**JOAJ483XA0 - Topics of US Constitutional Law**

Code: JOAJ483XA0

Name: Original subject name:

Credit:6

Requirement type: Report (three-scale)

Responsible lecturer: Dr. Csink Lóránt

Organizational unit: JÁK Alkotmányjogi Tanszék

Classes per week - Practical: 2

Language: English

Aim of the course:

The aim of the course (also with reference to the appropriate elements of sections 7.1.1. and 8.1.1. of the Law Master qualification requirements):

The course aims at introducing the constitutional system of the United States. It concerns the establishment and development of the USA with special regard to the First Amendment. It concerns the constitutional guarantees of criminal procedure. It also considers how the US legal system influenced other states.

Outline of the course:

1. Introduction: Historical antecedents. Colonization of America

2. The establishment of the United States. Constitutional and political content of the Declaration of Independence and its effect on further development

3. The Constitution of the United States in a legal and a political aspect

4. The content of the First Amendment

5. First Amendment in jurisprudence

6. Political rights in the United States

7. Criminal procedure in the United States

8. Constitutional guarantees of criminal procedures

9. The rights of the defendant

10. The US constitutional system in the 21st century

11. American impact on other states

Testing and evaluation: Written test at the end of the course

Recommended literature:

Criminal Procedure

Joshua Dressler, Understanding Criminal Procedure: Investigation

Herbert Packer, The Limits of the Criminal Sanction

Stephen Thaman, Comparative Criminal Procedure

William T. Pizzi, Trials Without Truth (NYU Press 1999) (with particular emphasis on chapter 5)

Jimeno-Bulnes, “American Criminal Procedure in a European Context,” Cardozo Journal of International and Comparative Law 21 (2013):412.

James Q. Whitman, "Presumption of Innocence or Presumption of Mercy? Weighing Two Western. Modes of Justice." 94 Texas Law Review 933 (2016).

First Amendment

Russell Weaver, Understanding First Amendment Law

Eric Barendt, “Freedom of Expression” in The Oxford Handbook of Comparative Constitutional Law. Edited by Michel Rosenfeld and András Sajó (1992)

Mar J. Matsuda, “Public Response to Racist Speech: Considering the Victim's Story,” 87 MICH. L. REv. 2320, 2341-48 (1989).

Friedrich Kubler, “How Much Freedom for Racist Speech?: Transnational Aspects of a Conflict of Human Rights,” 27 Hofstra L. Rev. 335 (1998)

James Q. Whitman, “The Two Western Cultures of Privacy: Dignity Versus Liberty,” 113 Yale L. J. 1151 (2004)

Ronald J. Krotoszynski, The First Amendment in Cross-Cultural Perspective: A Comparative Legal Analysis of the Freedom of Speech (2006)

Adrienne Stone, “The Comparative Constitutional Law of Freedom of Expression” in Rosalind Dixon and Tom Ginsburg (eds), Research Handbook in Comparative Constitutional Law (2011).

Charles Fried, “The New First Amendment Jurisprudence: A Threat to Liberty” (1992) 59 University of Chicago Law Review 225.