

### DLGS 131 Constitutional Law Course Details Table

Field	Details
Course Title	Constitutional Law I: General Principles
Course Code	DLGS 131
Level	Undergraduate (Bachelor of Laws, LL.B.)
Semester	Fall 2025
Instructors	- Assoc. Prof. Dr. Demet Çelik Ulusoy - Assoc. Prof. Dr. Eylem Ekinci - Prof. Dr. Luca Mezzetti (Visiting Professor)
Class Schedule & Room	[To be announced by the Faculty Administration]
Total Hours	36 Hours (12 Teaching Weeks + 1 Midterm Week + 1 Final Review Week)
Language of Instruction	English
Office Hours	[To be announced by each instructor]
Prerequisites	None (Introductory Course)
Assessment	- Midterm Exam: 30% - Final Exam: 70%
Course Description	This course introduces students to the fundamental principles and structures of constitutional law from a comparative perspective. It covers the concept of the constitution, elements of the state, forms of government, separation of powers, models of democracy, fundamental rights and freedoms, and constitutional adjudication. The course emphasizes a comparative approach, drawing on examples from various legal traditions and international frameworks without focusing on any single country's system.

**Weekly Schedule and Reading Recommendations Table**

Week	Topic	Reading Recommendations (Further reading suggestions for those who want to learn more about topics)
1	<p><b>Introduction to Constitutional Law</b></p> <ul style="list-style-type: none"> <li>- Course overview, objectives, and methodology</li> <li>- Definition and scope of constitutional law</li> <li>- The concept of the constitution and its role in modern states</li> </ul>	<ul style="list-style-type: none"> <li>- Giovanni Sartori, "Constitutionalism: A Preliminary Discussion", 56 <i>American Political Science Review</i> 853 (1962).</li> <li>- Venter, François. <i>Global Features of Constitutional Law</i>. Berlin: Springer, 2019. (Introduction).</li> </ul>
2	<p><b>Types of Constitutions and Constitutional Systems</b></p> <ul style="list-style-type: none"> <li>- Written vs. unwritten constitutions</li> <li>- Rigid vs. flexible constitutions etc.</li> </ul>	<ul style="list-style-type: none"> <li>- Donald S. Lutz, <i>Principles of Constitutional Design</i>. Cambridge: Cambridge University Press, 2006. (Chapter 3).</li> <li>- Arend Lijphart, <i>Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries</i>. Yale University Press, 2012.</li> </ul>
3	<p><b>Constitutionalism and Constitution-Building, Constituent Power</b></p> <ul style="list-style-type: none"> <li>- The concept of constitutionalism and its historical development</li> </ul> <p>This topic examines the theoretical distinction between the existence of a constitution and the practice of constitutionalism, as well as the historical evolution of constitutional thought.</p> <ul style="list-style-type: none"> <li>- Constituent power (pouvoir constituant) and constituted power (pouvoir constitué)</li> </ul> <p>The doctrine of constituent power is explored, focusing on its role as the authority to establish or fundamentally alter a constitutional order, in contrast to constituted power, which refers to the powers created and limited by the constitution itself.</p>	<ul style="list-style-type: none"> <li>- Carl Schmitt, <i>Constitutional Theory</i>. Duke University Press, 2008. (Trans. Jeffrey Seitzer).</li> <li>- Andrew Arato, <i>The Adventures of the Constituent Power</i>. Cambridge University Press, 2017.</li> <li>- Blount, Justin, Zachary Elkins, and Tom Ginsburg. <i>Does the process of constitution-making matter?</i>. Vol. 31. Cambridge: Cambridge University Press, 2012.</li> </ul>

Week	Topic	Reading Recommendations (Further reading suggestions for those who want to learn more about topics)
	<p>The principal actors and determinants involved in political transitions are also discussed within this framework.</p> <ul style="list-style-type: none"> <li>- Processes of constitution-making and amendment</li> </ul> <p>The processes of constitution-building, constitution-making, and constitutional implementation are analyzed, including the mechanisms and procedures for constitutional amendment.</p>	
4	<p><b>Elements of the State and Sovereignty</b></p> <ul style="list-style-type: none"> <li>- Concept of the state: territory, population, sovereignty</li> <li>- Theories of sovereignty (national, popular, state sovereignty)</li> <li>- Legitimacy and the source of political power</li> <li>- Organization of the State/ Forms of State I: Monarchy - Republic</li> <li>- Forms of State II: unitary, regional and Federal State</li> </ul>	<ul style="list-style-type: none"> <li>- Jean Bodin, <i>On Sovereignty</i>. (Ed. Julian H. Franklin). Cambridge University Press, 1992.</li> <li>- Bertrand de Jouvenel, <i>Sovereignty: An Inquiry into the Political Good</i>. Liberty Fund, 1997.</li> </ul>
5	<p><b>Functions of the Constitution and Constitutional Supremacy</b></p> <ul style="list-style-type: none"> <li>- Functions of the constitution: limiting power, organizing state organs, guaranteeing rights</li> <li>- Constitutional supremacy vs. parliamentary sovereignty</li> <li>- Constitutional conventions</li> </ul>	<ul style="list-style-type: none"> <li>- Mark Tushnet, <i>Advanced Introduction to Constitutional Law</i>. Edward Elgar Publishing, 2018.</li> <li>- Geoffrey Marshall, <i>Constitutional Conventions: The Rules and Forms of Political Accountability</i>. Oxford University Press, 1984.</li> </ul>
6	<p><b>Rule of Law and Historical Development of Human Rights</b></p> <ul style="list-style-type: none"> <li>- Dicey's theory of the rule of law and modern interpretations</li> <li>- Historical documents: Magna Carta, 1789 Declaration of the Rights of Man and of the Citizen, US Bill of Rights</li> </ul>	<ul style="list-style-type: none"> <li>- A.V. Dicey, <i>Introduction to the Study of the Law of the Constitution</i>. Liberty Fund, 1982.</li> <li>- Samuel Moyn, <i>The Last Utopia: Human Rights in History</i>. Harvard University Press, 2010.</li> </ul>

Week	Topic	Reading Recommendations (Further reading suggestions for those who want to learn more about topics)
	<ul style="list-style-type: none"> <li>- The emergence of human rights as constitutional principles</li> </ul>	
7	<p><b>Democracy</b></p> <ul style="list-style-type: none"> <li>- Direct, Semi-Direct, and Representative Democracy</li> <li>Representative and Semi-Representative Democracy Systems</li> <li>- Development of representative democracy</li> <li>- Semi-representative systems and parliamentary accountability</li> <li>- Electoral systems Direct and Semi-Direct Democracy</li> <li>- Referendum, plebiscite, popular initiative, recall</li> <li>- Comparative examples: Switzerland, California, France and representation</li> </ul>	<ul style="list-style-type: none"> <li>- Thomas E. Cronin, <i>Direct Democracy: The Politics of Initiative, Referendum, and Recall</i>. Harvard University Press, 1989.</li> <li>- Bruno Kaufmann and M. Dane Waters, <i>Direct Democracy in Europe</i>. Carolina Academic Press, 2004.</li> </ul>
8	<p><b>Separation of Powers</b> – General Principles</p> <ul style="list-style-type: none"> <li>- Montesquieu’s doctrine of separation of powers</li> <li>- Checks and balances mechanisms</li> <li>- Separation of powers vs. fusion of powers systems</li> </ul>	<ul style="list-style-type: none"> <li>- Montesquieu, <i>The Spirit of the Laws</i>. Cambridge University Press, 1989.</li> <li>- M.J.C. Vile, <i>Constitutionalism and the Separation of Powers</i>. Liberty Fund, 1998.</li> </ul>
9	<p><b>The Legislature</b></p> <ul style="list-style-type: none"> <li>- Unicameral and bicameral systems</li> <li>- Legislative function: law-making, oversight, representation</li> <li>- Legislative immunity and privileges</li> </ul>	<ul style="list-style-type: none"> <li>- Kaare Strom, <i>Parliamentary Democracy in the Nordic Countries at a Crossroads</i>. Copenhagen: DJØF Publishing, 2008.</li> <li>- Nicholas D. J. Baldwin, <i>Legislatures of the World: A Comparative Reference Guide</i>. Routledge, 2006.</li> </ul>
10	<p><b>The Executive</b></p> <ul style="list-style-type: none"> <li>- Structure and responsibilities of the executive</li> <li>- The executive in presidential, semi-presidential, and parliamentary systems</li> </ul>	<ul style="list-style-type: none"> <li>- Matthew S. Shugart and John M. Carey, <i>Presidents and Assemblies: Constitutional Design and Electoral Dynamics</i>. Cambridge University Press, 1992.</li> </ul>

Week	Topic	Reading Recommendations (Further reading suggestions for those who want to learn more about topics)
	- Political and legal accountability of the executive	- Jean Blondel, <i>The Organization of Governments: A Comparative Analysis of Government Structures</i> . Sage Publications, 1982.
11	<p><b>Relations Between Legislature and Executive</b></p> <ul style="list-style-type: none"> <li>- Votes of confidence/no-confidence</li> <li>- Dissolution of parliament</li> <li>- Veto powers and mutual control mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>- Arend Lijphart, <i>Parliamentary versus Presidential Government</i>. Oxford University Press, 1992.</li> <li>- Wolfgang C. Müller and Kaare Strom, <i>Policy, Office, or Votes? How Political Parties in Western Europe Make Hard Decisions</i>. Cambridge University Press, 1999.</li> </ul>
12	<p><b>Division of Governmental Powers,</b>” which explores the ways in which limitations on governmental powers have been pursued in different constitutional systems (presidential, parliamentary and semi-presidential forms of government).</p>	<p>O. Frosini, “Forms of State and Forms of Government”, in G.F. Ferrari (ed.), <i>Introduction to Italian Public Law</i> (Giuffrè Francis Lefebvre 2022), pp. 51-52</p> <p>G. Sartori, <i>Comparative Constitutional Engineering</i> (Macmillan 1994), pp. 83-97</p>
13	<p><b>Constitutional Adjudication</b></p> <ul style="list-style-type: none"> <li>- <i>Models of Constitutional Review (Decentralized (Diffuse) Judicial Review and Centralized (Concentrated) Judicial Review</i></li> <li>- <i>Abstract Review and Concrete Review</i></li> </ul> <p>-power of courts –(constitutional courts and supreme courts) – to review the constitutionality of legislation.</p> <p>The role of constitutional courts in the processes of transition to democracy, and the ancillary functions of constitutional courts will also be examined.</p>	<ul style="list-style-type: none"> <li>- M. Capalletti, Judicial review of the contemporary world, pp.45-68 and pp 85-96</li> <li>Vicky Jacson and Mark Tushnet, <i>Comparative Constitutional Law</i> ,pp. 465-497</li> <li><i>Marbury v. Madison</i></li> <li>Louis Fisher and Katy J. Harriger, <i>American Constitutional Law</i>, pp.31-42.</li> <li>Henry J. Abraham, <i>The Judicial Process</i>, pp. 303-316.</li> <li>Ervin Chemerinsky, <i>Constitutional</i></li> </ul>

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	- Final exam preparation and Q&A	<p>Law, pp.39-47.</p> <p>Mark A. Graber et al. (Ed.), <i>Constitutional Democracy in Crisis?</i>. Oxford University Press, 2018.</p> <p>- Tom Ginsburg and Aziz Z. Huq, <i>How to Save a Constitutional Democracy</i>. University of Chicago Press, 2018.</p> <p>T. Ginsburg, Z. Elkins, "Ancillary Powers of Constitutional Courts", <i>Texas Law Review</i>, vol. 87, 2008, pp. 1431-1461</p>

**Note:** This reading list is recommended. Core materials to be used in class will be announced by the instructors.