



UNIVERSITÄT  
LEIPZIG

Juristenfakultät



Dienstag  
15-17 Uhr  
HS 20

# Comparative Constitutional Law

Vorlesung im  
Wintersemester  
2022/2023

Dr. Alexander Brade, LL.M. (Harvard)



## **Lecture „Comparative Constitutional Law“**

Winter Term 2022/2023

### *A. Introduction: Comparing Legal Decisions – Abortion*

- I. Germany: Schwangerschaftsabbruch I and II
- II. Overturning Roe v. Wade
- III. Abortion Rights in other Countries

### *B. What is Comparative Constitutional Law?*

- I. Purposes, risks and difficulties of comparisons
- II. Comparative Constitutional Law as a Field of Law
  1. History
  2. Methodology
- III. Current State in Germany and the USA

### *C. Creating Constitutions and Constitutional Change*

- I. What is a Constitution?
- II. Constitution-making
  1. USA
  2. Germany
  3. Kenya
- III. Amendments
  1. Mechanisms
  2. Unconstitutional Amendments?

### *D. Separation of Powers and Federalism*

- I. Executive and Legislative Powers
  1. Checking the US-President
  2. United Kingdom: R (Miller) v. The Prime Minister
  3. Germany
- II. Legislative Powers
- III. Elections and Political Parties

## *E. Constitutional Courts*

- I. Structure and Role
- II. Judicial Review and Justiciability
  1. Marbury v. Madison/McCulloch v. Maryland
  2. BVerfG: Südweststaat-Decision
  3. Political Question Doctrine
  4. Judicial Activism?
- III. Procedure and Decision-making Process
- IV. US-Supreme Court Reform?

## *F. Fundamental Rights*

- I. Judicial Reasoning and Proportionality
- II. Human Dignity and Autonomy
  1. Right to Die
  2. Covid-19 Pandemic: Curfews and Contact Restrictions
- III. Freedom of Religion
  1. USA: Free Exercise and Establishment Clause
  2. Kruzifix-Decision (BVerfG)
- IV. Freedom of Expression
  1. Germany
  2. USA: Brandenburg v. Ohio
  3. Australia: Australian Capital Television v. Commonwealth
- V. Protection of Natural Resources
- VI. Equality and Affirmative Action
  1. The Road to Brown v. Board of Education
  2. Students for Fair Admissions v. President & Fellows of Harvard College
  3. The Caste System in India: State of Kerala v. Thomas
- VII. Social Welfare Rights
  1. Germany: "Hartz IV"
  2. USA
  3. South Africa