

**Advanced Master in Legal Sciences /  
Master in European and Global Law  
2016-2017**

**Constitutional Law and Globalization**

**Trimester: 3**

**Credits: 4**

**Language:**  
**English**

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**Office:** 40231

**Office hours:** to be announced

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**Description of the course**

Constitutional law can no longer be understood as the law that regulates the governmental structure of the nation-state. Its scope has extended to cover the institutions that have emerged at the international and supranational level to deal with problems that arise in a globalized world. Constitutional theory needs to be adjusted and refined when we move from the nation-state to these new structures.

The aim of this course is to think about constitutional law and constitutional theory in the context of globalization.

We will consider issues such as these: the possibility and limits of democracy and justice at the global level; the constitutional status of the United Nations; the increasing fragmentation of international law; the interactions between regional supranational organizations and domestic constitutional law; the forms of adjudication at the international level; the problem of secession.

In addition, domestic constitutional law has taken a comparative turn in the recent decades. Discussions about constitutional matters in a given polity usually take into account the experiences of other countries. Some frameworks of constitutional analysis, moreover, have acquired an almost universal status, such as the principle of proportionality in the field of fundamental rights. This move towards comparative law raises interesting issues that we need to consider in this course as well.

**Requirements**

None.

**Method**

Material will be distributed to students in advance, so that the sessions can focus on the most important issues to discuss. Active participation by students is expected.

**Activity**

Students must submit a final paper (15 pages, approximately) on a topic connected to the issues discussed in class.

**Evaluation**

<b>Concept</b>	<b>%</b>	<b>Comment</b>
Paper	80	Students must submit a final paper.
Participation	20	Active participation in class is expected from students.

in class		

### Bibliography

The following bibliography is of a general nature. More specific material will be distributed in particular sessions.

- Dani Rodrik, *The Globalization Paradox* (W.W Norton & Company New, 2011).  
Daniele Archibugi, *The Global Commonwealth of Citizens* (Princeton University Press, 2008).  
Nico Krisch, *Beyond Constitutionalism: The Pluralist Structure of Postnational Law* (Oxford University Press, 2012).  
Vicki Jackson, *Constitutional Engagement in a Transnational Era* (Oxford University Press, 2013).