



COURSE DESCRIPTION - FACULTY OF LAW

COURSE NUMBER: LAW 599:A07 **COURSE NAME:** Reading Constitutions:
A Comparative Inquiry

PREREQUISITE COURSES:

PREREQUISITE FOR:

CREDITS: 3 **HOURS PER TERM:** **TERM:** 1st **MAXIMUM ENROLLMENT:** 24

PROFESSOR: Barry Sullivan

METHOD OF PRESENTATION: LECTURE X SEMINAR X OTHER

METHOD OF EVALUATION:

100% take-home final examination

COURSE DESCRIPTION:

Constitutions come in all sizes and shapes, with varying substantive provisions and amendment processes. Is there a proper method of constitutional interpretation applicable to all constitutional systems? Is there a proper method of constitutional interpretation applicable to all cases within a particular constitutional system? Judges and scholars take a variety of views. Some written constitutions provide specific instructions for interpretation. Others do not. Some constitutional systems nonetheless appear to follow distinctive methodologies for constitutional interpretation. Individual judges often have distinctive views about the way in which their nation's basic law should be interpreted. Some judges maintain that they apply the same methodology consistently in all types of cases; others plainly adopt different approaches for different types of cases. Certain methodologies may be dominant in certain constitutional systems at certain periods and are then superseded. This course will consider differences in approaches to constitutional interpretation across constitutional systems, including those of Canada, Ireland, South Africa, the UK, and the US. Readings will include works by Aharon Barak, Stephen Breyer, Edward Levi, H. Jefferson Powell, and Antonin Scalia, and Jeremy Waldron, among others, as well as selected judicial opinions.

***SPECIAL COMMENTS:**

EVENING CLASS:

SPECIAL ATTENDANCE:

OTHER:

REQUIRED TEXTS (IF ANY): TBA