Comparative Constitutional Law

Justice Sandile Ngcobo
Fall 2017
Wednesdays: 4:10 - 5:25 PM    Thursdays: 3:00 – 4:15 PM
Room: FH 110
3 Classroom credits

Course Description

The seminar will cover selected topics arising from the study of constitutional systems. It will examine some of the problems of constitutional design, ensuring constitutional efficacy and constitutional adjudication. The focus will be on countries such as in the United States, South Africa, Canada, Germany, Great Britain and India. Topics that will be examined include constitution-making and amendments, constitutional interpretation, varying foundations and structures of judicial review, the recognition and adjudication of economic and social rights, and how different constitutional systems respond to same-sex marriages, pluralism and international terrorism. The final class will consider the value and limits of comparative constitutional law.

The aim of the course is to examine critically what can be learned from a comparative study of constitutions and constitutionalism as a field of academic study and as a judicial practice.

Readings:

All required readings will be posted on the course website at least one week before the required class. There will be a set of reading materials with links to electronic resources held by the Law School Library.

Assessment:

(1) Each student will be obliged to write two or three (depending on the total number of students enrolled) 'response papers' of 2-3 pages during the term, raising issues for discussion related to the readings of one session. This will count for 20%.
(2) This is a discussion-based seminar, and class participation will count for 30%.
(3) There will be a final essay, on a topic of choice (as approved by the lecturer), to be submitted by the end of the examination session. (approx. 3000 words).

1. Each student will be obliged to write two or three (depending on the total number of students enrolled) response papers of 2-3, raising issues for discussion related to the readings of one session - 20%.
2. Class participation - 30%.
3. 15 – 20-page final essay on a topic of choice (as approved by the lecturer), due by the end of the examination session – 50%
**Class Participation:**
Students are expected to be prepared for each class to discuss the readings assigned for that class. If you are unable to prepare due to extraordinary circumstances, you should contact me before class. Since this class is a seminar, class participation is critical and will count for 30 percent of your final grade. Students will also sign up to give a brief presentation of the material during one of our class sessions.

**Paper:**

The remaining 70 percent of your grade will be based on a 20 to 25 page research paper on some topic related to the course. Students should meet with the professor by the end of February to discuss preliminary paper topics. This seminar may be used to satisfy the upper level writing requirement.