



Univ. Prof. Dr. iur. Matthias Klatt

INTERNACIONAL CONSTITUTIONAL LAWSeminar  
Summer term 2017

This seminar addresses theoretical perspectives on the growing interest in constitutions and constitutional law in domestic, regional, and global contexts. International Constitutional Law is an emerging discipline focusing on the basic ideas relating to justice (such as human rights), procedural fairness and participation (e.g. democracy) and the rule of law as they relate to institutional practices and policies in and beyond the state.

We will discuss insights of constitutional scholars from a number of jurisdictions which increasingly engage in a global discourse. This discourse is visible, for example, in relatively new journals like *International Constitutional Law* (OUP) and *Global Constitutionalism* (CUP). The topics of this seminar are chosen from articles in these journals as well as from the new *Oxford Constitutional Theory* book series.

**Contents:**

1. **Fundamentals** (e.g. nature of discipline; concepts of a constitution; constitutionalism in a globalized world; constitutional interpretation as a legal method; balancing of constitutional principles)
2. **Basic Rights Theory** (e.g. concept and different types of basic rights; role and function of basic rights in a legal order; relation of basic rights to human rights; application of basic rights; selected cases from international and various constitutional courts; proportionality test debate)

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3. **Selected Topics** (e.g. the problem of sovereignty; constitutional entrenchment; conflicts of competences; constitutional review; pluralism in constitutional law; countermajoritarian difficulty; rule of law; constitutional amendments).

The seminar will follow a reading club style, i.e. each week a text will be discussed.

**Curriculum/ECTS Credits:** Diploma Programme Law (3. Part) and Doctoral Programme Law: 5 credits.

**Assessment:** short oral presentation and short written essay

**Literature:** will be announced in the first session and distributed via moodle

**Participation:** Limited number of places available. Topics will be assigned in the first session: Thursday, 09.03.2017, 18:30-20:00, SR 15.23