



## DEPARTMENT OF LAW

### **HRS215 Constitutional Law and Politics: Theory and History, 15 credits**

Författningsrätt och författningspolitik: teoretiska och historiska perspektiv, 15

högskolepoäng

*Second Cycle*

---

#### **Confirmation**

This course syllabus was confirmed by Department of Law on 2023-09-05 to be valid from 2024-01-15, spring semester of 2024.

*Field of education:* Law 100%

*Department:* Department of Law

#### **Position in the educational system**

*Main field of studies*

-

*Specialization*

A1N, Second cycle, has only first-cycle course/s as entry requirements

#### **Entry requirements**

Students following a Swedish Law program leading up to a law degree must have completed 150 hec, 120 of which must be from semesters 1-4 of the law program. Students from other programs or international students are expected to have a Bachelor's degree in law or in other subjects with some focus on law.

Exemptions from these requirements may be given for students on Master of Laws programs of other universities.

#### **Learning outcomes**

Upon successful completion of the course the student shall have *in-depth knowledge* about:

1. pivotal concepts in constitutional theory, influential constitutional principles, and different constitutional traditions
2. the interplay between law and politics
3. the debate relating to a select number of constitutionally guaranteed freedoms and rights
4. several useful methods in legal research  
and *be able to*
5. deliver theoretically informed analyses of constitutional issues
6. analyze and discuss political questions from a constitutional point of view
7. identify the ideological underpinnings of constitutional arguments
8. take part in constitutional debates regarding the specific freedoms and rights that the course deals with
9. articulate a relevant research question related to the theme of the course and suggest an adequate method for answering it

### **Course content**

The course has three overarching aims. First, to offer advanced students of the law program in depth theoretical and historical but also comparative knowledge about constitutional law and politics. In this part of the course, we investigate what a constitution might be and what a constitutional point of view might entail. Further, the students will acquaint themselves with different constitutional traditions, such as the liberal and the republican traditions and enquire into pivotal concepts in constitutional theory such as constituent power and constitutional review, and influential constitutional principles such as popular sovereignty and the rule of law. Finally the course will also zoom in on the legal, political and philosophical debates about a few specific constitutionally guaranteed rights and freedoms such as the freedom of religion and the right to property.

Second, the course is also intended to equip the students with a range of useful skills for the writing of a thesis in law, and more generally for doing research in law. It is above all about asking relevant research questions and suggesting adequate methods for answering the questions asked.

Finally, and inspired by Ivan Ilich's idea that most learning is the result of unhampered

participation in a meaningful setting, the course is also intended to function as a collaborative exploratory space in which instructors and students explore the field together and try out arguments. To further this last objective, i.e., to create an atmosphere which invites joint exploration rather than top-down instruction, some sessions of the course might be led by two teachers in parallel who do not beforehand discuss (and coordinate) their readings of the texts designated for the session. Such a set-up would counter univocality in teaching and hopefully make it easier for students to voice their own perspectives and interpretations.

### *Structure*

The course consists of two modules. The first module is primarily geared at reading and discussing the readings in seminars. A few lectures will also be offered.

The focus of the second module is on writing and research design. The students will write an essay to be presented and defended at a seminar at the end of the course, in which other students will act as opponents.

### **Form of teaching**

Instruction is mainly provided in the forms of seminars in the first module, which relies on the active participation of the students. A few lectures will also be offered.

Supervision will be offered during the second part of the course.

Teaching might be conducted digitally during the course.

*Language of instruction:* English

## Assessment

To pass the course

- students must come well prepared to all seminars and actively participate in discussions
- students must lead and facilitate discussions at one seminar

Modul 1: Seminars (seminarier) 7 hp, Grade Pass (G) or Fail (U)

- write an essay
- act as an opponent for a fellow-student's proposal during defense seminars and actively participate in an additional four opposition seminars

Modul: Essay (Uppsats) 8 hp. Grade AB, Ba, B or U (Fail)

The grade for the first part of the course is pass or fail. The second module is graded AB/Ba/B/Fail. The grade assigned to the second part of the course is also the grade of the entire course.

Students who do not submit their essay at the first opportunity may submit on a second occasion. Students who cannot attend a seminar that they are expected to chair or participate in will be given the opportunity to make a written completion.

Students who fail the course at the first time of submission, have the opportunity to complement their essay and submit the essay two more times during the same academic year. Students who fail twice on the course during the same academic year may be registered for the course at a later date (subject to availability) to submit their essay for two more times.

If a student has failed the same examined component twice, he or she has a right to be examined by a different examiner unless there are special reasons to the contrary.

If a student, who has failed the same examined component twice, wishes to change examiner before the next examination, a written application shall be sent to the department responsible for the course and shall be granted unless there are special reasons to the contrary (Chapter 6, Section 22 of Higher Education Ordinance).

In cases where a course has been discontinued or has undergone major changes, the student shall normally be guaranteed at least three examination occasions (including the ordinary examination) during a period of at least one year from the last time the course was given.

Deviations from the syllabus may be made for students receiving study support.

### **Grades**

The grading scale comprises: Passed with Distinction (AB), Passed with Credit (BA), Pass (B) and Fail (U).

Module 1: Seminars (seminarier) 7 hp,

Module 2: Essay (Uppsats) 8 hp.

The grade for the first part of the course is pass or fail. The second module is graded AB/Ba/B/Fail. The grade assigned to the second part of the course is also the grade of the entire course.

### **Course evaluation**

The Department of Law is under obligation to evaluate all of its courses.

Courseevaluation will be conducted and compiled in accordance with the current procedures at the Department of Law. All course evaluations are scrutinized by the Board of Education of the Department of Law. A student who assists with the compilation of the course evaluations is entitled to a certain remuneration and a certificate to this point.

The results of and possible changes to the course will be shared with students who participated in the evaluation and students who are starting the course.