

Comparative Constitutional Law

Course code: LEG 213

Semester and year: Fall 2026

Day and time: Wednesday 11:15-14:00

Instructor: Jiří Kašný

Instructor contact: jiri.kasny@aauni.edu

Consultation hours: Wednesday 14:00-15:00

Credits US/ECTS	3/6	Level	Bachelor
Length	15 weeks	Pre-requisite	None
Contact hours	42 hours	Grading	Letter grade

1. Course Description

This course explores the constitutional frameworks, principles, and institutions across different jurisdictions with a focus on both established and emerging constitutional orders. It examines the historical evolution, structural design, fundamental rights, and enforcement mechanisms within a range of constitutional systems. Special emphasis is placed on European constitutional traditions and their interactions with international and regional legal norms. Students will engage critically with primary legal texts and scholarly commentary to understand how various legal cultures approach governance, rights protection, judicial review, and constitutional change.

2. Student Learning Outcomes

Upon completion of this course, students will be able to:

- critically comment on methods of interpretation and application of constitutional rules by courts and evaluate different approaches taken by courts
- critically comment on whether a particular limitation on a fundamentally protected right could be considered to be legitimate, according to established doctrines of constitutional interpretation
- understand current constitutional law issues in relation to fundamental rights and international and European law.

3. Reading Material

Required Materials

Selected chapters (Limited copies available in the library or on web)

- Tushnet, Mark, *Advanced Introduction to Comparative Constitutional Law* (Elgar Advanced Introductions series). Second edition 2014.
- The Federalist Papers at <https://guides.loc.gov/federalist-papers/full-text>
- Selected constitutions

Recommended Materials

Selected chapters (Available in the Library)

- Blokker, Paul. *New Democracies in Crisis: A Comparative Constitutional Study of the Czech Republic, Hungary, Poland, Romania, and Slovakia*. Routledge, 2014.
- Ginsburg, Tom and Dixon, Rosalind. *Comparative Constitutional Law*. Edward Elgar Publishing. 2011.
- Goldsworthy, Jeffrey. *Interpreting Constitutions. A Comparative Study*. Oxford University Press, 2006.
- Honoré, Tony. *About Law*. Oxford: Clarendon Press, 2005.
- Schutze, Robert. *European Constitutional Law*. Cambridge University Press, 2021.

- Max Planck Encyclopedia of Comparative Constitutional Law at <https://oxcon.ouplaw.com/home/MPECCOL>

4. Teaching methodology

The format of this seminar is primarily lecture – research – presentation – discussion. Students are expected to participate in class presentations and discussions, to read and study the required and suggested materials and to do their own research-reading. The module will be taught over the period of one semester.

5. Course Schedule

Date	Class Agenda
1. 2/9 2026	Topic: Introduction to Comparative Constitutional Law Description: We will introduce and discuss the following topics: How to study comparative constitutional law: research, reading, terminology. What are the constitutions and what function they perform? Why to apply the comparative method to constitutional law study? What is the role of state and government? Why are some legal limits imposed on the power of government necessary? What are the legal ways to limit the potential misuse of the power of government? Reading: Honoré, Tony. <i>About Law</i>. Oxford: Clarendon Press, 2005, p. 23-34. Assignments/deadlines: The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
2. 9/9	Topic: Historical Evolution of Constitutional Law Description: We will read some of the historical examples of the constitutional laws and discuss political and philosophical foundations of modern constitutional law, the reasons for limited power and the rights in constitutional law, and how the constitution defends and promotes freedom of every individual. Reading: <i>The Mayflower Compacts</i> (1620); <i>The Federalist Papers</i>. New York, 1787-1788. Assignments/deadlines: The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
3. 16/9	Topic: Models of Constitutions Description: We will discuss mainly strong-form judicial review model, weak-form judicial review model, rights-centered postwar constitutionalism. Reading: Tushnet, Mark. <i>Advanced Introduction to Comparative Constitutional Law</i>. 2018. Selected Constitutions. Assignments/deadlines: Home Essay 1 – instructions. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
4. 23/9	Topic: Models of Government Description: We will discuss the constitutional difference between democratic government and totalitarian government, dictatorship; classical forms of government: monarchy, aristocracy, polity, tyranny, oligarchy, democracy; medieval monarchy in perfect society. Reading: Tushnet, Mark. <i>Advanced Introduction to Comparative Constitutional Law</i>. 2018. Assignments/deadlines: Home Essay 1 – discussion. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
5. 30/9	Topic: Separation of Powers

	Description: We will discuss the classical enumeration of the branches of government and its modification and the role of checks and balances. Reading: Tushnet, Mark. <i>Advanced Introduction to Comparative Constitutional Law</i>, 2018, p. 105-128. Assignments/deadlines: Home Essay 1 – due. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
6. 7/10	Topic: Fundamental Rights and Liberties 1 Description: We will discuss the development of fundamental rights and liberties in the context of modern constitutional law. Reading: <i>The Universal Declaration of Human Rights</i> (1948); <i>The European Convention on Human Rights</i> (1950); The Charter of Fundamental Rights and Basic Freedoms as a part of the constitutional order of the Czech Republic; the charter of fundamental rights and basic freedoms of any democratic country. Assignments/deadlines: Home Essay 1 – evaluation and feedback. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
7. 14/10	Topic: Fundamental Rights and Liberties 2 Description: We will discuss the role of fundamental rights and liberties in the context of modern democratic state. Reading: <i>The Universal Declaration of Human Rights</i> (1948); <i>The European Convention on Human Rights</i> (1950); The Charter of Fundamental Rights and Basic Freedoms as a part of the constitutional order of the Czech Republic; the charter of fundamental rights and basic freedoms of any democratic country. Assignments/deadlines: The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
8. 21/10	Topic: Federalism and Regional Integration Description: We will discuss the roles of federalism, especially how it prevents concentration of power, accommodates diversity, improves democratic participation and maintains national unity. Reading: The Federalist Papers at https://guides.loc.gov/federalist-papers/full-text Assignments/deadlines: Home Essay 2 – Instructions. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
26-30/10	Midterm break
9. 4/11	Topic: Judicial Review and Constitutional Court 1 Description: We will discuss the key functions of a constitutional court, mainly to uphold the rule of law; prevent abuses of governmental power; protect minority rights against unjust majoritarian decisions; maintain the balance of powers within the state; ensure that constitutional principles remain effective in practice. Reading: The Federalist Papers at https://guides.loc.gov/federalist-papers/full-text Assignments/deadlines: Home Essay 2 – discussion. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
10. 11/11	Topic: Judicial Review and Constitutional Court 2 Description: We will discuss the role of proportionality in constitutional law to balance individual rights and freedoms and legitimate public interests such as security, public health, public order, or the rights of others and the criteria of the proportionality test.

	Reading: Tushnet, Mark. Advanced Introduction to Comparative Constitutional Law, p. 83-104. Assignments/deadlines: Home Essay 2 – due. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
11. 18/11	Topic: The European Convention on Human Rights Description: We will discuss the birth of the European Convention on Human Rights and the authority of the European Courts of Human Rights. Reading: The European Convention on Human Rights 1950. Assignments/deadlines: Home essay 3 – instructions. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
12. 25/11	Topic: Constitutional Changes and Amendments Processes Description: We will read and discuss particular recent changes in constitutions and formal amendment processes. Reading: Case study Assignments/deadlines: Home Essay 3 – discussion. The topics of the presentations to study and review this lesson will be distributed and discussed at the end of the class session.
13. 2/12	Topic: Emerging Trends in Comparative Constitutional Law Description: We will discuss how current comparative constitutional law focuses on globalization and international law, technological innovations, climate change, expanding human rights protections, emergency governance, and more... Reading: Case study Assignments/deadlines: Home Essay 3 – due
14. 9/12	Topic: Final exam session - review of the selected topics Description: Home essay 3 – presentation and defense of home essay 3 – discussion – feedback – evaluation Reading: none Assignments/deadlines: Home Essay 3 – defense and feedback

6. Course Requirements

Assessment in this course will be based upon attendance, class participation, presentation and discussion (10%), home essays 1, 2 and 3 (30% each). Preparation and writing of the essays (workload) include participation in classes, reading and individual research reading.

Assignment	Workload (average)	Weight in Final Grade	Evaluated Course Specific Learning Outcomes	Evaluated Institutional Learning Outcomes*
Class participation and two class presentation	42	10 %	Students will participate in class presentation and discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2, 3
Home essay 1	36	30%	Students will discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2
Home essay 2	36	30%	Students will discuss meaningfully the topics of the course that have been already	1, 2

			covered in accordance with the learning outcomes (see above).	
Final exam home essay 3	36	30%	Students will discuss meaningfully the topics of the course that have been already covered in accordance with the learning outcomes (see above).	1, 2
TOTAL	150	100%		

*1 = Critical Thinking; 2 = Effective Communication; 3 = Effective and Responsible Action

7. Detailed description of the assignments

Class participation and presentations:

Each student will prepare and present two short (5 minutes) presentations in class, first presentation before the midterm break (Sept 9 – Oct 21, 2026), second presentation after the midterm break (Nov 4 – Dec 2, 2026). The topics and the schedule of the presentations will be distributed and discussed at the end of the first and the following classes. Each presentation is 5%.

Assessment breakdown

Assessed area	Percentage
Content	40%
Presentation	40%
Discussion	20%

Home essay 1:

Home essay 1 should be about 6 pages long. The detailed instructions incl. the style, the topics of the home essay will be distributed and discussed in class on September 16, 2026. Submit the essay by September 30, 2026 in electronic version via Turnitin. Assessed areas include content, resources, structure and argument, and style and form of the essay; the result makes 30% of the final grade.

Assessment breakdown

Assessed area	Percentage
Content	30%
Resources	20%
Structure and argument	30%
Style and form	20%

Home essay 2:

Home essay 2 should be about 6 pages long. The detailed instructions incl. the style, the topics of the home essay will be distributed and discussed in class on October 21, 2026. Submit the essay by November 11, 2026 in electronic version via Turnitin. Assessed areas include content, resources, structure and argument, and style and form of the essay; the result makes 30% of the final grade.

Assessment breakdown

Assessed area	Percentage
Content	30%
Resources	20%
Structure and argument	30%
Style and form	20%

Final Exam - Home essay 3:

Final exam - home essay 3 should be about 6 pages long. The detailed instructions incl. the style, the topics of the home essay will be distributed and discussed in class on November 18, 2026. Submit the essay by December 2, 2026 in electronic version via Turnitin. Assessed areas include content, resources, structure and argument, and style and form of the essay; the result makes 30% of the final grade.

Assessment breakdown

Assessed area	Percentage
Content	30%
Resources	20%
Structure and argument	30%
Style and form	20%

8. General Requirements and School Policies***General requirements***

All coursework is governed by AAU's academic rules. Students are expected to be familiar with the academic rules in the Academic Codex and Student Handbook and to maintain the highest standards of honesty and academic integrity in their work. Please see the AAU intranet for a [summary of key policies](#) regarding coursework.

Course specific requirements

There are no special requirements or deviations from AAU policies for this course.

Prepared by: doc. Jiří Kašný, Th.D

Date: June 25, 2026

Approved by: Dr. Libor Lukášek, Ph.D.

Date: August 19, 2026