

CURSO	:	COMPARATIVE CONSTITUTIONAL JURISDICTION
TRADUCCION	:	Jurisdicción Constitucional Comparada
SIGLA	:	DMD3531
CRÉDITOS	:	10 UC
MÓDULOS	:	01
REQUISITOS	:	Sin requisitos
RESTRICCIONES	:	170401, 170402, 170403, 170404 o 170405
CARÁCTER	:	Optativo
TIPO	:	Cátedra
CALIFICACIÓN	:	Estándar
PROFESOR	:	Rodrigo Delaveau Swett

I. DESCRIPTION

The course exposes the comparative constitutional justice of the main legal systems around the world including their principles and fundamental institutions. In addition, addresses the most relevant judicial cases with a strong emphasis on empirical and law practitioner's view.

II. OBJECTIVES

1. Describe the origin and evolution of constitutional judicial review.
2. Describe and analyze the main similarities and differences of all American, French, German, English and Latin American legal systems and constitutional jurisdiction and protection, as well as their political institutions and legal process.
3. Understand the most relevant jurisprudential cases of various global constitutional systems.
4. Confront the main features of these legal systems with the essential characteristics of Chilean constitutionalism.

III. CONTENT

1. Comparative Constitutional Law
 - 1.1. Nature, function and comparative law method in general and constitutional law in particular.
 - 1.2. Legal Systems, principles and comparative institutions.
2. The Constitution.
 - 2.1. Origin, evolution and trends of constitutionalism.
 - 2.2. American and European constitutionalism
3. Judicial Review in US
 - 3.1. Historical background and Philosophical Foundations: Federalism and Common Law
 - 3.2. Origin. *Marbury vs Madison*.
 - 3.3. Development and evolution of Judicial Review. Relevant US Supreme Court cases.
4. European Constitutional Review
 - 4.1. Germany. Principles and Institutions (the *Bundesverfassungsgericht*)

- 4.2. France: Principles and Institutions (the *Conseil Constitutionnel*)
 - 4.2.1.
- 4.3. England: beginning and institutions.
- 4.4. Constitutional Jurisdiction in Latin America (Mexico, Colombia, Peru).

IV. METHODOLOGY

- Teaching based on lectures in English
- Class participation based on previous readings

V. EVALUATION

Reading comprehension:	30 %
Class participation:	30 %
Written final examination:	40%

75 % attendance is required to pass the course.

VI. BIBLIOGRAPHY

Required

- Currie, David P. *The constitution of the United States: a primer for the people*; (second edition)
- Kommers, Donald P. and Miller, Russell A. *The Constitutional Jurisprudence of the Federal Republic of Germany*: Third edition, Revised and Expanded, Third Edition, 2012
- Lacroix, Alison, *The Ideological Origins of American Federalism*, Cambridge, Mass.: Harvard University Press, 2010

Recommended

- Carpizo, Jorge, *Derecho constitucional latinoamericano y comparado Boletín Mexicano de Derecho Comparado*, vol. XXXVIII, núm. 114, septiembre-diciembre, 2005, pp. 949 -989 Universidad Nacional Autónoma de México Distrito Federal, México
- Cifuentes Muñoz, Eduardo, *Jurisdicción constitucional en Colombia, Ius et praxis / Universidad de Talca, Facultad de Ciencias Jurídicas y Sociales.(Talca, Chile).Año 8, no. 1 (2002), p. 283-317.*
- Fernández Segado, Francisco, *La justicia constitucional: una visión de derecho comparado*, Madrid, Dykinson, 2009, 3 tomos, 479 pp.
- Haro, Ricardo, *El control de constitucionalidad comparado y el rol paradigmático de las cortes y tribunales constitucionales*, Anuario de derecho constitucional latinoamericano / Fundación Konrad - Adenauer Stiftung.(Montevideo, Uruguay)(2004, tomo 1), p. 41-73.
- Louis Favoreu, Loïc Philip, *Conseil constitutionnel bibliographiem Les grandes décisions du Conseil constitutionnel*, Editeur Dalloz, Collection Grands arrêts - Grandes decisions, 2013 (17e édition)
- Pegoraro, Lucio, *La justicia constitucional : una perspectiva comparada*, Madrid : Dykinson, 2004, 195 p.

- Varios Autores (Juan Manuel López Ulla), *La justicia constitucional en Iberoamérica : Chile, Bolivia, Colombia y Cuba*, Cádiz : Universidad de Cádiz, 2011.215 páginas
- Verpeaux, Michel, *Le Conseil constitutionnel*, La documentation française, 2e édition, France , 2014
- Waldron, Jeremy, *The Core of the Case Against Judicial Review*, Yale law journal, Vol. 115, N°. 6, 2006, págs. 1346-1486
- Wouters, Jan and Duquet, Sanderijn, *Reasonableness as a Standard of Judicial Review* *Comparative, European and International Perspectives*, Rivista trimestrale di diritto pubblico, ISSN 0557-1464, N° 1, 2014, págs. 35-76
- Zapata Larraín, Patricio, *Justicia constitucional : teoría y práctica en el derecho chileno y comparado*, Santiago de Chile : Jurídica de Chile, 2008, 623 páginas