

GLOBAL CONSTITUTIONAL LAW

ACADEMIC YEAR 2022/2023



LEARNING OUTCOMES

This seminar seeks to rethink traditional features of constitutional theory and constitutional law in the light of globalization. In the same way we can identify a developing pan-European constitutional order, so can we recognize the evolution of new legal, institutional and normative global processes.

Students will be able to critically reflect on current constitutional challenges, such as: how sovereignty, democracy, and the concept of nation-state are being metamorphosed by increased supranational integration; state's loss of centrality to the sphere of influence of international institutions, transnational non-governmental organizations or multilateral companies; the impact of judicial and economic globalization on the domestic legal orders; the interactions between supranational organizations and domestic constitutional law; how global scholarship is moving from clear-cut division between national and international law to refined concepts of interdependence between several constitutions.

SYLLABUS

- I – Transnational constitutional law
 - a) Core meaning;
 - b) Overlapping concepts (common constitutional traditions, comparative constitutional law, foreign/domestic constitutional law, international law);
 - c) Is constitutional law universal? Constitutional sovereigntists versus global constitutionalists.
- II – Supranational integration beyond the state
 - a) European Union;
 - b) Regional International Law (Council of Europe);
 - c) International Global Law.
- III – International convergence of constitutional norms and transjudicial dialogue
 - a) Which liberal democracies count? Only Europe and North America? Advocacy of a genuine transnational and cross-cultural dialogue;
 - b) United States exceptionalism, originalism and aversion to comparative constitutional law;
 - c) Transition to comparative constitutional studies (relevance of joining theory and data – towards joint normative and empirical studies).
- IV – Transnational law in context (global agencies, internet law, antiterrorism law)