Chapters from the History of Constitutional Adjudication

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The aim of the course is to give an overview on the origins and development of constitutional adjudication.

# Content of the Course:

The first, introductory part of the program is devoted to the concept of constitutionalism. The aim is to give a brief overview on the major milestones which led to the birth of the written constitution.

The second part of the course deals with the Bonham’s Case, which is regarded by many legal experts as the origin of judicial review.

In the third part, we analyse the verdict issued in the famous Marbury v. Madison case (1803), along with a brief overview of the constitutional development of the United States. To get a better understanding of the origins of judicial review, we will take a look at some of the early cases too.

In the fourth part of the course, we will analyse the beginnings of constitutional adjudication in Europe. during this part of the course, each student shall hold a presentation about the origins of constitutional adjudication in their respective home countries.

THE LAST PART DEALS WITH THE ROOTS OF JUDICIAL REVIEW IN HUNGARY. AFTER GIVING A BRIEF OVERVIEW OF THE HUNGARIAN CONSTITUTIONAL HISTORY FROM THE LATE 18TH CENTURY, WE WILL TAKE A LOOK AT SOME INSTITUTIONS THAT MAY BE INTERPRETED AS ANCESTORS TO OUR

Constitutional Court.

At last, we will look at the establishment of the Constitutional Court in 1989-1990.

# Literature

SOURCES AVAILABLE PARTLY VIA THE INTERNET AND IN THE FACULTY LIBRARY: CHARLES GROVE HAINES: **THE** **AMERICAN** **DOCTRINE** **OF** **JUDICIAL** **SUPREMACY**

MARTYN RADY: **CUSTOMARY** **LAW** **IN** **HUNGARY:** **COURTS,** **TEXTS,** **AND** **THE** **TRIPARTITUM**

R.H. HELMHOLZ: **BONHAM’S** **CASE,** **JUDICIAL** **REVIEW,** **AND** **THE** **LAW** **OF** **NATURE**

THEODORE F. T. PLUCKNETT: **BONHAM'S** **CASE** **AND** **JUDICIAL** **REVIEW**

ERIN F DELANEY; ROSALIND DIXON: **COMPARATIVE** **JUDICIAL** **REVIEW**

GOLDSTONE, LAWRENCE: **THE** **ACTIVIST:** **JOHN** **MARSHALL,** **MARBURY** **V** **MADISON,** **AND** **THE**

# Myth of Judicial Review

SHANE MOUNTJOY: **MARBURY** **V.** **MADISON** **(GREAT** **SUPREME** **COURT** **DECISIONS)**

MARK ELLIOTT: **THE** **CONSTITUTIONAL** **FOUNDATIONS** **OF** **JUDICIAL** **REVIEW**

WILLIAM MICHAEL TREANOR: **Judicial** **Review** **before** **Marbury.** **In:** **Stanford** **Law** **Review** **455.**

PETER CHARLES HOFFER: **RUTGERS** **V.** **WADDINGTON:** **ALEXANDER** **HAMILTON,** **THE** **END** **OF** **THE**

**War** **for** **Independence,** **and** **the** **Origins** **of** **Judicial** **Review**

# ASSESSMENT

Each Student

1. SHALL HOLD AN ORAL PRESENTATION (30-35 MINUTES, USING A SLIDESHOW IS OBLIGATORY) AND
2. TAKE A WRITTEN EXAM AT THE END OF SEMESTER.