



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

Winter Term 2024/2025

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

- I. Germany: Abortion I and II
- II. Overturning Roe v. Wade

### *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
- III. Amendments
  1. Mechanisms
  2. Unconstitutional Amendments?

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

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

### *E. Constitutional Courts*

- I. Structure and Role
- II. Judicial Review and Justiciability
  1. Marbury v. Madison
  2. BVerfG: Südweststaat-Decision
  3. Israel: Reasonableness Doctrine
- III. Procedure and Decision-making Process
- IV. BVerfG and/or US-Supreme Court Reform?

## *F. Fundamental Rights*

- I. Judicial Reasoning and Proportionality
- II. Human Dignity and Autonomy
  - 1. Covid-19 Pandemic: Curfews and Contact Restrictions
  - 2. Right to Die
- III. Protection of Natural Resources
  - 1. BVerfG: "Climate Change"
  - 2. Juliana v. US/Ohio v. EPA
  - 3. India: M.K. Ranjitsinh and Others v. Union of India and Others
- IV. Equality and Affirmative Action
  - 1. Goodbye to the Concept of Affirmative Action?
  - 2. Discrimination against Sexual Identity
- V. Social Welfare Rights
  - 1. Germany: "Hartz IV"
  - 2. USA (Dandridge v. Williams)
  - 3. South Africa