

Comparative Constitutional Law

Summer Term 2026

I. Description

The foundations of liberal democracy in 'Western' constitutional systems have been under pressure since well before Donald Trump's return to the White House. In light of current challenges, this course compares the German constitution with other national and supranational constitutions. It examines constitutional law from the perspective of the various legal cultures around the world, using comparative and interdisciplinary methods. In particular, the lecture discusses recent jurisprudence on fundamental questions of the constitutional state and the threats it faces.

As a contrast, the course also presents authoritarian anti-constitutional regimes that attempt to evade the value system of the modern constitutional state and examines mechanisms for defending liberal democracy against authoritarian tendencies.

II. Outline

1. Introduction: Significance and critique of comparative constitutional law
2. The concept of 'constitution'
3. Democracy and the constitution
4. Rule of law and constitutional government
5. Human and fundamental rights versus majority rule?
6. Constitutional adjudication and constitutional law
7. (Horizontal) separation of powers
8. Federalism
9. Inter-, trans- and supranationalisation of the constitution
10. Protection of the constitution and liberal democracy
11. Climate change and the rights of future generations
12. Limits of constitutionalism

III. Eligibility

Law students and students of related subjects. A basic prerequisite is some knowledge of German constitutional law (Staatsrecht I, II and III or comparable courses). The course can be credited toward "Schwerpunktbereiche" (subjects of specialisation) no. 1, 5 and 9 for oral examination. Upon request, a certificate preparatory seminar can also be obtained. This requires the completion of a seminar paper and an oral presentation. Students are expected to read German and English texts. The lecture is in German, but contributions to the classes in English language are also admitted. The preparatory texts to be read for each lecture will be distributed via StudIP.