

SAMPOL218 Constitution and Politics

Spring 2018

The main book (Dieter Grimm, *Constitutionalism: Past, Present, and Future*) is available from the bookshop, *Akademia*. The remaining readings are available from The Literature Kiosk, unless accessible online, or from the library. In addition to the readings for the course, you are expected to use additional literature for your group work.

Required reading:

- Alter, Karen. (2014), *The New Terrain of International Law: Courts, Politics, Rights*: Princeton University Press, 3-31.
Available at the Literature Kiosk
- Buquicchio, Gianni / Granata-Menghini, Simona, *The Venice Commission Twenty Years on. Challenge met but Challenges ahead*, in van Roosmalen, Marjolein / Vermeulen, Ben / van Hoof, Fried / Oostling, Merten, eds., *Fundamental Rights and Principles – Liber amicorum Pieter van Dijk*, Cambridge, Antwerp, Portland (Intersentia 2013), p. 241-254.
Available at: http://www.venice.coe.int/files/articles/Buquicchio_Granata_VC_20years_on.pdf
- Cameron, C.M. & Kornhauser, L.A. *Rational Choice Attitudinalism?* *Eur J Law Econ* (2017) 43: 535-554.
Available at: <https://doi.org/10.1007/s10657-015-9512-1>
- Cichowski, R, 'Mobilization, Litigation and Democratic Governance', *Representation* Vol. 49, Iss. 3, 2013
Available at: <http://dx.doi.org/10.1080/00344893.2013.830484>
- Craig, Paul P., *Transnational Constitution-Making: The Contribution of the Venice Commission on Law and Democracy*, *UCI Journal of International, Transnational and Comparative Law*, Forthcoming
Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2846451
- Dijk, van, Pieter, *The Venice Commission on certain aspects of the European Convention of Human Rights*, in: Breitenmoser (ed.): *Human rights, democracy and the rule of law – Liber amicorum Luzius Wildhaber*, Zürich 2007, p. 183-202.
Available at: http://www.venice.coe.int/files/articles/Dijk_van_The_Venice_Commission.pdf
- Gauri, Varun, and Daniel M. Brinks. "The Impact of Legal Strategies for Claiming Economic and Social Rights". in Haglund, L & R. Stryker. *Closing the Rights Gap: From Human Rights to Social Transformation*. (University of California Press, 2015) 87-103.
Available at: https://bibsys-almaprimo.hosted.exlibrisgroup.com:443/UBB:default_scope:BIBSYS_ILS71524919620002201
- Ginsburg, Tom 'The Virtues of Evolution in an Age of Revolution: Norway's Enduring Constitution in Comparative Perspective', *Nytt Norsk Tidsskrift*, No. 3 (2014), 225-237 (in Norwegian)
English manuscript available on Mitt UiB.

- Grendstad, G., W. R. Shaffer, & E. N. Waltenburg (2015): "The Super Legislators." Supreme Court Justices as the Guardians of the Constitution,' chapter 8 in: Policymaking in an Independent Judiciary: The Norwegian Supreme Court. Colchester, UK, ECPR Press, s. 163-192.

Available at the Literature Kiosk

- Grewal, Sharanbir, and Erik Voeten. 'The Politics of Implementing European Court of Human Rights Judgements.' *Available at SSRN 1988258* (2012)
Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1988258
- Grimm, Dieter. *Constitutionalism: Past, Present, and Future*. Oxford University Press, 2016.
 - "Chapter 1: The Origins and Transformation of the Concept of the Constitution", pp 3-40
 - "Chapter 5: The Function of Constitutions and Guidelines for Constitutional Reform" pp 127-141
 - "Chapter 6 "Integration by Constitution" pp. 142-160
 - "Chapter 9: Constitutions, Constitutional Courts and Constitutional Interpretation at the Interface of Law and Politics" pp 199-212
 - "Chapter 10: Constitutional Adjudication and Democracy" pp 213-232
 - "Chapter 13: The Role of National Constitutions in a United Europe" pp 271-294
 - "Chapter 14: The Democratic Costs of Constitutionalization: The European Case" pp 295-314 "Chapter 17: Levels of the Rule of Law: On the Possibility of Exporting a Western Achievement" pp 345 – 356

Available at Akademika

- Hart , Vivien "Democratic Constitution - Making" US Institute of Peace Special Report 107 (2003)
Available at:
<http://dspace.cigilibrary.org/jspui/bitstream/123456789/4581/1/Democratic%20Constitution%20Making.pdf?1>
- Hirschl, Ran: The Nordic Counternarrative: Democracy, human development, and judicial review *Int J Constitutional Law* (2011) 9 (2): 449-469
doi:10.1093/icon/mor034
Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2012464
- Hoffmann-Riem, Wolfgang, «The Venice Commission of the Council of Europe – Standards and Impact”, *The European Journal of International Law*, (25) 2014 pp. 579-597.
Available at: http://www.venice.coe.int/files/articles/Hoffmann-Riem_Venice-Commission_Standards.pdf
- Jon Elster: "Clearing and Strengthening the Channels of Constitution-making" in Tom Ginsburg (ed) *Comparative Constitutional Design*. Cambridge University Press 2002. Pp 15-30
Available at: https://bibsys-almaprimo.hosted.exlibrisgroup.com:443/UBB:default_scope:BIBSYS_ILS71524579780002201
- Jørn Øyrehagen Sunde, "Dissenting Votes in the Norwegian Supreme Court 1965-2000. A legal cultural analysis", 1 *Rechtkultur*, 2012 s. 59-73
Available at the Literature Kiosk

- McCammon, Holly J. and McGrath, Allison R. (2015), "Litigating Change? Social Movements and the Court System" *Sociology Compass* 9:2 128-139
Available at: https://bibsys-almaprimo.hosted.exlibrisgroup.com:443/UBB:default_scope:TN_wj10.1111/soc4.12243
- Oloka-Onyango, J. *When Courts Do Politics: Public Interest Law and Litigation in East Africa*. Cambridge Scholars Publishing, 2017: Introduction: 1-14.
Available at the Literature Kiosk
- Robert Spano (2015) The European Court of Human Rights and National Courts: A Constructive Conversation or a Dialogue of Disrespect?, *Nordic Journal of Human Rights*, 33:1, 1-10, DOI: 10.1080/18918131.2015.1002063
Available at: <http://www.tandfonline.com/doi/pdf/10.1080/18918131.2015.1002063?needAccess=true>
- Slagstad, Rune. (1995), The Breakthrough of Judicial Review in the Norwegian System", in E. Smith (ed.), *Constitutional Justice Under Old Constitutions* (The Hague: Kluwer Law International, 1995) 81-112.
Available at the Literature Kiosk
- Søvig, Karl Harald (2014): "An introduction to Norwegian constitutional law" (27 pages).
Available on Mitt UiB
- Sweet, Alec Stone. "Constitutions, rights, and judicial power." *Comparative Politics* (2017): 155 – 172
Available at the Literature Kiosk
- The UN Declaration on Human Rights Defenders
Available at: <https://www.protecting-defenders.org/fr/node/867>
Background of the Declaration available at: <https://www.protecting-defenders.org/en/content/background-declaration>

Total number of pages: 553.