-933, 946-950. (Disponível em: http://digitalcommons.law.yale.edu/fss_papers/234/) Tom Ginsburg, Judicial Review in New Democracies: Constitutional Courts in Asian Cases (2003), pp. 1-20.</p>	
<p>BIBLIOGRAFIA COMPLEMENTAR</p> <p>Alec Stone Sweet; Jud Mathews, Proportionality, Balancing and Global Constitutionalism, 47 Columbia J. Transnat'l Law 72 (2008), (excerpts). (Disponível em: http://heinonline.org/HOL/Page?handle=hein.journals/cjtl47&div=8&g_sent=1&collection=journals) Dieter Grimm, Proportionality in Canadian and German Constitutional Jurisprudence, 57 U. of Toronto L. J. 383 (2007), pp. 383-397. (Disponível em: https://muse.jhu.edu/article/215796/summary) R. v. Butler, [1992] 1 SCR 452 (Sup Ct) [Canada] (Disponível em: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/844/index.do) R v Morgentaler, (1988) 1 SCR 30 (Sup Ct) [Canada] (Disponível em: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/288/index.do) Attorney General v X and Others, (1992) 1 IR 1 (Sup Ct) [Ireland] (Disponível em: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2694351)</p>	