***RUSSIAN CONSTITUTION AS AN ONGOING PROJECT: A PROBLEM-ORIENTED APPROACH***

2017-2018 (36 academic hours)

Course by Associate Professor at Constitutional and Administrative Law Chair of HSE

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**Syllabus**

**Overview**

The course “Russian Constitution as an Ongoing Project: A Problem- Oriented Approach” covers series of topics regarding peculiarities and problems of Russian constitutionalism. It is aimed to research the concepts, structure, history, evolution and matters of practical realization of Russian Constitutions. From those perspectives it analyses the most significant institutions of the constitutional law such as human rights, systems of government, judicial review, and territorial organization of states.

**Course Plan**

1. Flickers of Constitutionalism in Russian History (12 h.)
2. Some unrealized constitutional projects (the Conditions of Anna, the Manifestos by Nikita Panin, constitutional projects during Alexander I emperorship, constitutional projects by the Decembrists, “Loris-Melikov's constitution”, documents by the Russian Constitutional Assembly of 1918, project by the Constitutional Commission of 1990) (2 h.);
3. Real constitutional actions (Russian constitutionalism outside and in the remote provinces of Russia; reforms by Alexander II, creation and failures of the State Duma in early XX century, elections to the Russian Constitutional Assembly in 1917) (2 h.);
4. Constitutions v. Constitutionalism: Anti-Constitutional (Quasi-Constitutional?) Essence of Soviet Constitutions (2 h.);
5. Creation of the Constitution of 1993, its general characteristics, peculiarities and evolution (6 h.).

2. Elements of Real and Fake Constitutionalism in Modern Russia (24 h.)

1. Human Rights in Russia: Problems, Ways of Solutions (8 h.)

* right to life and capital punishment,
* right to protest and public order,
* freedom of speech and abuses,
* right to dignity and domestic violence,
* right to vote and to be elected (principles of periodic elections, universal and equal suffrage, secret ballot and the free expression of the will),
* human rights, State sovereignty and International protection of human rights;

1. Does the Separation of Powers Exist in Russia or Are There Legal Ways to Transform Yes-Men Bodies into Competitive Branches? (8 h.)

* The President as the head of the Executive entitled to dissolve the Parliament: does it help to establish check and balances system?
* Ways the upper house of the Russian parliament is assembled. Does the perfect model still have to be found?
* How to reduce majoritarianism inside the Russian parliament?
* Reducing independence of judiciary: legal tendencies;

1. Russian Model of Public Power Territorial Organization: What Can Be a Way to Responsible (Competitive-Collaborating) Federalism as an Alternative to Predominant Power Organization? (4 h.)

* Russian model of separation of powers between federal center and regions,
* Statutory centralization of Russian system of government: detailed federal regulation of regional bodies organization, legal ways of the President impact on the regional election, responsibility of regional powers before the President and federal intervention;

1. Political Opposition as the Main Resource for Separation, Replaceability and Responsibility of Powers: Legal Obstacles and Possible Ways of Improvement (4 h.)

* Do we need regional political parties in our federal State?
* Prohibition to create political parties coalitions in Russia,
* Legal requirements on the number of political party members.

**Reading List**

* 1. **Required**

***Pavilionis P,*** A New Constitution for Russia <<http://rumiantsev.ru/a795/>>.

***Strashun BA,*** Constitutional Law: Notion and Sources // Kutafin University Law Review. 2014. Vol.1. Issue 1. P. 5-22.

* 1. **Optional**

***Bartlett W,*** The Dangers of Popular Constitution-Making, Brooklyn Journal of International Law. 2012. Volume 38. P. 193-238 < <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1924958>>.

***Remington TH F,*** Russian Parliament: Institutional Evolution in a Transitional Regime. Chelsea: Sheridan Books, 2001.

***Huskey E,*** Presidential power in Russia /. Armonk (N.Y.); London : Sharpe, 1999.

***Ahdieh RB,*** Russia's Constitutional Revolution: Legal Consciousness and the Transition to Democracy, 1985-1996. University of Pennsylvania Press, 1997.

***Scheppelle KL***, Guardians of the Constitution: Constitutional Court Presidents and the Struggle for the Rule of Law in Post-Soviet Europe / University of Pennsylvania Law Review. 2006. Vol. 154. P. 1757 – 1851.