

Advanced Constitutional Law (B001388)

Course size (nominal values; actual values may depend on programme)

Credits	6.0	Study time	180 h	Contact hrs	45.0 h
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Course offerings and teaching methods in academic year 2018-2019

A (semester 1)	Dutch	lecture	15.0 h
		seminar	20.0 h
		microteaching	10.0 h

Lecturers in academic year 2018-2019

Moonen, Toon	RE22	lecturer-in-charge
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Offered in the following programmes in 2018-2019

Master of Laws in Laws	6	A
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Teaching languages

Dutch

Keywords

Structure of states and state reforms, democracy and institutions, rights and legal protection

Position of the course

The advanced study of constitutional law aims at deepening the understanding of constitutional law, building on the foundations provided in the bachelor program. Individual themes are grouped into three thematic clusters (i.e. structure of states and state reforms, democracy and institutions, rights and legal protection). Those themes are approached comparatively and, where appropriate, interdisciplinary (drawing on the social sciences). The lectures are interactive and responsive to the specific questions and interests of the participants. Lecture time is for a large part used for in-class presentations of the students and debate.

Contents

Various themes are discussed to deepen the understanding of the abovementioned clusters. The Belgian context is always the starting point, after which internal law is framed through a comparative perspective. Contemporary problems and challenges are included in each cluster. Finally, areas of tension between the different clusters are identified. Examples of themes that can be discussed are: federalism and state reform, distribution of competences, multilevel governance, self-determination, independence and confederalism, language rights and the situation of and around Brussels, parliamentarism and presidentialism, electoral systems, the subsidiarity principle, direct democracy, the principle of legality, the administrative state, the monarchy, the state of emergency, the impact of the Constitutional Court and the Council of State, the legitimacy of judicial review, current controversies concerning fundamental rights (such as the interpretation of the freedom of religion or the interpretation of the freedom of expression in the context of a terrorist threat). Non-Belgian legal and societal phenomena can also be discussed, such as the civil rights movement and the concept of transformative constitutionalism. Countries that can be studied from a comparative point of view are, among others, the United States, South Africa, Germany, the United Kingdom and France. If the opportunity arises, the content of the lectures will be adapted to current affairs in constitutional law.

Initial competences

Final competences

1 Having an understanding of the central issues of the knowledge domain

- 2 Ability to define the relevant concepts of the knowledge domain
- 3 Being able to support a problem or issue within the knowledge domain with facts and to develop a scientifically grounded statement
- 4 Ability to situate a problem within the knowledge domain in the legal and societal context
- 5 Active understanding and comparing of constitutional texts within a specific socio-political situation
- 6 In the context of the development of constitutional law, the ability to identify, a range of analyze and explain legal and societal phenomena
- 7 Ability to critically approach considerations and solutions for legal issues within the knowledge domain
- 8 Being able to participate in a constructive manner in an academic discussion about issues within the knowledge domain
- 9 Ability to report orally and in writing on the analysis of a legal theme within the knowledge domain
- 10 Ability to initiate a relevant debate on a theme within the knowledge domain
- 11 Being able to recognize, confront and synthesize different visions

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Group work, lecture, microteaching, seminar

Extra information on the teaching methods

- Some of the lectures take place under supervision of the instructor, who situates the above-mentioned themes. The in-class discussions are based, among other things, on literature prepared by the students in advance. The lectures are interactive and start from the knowledge and specific questions of the students. The students actively participate during the lectures, possibly in the form of a socratic discussion. The students occasionally receive specific assignments.
- Another part of the lectures are reserved for in-class student presentations related to the course themes. These presentations provide a forum for group discussion about that theme.
- Additionally, external speakers can be invited because of their specific expertise, thus generating an added value for the discussion, for a better understanding of the themes, or for the development of an insight in the professional environment in which constitutional law is practiced. A visit to the workplace of these speakers (Constitutional Court, Council of State, ...) is also a possibility.

Learning materials and price

The relevant texts will be made available via Minerva or by means of a reader available at the department.

References

- J. Vande Lanotte, G. Goedertier, Y. Haecck, J. Goossens, T. De Pelsmaeker, *Belgisch Publiekrecht (Deel I en II)*, Brugge, die Keure, 2015. Students who have an older version of this manual do not have to buy a new one.
- Contributions in Belgian and foreign academic journals or volumes on constitutional law.

Course content-related study coaching

- An overview of the specific, contemporary themes and the required reading materials will be made available at the start of the semester through Minerva and will be elaborated during the first lecture.
- For help with substantive questions or practical problems, students can always contact the instructor before class, during the break, after class, or by appointment.
- Substantive questions can be asked during the entire semester, up to and including the catch-up week.

Evaluation methods

continuous assessment

Examination methods in case of periodic evaluation during the first examination period

Examination methods in case of periodic evaluation during the second examination period

Examination methods in case of permanent evaluation

Participation, assignment

Possibilities of retake in case of permanent evaluation

examination during the second examination period is possible in modified form

Extra information on the examination methods

Students' evaluation is based on two tracks.

- Track 1: students give a presentation about a contemporary theme of constitutional law, lead a group discussion related to that and write a paper on that topic.
- Track 2: students prepare the interactive learning process held in the classroom and participate in a constructive way, including in the group discussions linked to the presentations of their fellow students.

Obviously, a reliable evaluation is only possible when the student is present at those contact moments. Unfounded absence or non-participation in the evaluation moments leads to failing the course.

Second chance evaluation: oral exam.

Calculation of the examination mark

Non-periodical evaluation (100%): Track 1: 50% Track 2: 50%

Students who do not participate in all evaluations will receive a failing grade for this course. This means in particular that when the provisional final score would be a grade of 10/20 or more, the final score will be reduced to the absolute failing grade of 7/20.