<table>
<thead>
<tr>
<th><strong>Course Title</strong></th>
<th>Comparative Constitutionalism in Post-Socialist Countries</th>
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<tbody>
<tr>
<td><strong>Lecturer</strong></td>
<td>Dr. Elena Makarova</td>
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<tr>
<td><strong>Institution</strong></td>
<td>Law School, Novgorod State University</td>
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<td><strong>Country</strong></td>
<td>Russia</td>
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**2008 SYLLABUS**

**Introduction:**

This course “Comparative Constitutionalism in Post-Socialist Countries” is an elective course for the 3rd year students of Law School. Students are already expected to have taken theoretical courses such as Theory of State and Law and Foreign Legal History, which provide the necessary foundation for successful learning of this course. In addition, in the second year, students will have taken the course, Constitutional Law, which characterizes the constitutional system of Russia and provides essential background for successful comparison between constitutional sources, institutions and norms in Russia and other foreign countries.

The material covered by this course, *Comparative Constitutionalism in Post-Socialist Countries*, is complemented by courses in the Politics department. The course is planned for 44 academic hours including 30 lecture hours and 14 seminar hours.

**Course Description:**

The basic problem we shall be dealing with in this course is following: understanding the constitutional changes and the prospect of constitutionalism in East and Central European countries on the way from totalitarian regimes to democratic ones. Important topics that will be covered in the course include: the stability of constitutional regimes, the legitimacy and culture of constitutionalism,
the process and effectiveness of constitution-making. We will also discuss the relationships between constitutional changes and consolidation of democracy.

The course begins from the analysis of the understanding of constitutionalism and rights in post-socialist states in Eastern and Central Europe. In the first block, we will think about the definitions and relationship between “constitution” and “constitutionalism,” and how they relate to the concept of rule of law (from the view of democracy). For future lawyers, it is particularly important to define and understand the different legal norms which underpin democratic and legal society.

The second part of the course we will address state and municipal power. We will uncover the ways in which the political-legal system becomes institutionalized (within a system of separation of powers), as well as processes of democratization and modernization in electoral system of these countries. Here the role of the municipal government in the state structure of power is particularly emphasized. The separation of powers, the role of constitutions, and the rules for adoption, amendment and protection of constitutions by judicial review, are the most important topics covered.

Constitutional courts are playing an increasingly important role in advanced democracies. In the third part of our course we will explore the role of constitutional courts in the democratization of post-socialist Europe, emphasizing the interactions between constitutional courts and the elected branches. We will spend the bulk of the course analysing the origins and role of courts with constitutional review powers by comparing models of constitutional justice in Western established democracies and in the Eastern and Central European transitional democracies. The course will end with reflections on the possibilities and limits of realizing democratic justice through the courts.

Course Requirements:

Students are expected to attend all course sessions and come prepared to discuss the materials (lectures and seminars). Seminars provide an opportunity to review materials covered in lecture and to explore variation and alternative views to those covered in lecture. Discussion sections are an integral part of this course. For every seminar meeting, students must choose 2-3 readings from the reading list.

Students are expected to complete one written assignment. A detailed research proposal (likely length of about 20 pages) should outline a plan for dealing with one of the issues raised in the course. The proposal should identify a problem to explore or a hypothesis to test, and in the process review the relevant literature, identify the central issues to be explored, locate the project in a larger
theoretical context, and set out the expected findings. The research paper topic will be determined in consultation with the lecturer. It should be typed and submitted three weeks before the final exam to the Department of Theory and History of State and Law of Law School.

Grading will be broken down into the following components:
- class participation  30%
- final essay  30%
- final exam  40%

Section 1: Democratization and Constitution-Making

Week One
Choices for the New Democracies: Constitutional view


Week Two
Similar or different? Why did countries in Eastern Europe and the FSU adopt different constitutional pathways?


**Week Three**

Does the declaration of democratic principles in constitutional acts mean the democratic reality?


**Section 2: Institutional Design in Post-Socialist Societies**

**Week One**

Separation of Power: Parliamentary vs. Presidential Government?


**Week Two**  
**Election: Democracy with (without) a Demos?**

- Any other three newspaper’s articles about the elections of March 2008

**Week Three**  
**The Prospects for Federalism in Russian Constitutional Politics: Symmetry or Asymmetry?**

- C. Ross, “Putin’s Federal Reforms and the Consolidation of Federalism in Russia: One Step Forward, Two Steps Back!,” *Communist and post-Communist Studies* (36) 2003, pp. 29-47
Section 3: Comparative Constitutional Justice

Week One
Constitutional Courts in Democratic Systems of Government: Speedy, Just and Fair?


Week Two
Shall We Go A Different Way? Comparative Analysis of the East European Models of Constitutional Justice


**Week Three**

**Legal or Political: The Relationship Between Independence and Judicial Review in Post-Socialist Courts**