

# **CONSTITUTIONAL LAW**

**IE University**

Professor: **ANTONIOS KOUROUTAKIS**

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Degree course: FIRST

Semester: 1<sup>o</sup>

Category: BASIC

Number of credits: 6.0

Language: English

## **PREREQUISITES**

## **SUBJECT DESCRIPTION**

The purpose of this course is to introduce students to constitutional law from a comparative perspective. The aim is two-fold: to help students acquire an understanding of the different rules and institutions that define our constitutional systems; and to provide them with a critical assessment of recent trends in constitutional law that can help them grasp and confront the complexity of an increasingly globalized and transnational legal order. The steady internationalization of constitutional law calls for a reinforced comparative approach.

This course is essential in the training of any jurist, since the knowledge and skills it offers are necessary for later courses. Besides, the unique comparative approach given to this specific subject as part of the IE LLB programme is intended to encourage future lawyers to pursue their careers in international, multidisciplinary and multicultural environments, and be capable of learning from experience and incorporating further knowledge in a progressive self-directed and autonomous way.

The course will begin with an introduction to Western constitutional history and the development of the theories of the state and modern constitutionalism. It will then focus on the role of the constitution as fundamental norm, explore the sources of law it contains, and develop its essential content with regards to forms and systems of government on the one hand, and the guarantee of fundamental rights and liberties on the other. It will follow with a comparative overview of the role and activity of constitutional courts and conclude with a reflection on the impact of internationalization on the nature of the constitutional state.

## **OBJECTIVES AND SKILLS**

The objectives of this course are:

1. To introduce students to the ideas of constitution, constitutionalism and other main public law concepts
2. To develop in students an understanding of:
  - 2.1 the relevant history and essential features of European constitutions;
  - 2.2 the nature of the constitutional state;
  - 2.3 the institutions of government and the relationship between them;
  - 2.4 the constitutional guarantees of fundamental rights and liberties
  - 2.5 the basic principles of judicial review
3. To encourage a critical assessment of European and international constitutionalism by reference to scholarship and proposals for its reform

## **METHODOLOGY**

The general methodology will include instructor presentations and explanations of key concepts and principles related to constitutional issues. Decisions of different supreme or constitutional courts will be used. Students are expected to engage in discussion dealing with essential problems and latest developments within the realm of constitutional law. As a general rule, the so-called 'Socratic method' will be used.

Active participation in class, case presentations, group assignments and debates are a precondition for the success of the course. Students are expected to engage meaningfully in class sessions and will be encouraged to seek a deeper knowledge of the subject matter through independent research activity.

Students are expected to read all assigned materials and be prepared ahead of all class meetings. Questioning in the classroom will be part of the general methodology.

<b>Teaching methodology</b>	<b>Weighting</b>	<b>Estimated time a student should dedicate to prepare for and participate in</b>
Lectures	26.67 %	40 hours
Discussions	3.33 %	5 hours
Exercises	13.33 %	20 hours
Group work	2.0 %	3 hours
Other individual studying	54.67 %	82 hours
<b>TOTAL</b>	<b>100.0 %</b>	<b>150 hours</b>

## **PROGRAM**

### **SESSION 1**

The meaning of a constitution I

### **SESSION 2**

The meaning of a constitution I

### **SESSION 3**

The meaning of a constitution II

### **SESSION 4**

The meaning of a constitution II

### **SESSION 5**

The meaning of a constitution III

### **SESSION 6**

The meaning of a constitution III

### **SESSION 7**

The meaning of a constitution IV

### **SESSION 8**

The meaning of a constitution IV

### **SESSION 9**

Institutions I

### **SESSION 10**

Institutions I

### **SESSION 11**

Institutions II

### **SESSION 12**

Institutions II

### **SESSION 13**

Institutions III

**SESSION 14**

Institutions III

**SESSION 15**

Midterm Exam

**SESSION 16**

Institutions IV

**SESSION 17**

Institutions IV

**SESSION 18**

Fundamental rights and liberties I

**SESSION 19**

Fundamental rights and liberties I

**SESSION 20**

Fundamental rights and liberties II

**SESSION 21**

Fundamental rights and liberties II

**SESSION 22**

Fundamental rights and liberties III

**SESSION 23**

Fundamental rights and liberties III

**SESSION 24**

Fundamental rights and liberties IV

**SESSION 25**

Fundamental rights and liberties IV

**SESSION 26**

Constitutional adjudication I

**SESSION 27**

Constitutional adjudication I

**SESSION 28**

Constitutional adjudication II

**SESSION 29**

Constitutional adjudication II

**SESSION 30**

Final Exam



## **BIBLIOGRAPHY**

### **7.1. COMPULSORY**

No compulsory textbook is required for this course. Students will be required to read materials from different sources, all of which will be distributed through IE Campus.

### **7.2. RECOMMENDED**

Students may find very useful any of the books published under the Constitutions of the World Series of Hart:

<http://www.hartpub.co.uk/SeriesDetails.aspx?SeriesName=Constitutional+Systems+of+the+World>

Students may also find useful the following books:

- DORSEN, N., ROSENFELD, M., SAJO, A., BAER, S., Comparative Constitutionalism: Cases and Materials, Thompson-West, 2nd ed., 2010
- HERINGA, A. W. & KIIVER, P., Constitutions Compared. An Introduction to Comparative Constitutional Law, Intersentia – Metro, Antwerp-Oxford-Portland, 3d ed., 2012.
- TUSHNET, M., Advanced Introduction to Comparative Constitutional Law, Hart, Oxford, 2014

## EVALUATION CRITERIA

Each student has four attempts over two consecutive academic years to pass this course. Dates and location of the final exam will be posted in advance and will not be changed. Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year). Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

Criteria	Percentage	Comments
Final Exam	40 %	
Intermediate Tests	20 %	Midterm
Individual Work	20 %	
Class Participation	20 %	

**RETAKE POLICY** Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility). Grading for retakes will be subject to the following rules:

- o The retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- o The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained on the second and fourth attempts is 8 out of 10.
- o The third attempt will require the student to complete:
  - a written assignment
  - a midterm
  - a final examThis is also applicable to students who do not have required attendance, e.g. sickness.
- o Dates and location of the retakes will be posted in advance and will not be changed.

## PROFESSOR BIO

Professor: **ANTONIOS KOUROUTAKIS**

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Antonios Kouroutakis is a lawyer specialised in public law. He holds a Bachelor's degree in Law, from Democritus University of Thrace (Greece), a Master of Laws (LL.M) from the University of California, Los Angeles (UCLA) Law School (USA) and a Doctor of Philosophy (PhD) from the University of Oxford (UK). He has also taught a variety of law courses and conducted research as a postdoctoral fellow at the City University of Hong Kong (China), at the Free University of Berlin (Germany) and at Aristotle University of Thessaloniki (Greece).

Antonios's research interests lie mainly in the field of constitutional and administrative law. In particular, Antonios is interested in the concept of separation of powers, rule of law, emergency legislation, immigration law and climate change; he has published widely on these topics in international and peer reviewed journals. Antonios practiced law before the European and the Greek courts and authorities.

## OTHER INFORMATION

## CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than 5 minutes late will be marked as "Absent".

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.
3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent".

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".
6. **No cellular phones:** IE University implements a "Phone-free Classroom" policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.
7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as "Absent." IE University implements an "escalation policy": The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.