



İZMİR UNIVERSITY OF ECONOMICS

Faculty of Law
Law (%30 English)

LAW 366 - Comparative Public Law

COURSE INTRODUCTION AND APPLICATION INFORMATION

Course Name	Comparative Public Law
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Code	Semester	Theory (hour/week)	Application/Laboratory (hour/week)	Local Credits	ECTS
LAW 366	Fall/Spring	3	0	3	4

Prerequisites	None
Course Language	English
Course Type	Service Course
Course Level	First Cycle
Mode of Delivery	-
Teaching Methods and Techniques	-
Course Coordinator	* <u>Dr. Öğr. Üyesi Serkan YOLCU</u>
Course Lecturer(s)	* <u>Dr. Öğr. Üyesi Serkan YOLCU</u>
Course Assistants	* <u>Araş. Gör. Afra Teren GÜRLÜLER</u>

Course Objectives	
Course Learning Outcomes	The students who succeeded in this course; * * * * * *

Course Description	The course covers the common concepts and institutions used in different areas of public law such as constitution, administration, punishment and taxation. In this context, it is a course for the student to absorb the theoretical foundations of public law rather than the dogmatic content.
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Course Category	Core Courses	
	Major Area Courses	
	Supportive Courses	
	Media and Management Skills Courses	
	Transferable Skill Courses	

WEEKLY SUBJECTS AND RELATED PREPARATION STUDIES

Week16	Subjects	Related Materials
1	Introduction (Scope and Content of the Course)	Sandra Fredman, "Foreign Fads or Fashions: The Role of Comparativism in Human Rights Law in Comparative Human Rights Law (OUP 2018) (available at Blackboard)
2	Dignity, Privacy and Personal Autonomy (Abortion)	Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep. Pages: 695-708 a. □ Roe v. Wade (Supreme Court -United States) b. □ Planned Parenthood of Southeastern Pennsylvania v. Casey (Supreme Court -United States) c. □ Abortion I Case (Federal Constitutional Court - Germany) d. □ R. v. Morgentaler (Supreme Court - Canada)
3	Dignity, Privacy and Personal Autonomy (Life & Death) Death Penalty (capital punishment) Suicide and Euthanasia:	Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep. Pages: 736 p.754-758 a. □ Roper V. Simmons (Supreme Court -United

States) b. □ Boyce et al. v. Barbados
(Inter American Court of Human Rights)
Comparative constitutionalism : cases
and materials / Norman Dorsen, Michel
Rosep. p. 763 a. □ Carter v. Canada
(Supreme Court -Canada) b. □ Lambert v.
France (European Court of Human
Rights)

4	Dignity, Privacy and Personal Autonomy -Personal Identity: Relationships, Marriage and Families	<p>Comparative constitutionalism : cases and materials Norman Dorsen, Michel Rosep. Pages: 779-780 p.803</p> <p>a. □ Goodwin v. United Kingdom (European Court of Human Rights)</p> <p>b. □ Loving v. Virginia (Supreme Court -United States) c. □ Minister of Home Affairs and Another v. Fourie and Another (Constitutional Court- South Africa)</p>
5	Equality, Minority and Group Rights	<p>Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep. Pages: p.839, p.861-863, p.888</p> <p>a. □ Loving v. Virginia (Supreme Court -United States) b. □ Thlimmenos v. Greece (European Court of Human Rights) c. □ Nocturnal Employment Case (Federal Constitutional Court-Germany) d. □ L.C. v. Peru (Committee on the Elimination of Discrimination Against Women) e. □ R (E) v. Governing Body of JFS and Others (Supreme Court - United Kingdom)</p>
6	Equality, Minority and Group Rights	<p>Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep p: 977 a. □ Gorzelik and Others v. Poland (European Court of Human Rights) b. □ Adalah Legal Center for Arab Minority Rights in Israel v. Minister of France (Supreme Court-Israel) c. □ R.V.Van der Peet (Supreme Court - Canada) d. □ Sejdic and Finci v. Bosnia and Herzegovina (European Court of Human Rights)</p>

7	Freedom of Expression	Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep. Pages: 1001-1004, p.1008-1011 a. □ Whitney v. California (Supreme Court -United States) b. □ Lange v. Atkinson (Court of Appeal, Wellington - New Zeland) c. □ Abrahms et al. v. United States (Supreme Court -United States) d. □ Praising and Encouraging Under National Security Act (Constitutional Court- South Korea) e. □ Ceylan v. Turkey (European Court of Human Rights)
8	Freedom of Expression	Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep. Pages: 1021-1023, p. 1143-1145 a. □ Texas v. Johnson (Supreme Court -United States) b. □ Flag Desecration Case (Federal Constitutional Court-Germany) c. □ Lüth Case (Constitutional Court - Germany) d. □ Irwin Toy Ltd. V. Attorney General of Quebec (Supreme Court -Canada) e. □ Holocaust Denial Case (Federal Constitutional Court-Germany)
9	Midterm	Kemal Gözler, "Yorum İlkeleri", Anayasa Hukukunda Normun Somutlaşması ve Yorum, Türkiye Barolar Birliği yay, Ankara 2012, pp 15-120 http://www.kamuhukukculari.org/upload/dosyalar/KHP_3._kitap.pdf
10	Freedom of Religion and Belief (Free Exercise)	Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep. Pages: 1157-1161 a. □ Decision

on Scientology (Supreme Court - Italy)
b. □ Syndicat Northcrest v. Amselem
(Supreme Court - Canada)
c. □ Salahuddin Dolon vs. Government of
Bangladesh (Supreme Court -
Bangladesh) d. □ North-Rhine Westphalia
Headscarf Ban Case (Federal
Constitutional Court-Germany)

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11	Freedom of Religion and Belief (Church & State)	Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep. Pages: 1289-1294 a.□Town of Greece v. Galloway (Supreme Court -United States) b.□Classroom Crucifix II Case (Federal Constitutional Court-Germany) c.□S.R. Bommai v. Union of India (Supreme Court -India) d.□Shavit v. The Chevra Kadisha (Burial Society) of Rishon Le Zion (Supreme Court - Israel)
12	Social Rights: Right to Health	Comparative constitutionalism : cases and materials / Norman Dorsen, Michel Rosep. Pages: 1398- 1401, p.1431-1432 a.□Soobramoney v. Minister of Health (Kwazulu-Natal) (Constitutional Court-South Africa) b.□Smoking in Closed Areas Case (Constitutional Court-Italy) c.□Irit Shemesh v. Focacetta Ltd (Supreme Court- Israel)
13	Student Presentations	
14	Student Presentations	
15	Review of the semester	
16	Final Exam	

SOURCES

Course Notes / Textbooks

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□□□Comparative Constitutionalism: Cases and Materials (American Casebook Series) 2nd Edition by Norman Dorsen (Author), Michel Rosenfeld (Author), Andras Sajó (Author), Susanne Baer (Author) (ISBN-13: 978-0314179463)

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□□□ Sandra Fredman, "Foreign Fads or Fashions: The Role of Comparativism in Human Rights Law in Comparative Human Rights Law (OUP 2018) (available at Blackboard)

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Suggested Readings/Materials

Şeref Gözübüyük, Hukukun Temel Kavramları, Turhan yay, Ankara 2013 (ISBN 975-7425-35-4)

Celal Erkut, İdari İşlemin Kimliği, Danıştay yay, Ankara 1990, s 62-84

Kemal Gözler, "Yorum İlkeleri", Anayasa Hukukunda Normun Somutlaşması ve Yorum, Türkiye Barolar Birliği yay, Ankara 2012, pp 15-120

http://www.kamuhukukculari.org/upload/dosyalar/KHP_3._kitap.pdf

Kemal Gözler, Anayasa Hukukunun Genel Esasları, Ekin yay, Bursa 2018 8ISBN 978-605-327-591-6)

Kamu Hukukçuları Platformu, Hukuk Güvenliği, Türkiye Barolar Birliği yay, Ankara 2015

<http://tbbyayinlari.barobirlik.org.tr/TBBBooks/509.pdf>

David E, Pozan, Constitutional Bad Faith, Harvard Law Review, V 129, N 4,
<http://cdn.harvardlawreview.org/wp-content/uploads/2016/02/885-955-Online.pdf>

Ulaş Karan, Bireysel Başvuru Kararlarında Ayrımcılık Yasağı ve Eşitlik İlkesi, Anayasa Yargısı,

Anayasa Mahkemesi yayını, Y 2015 https://www.anayasa.gov.tr/files/pdf/anayasa_yargisi/2015/8.pdf

EVALUATION SYSTEM

Semester Activities	Number	Percentage of Grade
Participation	-	-
Laboratory / Application	-	-
Field Work	-	-
Quiz/Studio Critic	-	-
Portfoilo	-	-
Homework Assignment	1	25
Presentation/Jury	-	-
Project	-	-
Seminar/Workshop	-	-
Oral Exam	-	-
Midterm	1	25
Final	1	50
Total	3	100

WEIGHTING OF SEMESTER ACTIVITIES ON THE FINAL GRADE	1	50
WEIGHTING OF END-OF-SEMESTER ACTIVITIES ON THE FINAL GRADE	1	50
Total	2	100

ECTS / WORKLOAD TABLE

Semester Activities	Number	Duration (Hours)	Total Workload
Course Hours (Including Exam Week: 16 x Total Hours)	16	3	48
Laboratory / Application Hours	16	-	-
Study Hours Out of Class	16	2	32
Field Work	-	-	-
Quiz / Studio Critique	-	-	-
Portfolio	-	-	-
Homework / Assignment	1	5	5
Presentation / Jury	-	-	-
Project	-	-	-
Seminar / Workshop	-	-	-
Oral Exam	-	-	-
Midterm	1	15	15
Final	1	23	23
		Total Workload	123

THE RELATIONSHIP BETWEEN COURSE LEARNING OUTCOMES AND PROGRAM QUALIFICATIONS

#	Program Qualifications / Outcomes	* Level of Contribution				
		1	2	3	4	5
1	To be able to possess the knowledge in legal terminology, concepts and principles.					
2	To be able to solve the legal problems with an analytic and integral point of view.					
3	To be able to evaluate the legal knowledge and abilities obtained with a critical approach.					
4	To be able to evaluate the developments in legal theory and practice by monitoring local, international and interdisciplinary dimensions.					
5	To be able to have awareness of social, professional and scientific principles of ethic behaviour.					
6	To be able to take responsibility in solving problems by creative and innovative thinking.					
7	To be able to interpret the legal norms with a sense of justice respectful to human rights and in the light of principles of democratic, secular and social state of law.					
8	Working efficiently and effectively, learning how to be a team member, taking responsibilities, being open minded, constructive, open to criticism and having self confidence					
9	To be able to use the daily scientific sources and court judgments in the framework of life time learning approach.					
10	To be able to inform the related persons and institutions about legal matters both verbally and in written.					
11	To be able to monitor the daily legal information/court decisions and interacts with the colleagues in a foreign language ("European Language Portfolio Global Scale" Level B1) .					
12	To be able to use the information and communication technology together with the computer programs in a level required by the area of law ("European Computer Driving Licence, Advanced Level").					

*1 Lowest, 2 Low, 3 Average, 4 High, 5 Highest