

**Course Syllabus Template**

Department/Faculty: Law School
Graduate Program: Political and Economic Law
Degree <input checked="" type="checkbox"/> Academic Master's <input checked="" type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Professional Master's
Course Name: Ibero-American Constitutionalism - 21st century
Professor(s): Cláudio Lembo and Monica Herman Caggiano
Office hours: 48 class hours
Course Overview: Summary: This subject examines the reorientation of the drafting of Constitutions in the Ibero-American segment. In fact, the Ibero-American scenario has presented new constitutional models, has shown concern for the right of minorities, and has searched for instruments to meet the particular demands of each of the peoples. New trends that lead to innovative conceptions regarding the protection of fundamental rights and even the reorganization of power. Objectives: Related to the research area Citizenship limiting the State, the subject seeks to examine and prepare postgraduate students to scrutinize and investigate the changes observed in the process of conceiving and drafting constitutions in the Ibero-American scenario. The expansion of the protection of minorities and natives and a series of new rights that society demands will be the topics of greater interest. Methodology: The Program will be taught through lectures, seminars and laboratory assignments, with the participation of all students. The study will require the comparative method. Assessment Process: The final evaluation will be the result of the grade obtained by the student for his/her participation and for his/her performance in the final test.



Topics outline:

1. Democracy vs Constitutionalism.
2. The Constitution and Power.
3. The Constitution and minorities.
4. The Constitution of Venezuela. Organization of Power. Treatment of Fundamental Rights.
5. The Constitution of Peru. Organization of Power. Treatment of Fundamental Rights.
6. The Constitution of Argentina. Mutations. Critical Reflections.
7. The New Constitution of Ecuador.
8. The evolution of Constitutional Review: Mexico, Costa Rica, Colombia, Ecuador.
9. Reelection: advances and retreats.
10. The right of suffrage.
11. The Principle of political representation.
12. The treatment of Political Parties.

Letter Grade Assignment

Grade A (Excellent) - Grade points between 9 and 10

Grade B (Good) - Grade points between 8 and 8.9

Grade C (Satisfactory) - Grade points between 7 and 7.9

Grade D (Unsatisfactory) - Grade points between 0 and 6.9



Texts, Materials, and supplies

AGESTA, Luis Sanches, *Principios de Teoría Política*, Madrid, Ed. Nacional, 1983.

BORJA, Rodrigo, *Derecho Político y Constitucional*, México, Fondo de CulturaEconómico, 1991.

CAGGIANO, Monica Herman Salem , *Sistemas Eleitorais x Representação Política*, Brasília, Ed. Senado Federal, 1990.

....., *Finanças Partidárias*. Brasília, 1983, Senado Federal.

....., *Oposição na Política*, S. Paulo, Angelotti, 1995.

....., *Poder Constituinte Derivado. As Balizas de sua Atuação*, in *Reflexões em Direito Político e Econômico*, organized by Mônica Herman S. Caggiano, São Paulo, ed. Mackenzie, 2002.

....., *O Cidadão Eleitor. O Voto e o Papel que desempenha no Quadro Brasileiro*, in *As Vertentes do Direito Constitucional Contemporâneo*, coordinated by Ives Gandra da Silva Martins, Studies in tribute to Manoel Gonçalves Ferreira Filho, Rio de Janeiro, América Jurídica, 2002.

....., *Eleições 2002. O Financiamento das Campanhas Eleitorais e seu Controle*, in *Revista Direito Mackenzie*, year 3, n. 1, 2002, p. 87.

CARBONELL, Miguel, *Neoconstitucionalismo*, Madrid, Editorial Trotta, 2009.

GALEANA, Patricia, (organizer) *México y sus constituciones*, México, DF, Fondo de Cultura Económica, 2003.

LEMBO, Cláudio, *Participação Política e Assistência Simples*, Rio de Janeiro, Forense Universitária, 1991.

....., *O Futuro da Liberdade*, São Paulo, Ed. Loyola, 1999.

....., *A Pessoa. Seus Direitos*. Barueri, Manole, 2006.

OYARTE, Rafael, *Derecho Constitucional Ecuatoriano e Comparado*, Quito, Equador, CEP, 2014.

ANDRADE, Santiago, **GRIJALVA**, Agustin and **STORINI**, Claudia (editors), *La Nueva Constitución del Ecuador*, Quito, Equador, Corporación Editora Nacional, 2009.

Financiamento de Partidos políticos e Campanhas Eleitorais. Um Manual sobre financiamento político., Idea, FGV and Editora Projetos, translated by: Quality Traductions, 2014.