



Faculdade de Direito da UFMG

Programa de Pós-Graduação em Direito

PLANO DE ENSINO

ANO E SEMESTRE					
2021/1					
PROFESSOR(ES)					
EMILIO PELUSO NEDER MEYER AND TÍMEA DRINÓCZI					
CÓDIGO DA DISCIPLINA					
DIR872A					
TEMA					
TEMAS DE TEORIA DA CONSTITUIÇÃO					
SUBTEMA					
CONSTITUENT POWER, CONSTITUTIONAL AMENDMENTS AND CONSTITUTIONAL IDENTITY					
AUTORIZA OFERTA DE MATRÍCULA NA MODALIDADE DISCIPLINA ISOLADA?					
() Sim (X) Não					
AUTORIZA OFERTA DE MATRÍCULA DE GRADUANDO NA MODALIDADE DISCIPLINA ELETIVA?					
(X) Sim () Não					
DIA DA SEMANA	HORÁRIO	CARGA HORÁRIA	CRÉDITOS	VAGAS	TIPO DA DISCIPLINA
SEGUNDAS-FEIRAS	18:30 - 21:50	60	4	20	REGULAR
A DISCIPLINA É MINISTRADA EM IDIOMA ESTRANGEIRO: CASO SIM, QUAL IDIOMA?					
() Não (X) Sim Qual: INGLÊS					

PARTICIPAÇÃO DE PROFESSOR(ES) CONVIDADO(S)?		
() Sim (X) Não		
NOME(S) DO(S) PARTICIPANTE(S)	CPF	INSTITUIÇÃO

EMENTA
<p>Constituent power. Constituent processes. Manifestations of the constituent power. Constitutional assemblies. The constituent process of Chile (2021-). The constituent process of Hungary (2011). The constituent process of Brazil (1987-1988). Judicial review of the constituent process (South Africa 1996). Constitutional amendments and constituent power. Entrenchment clauses. Unconstitutional constitutional amendments. Constitutional dismemberment. Constitutional amendments and abusive constitutionalism. Basic structure doctrine. Constitutional identity. Constitutional amendments and constitutional identity. Judicial review of constitutional amendments. Constitutional transformation, populism and authoritarianism.</p>

BIBLIOGRAFIA
<p>ACKERMAN, Bruce. Revolutionary Constitutions: Charismatic Leadership and the Rule of Law. Cambridge, MA; London, England: The Belknap Press of Harvard University Press, 2019.</p> <p>ALBERT, Richard. Constitutional Amendments: Making, Breaking and Changing Constitutions. Oxford: Oxford University Press, 2020.</p> <p>ALBERT, Richard. BERNAL, Carlos. BENVINDO, Juliano (eds). Constitutional Change and Transformation in Latin America. Oxford and Portland, Oregon: Hart Publishing, 2019.</p> <p>ALBERT, Richard. CONTIADES, Xenophon. FOTIADOU, Alkmene. The Foundations and Traditions of Constitutional Amendment. Oxford and Portland, Oregon: Hart Publishing, 2017.</p> <p>ARATO, Andrew. The Adventures of Constituent Power: Beyond Revolutions? Cambridge: Cambridge University Press, 2017.</p> <p>BETANCES, Emelio. IBARRA, Carlos Figueroa. Popular sovereignty and constituent power in Latin America: Democracy from below. New York: Palgrave Macmillan, 2016.</p> <p>CÓLON-RÍOS, Joel. Constituent Power and the Law. Oxford: Oxford University Press, 2020.</p> <p>CORNELL, Drucilla. Law and Revolution in South Africa: Ubuntu, Dignity, and the Struggle for Constitutional</p>



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Transformation. New York: Fordham University Press, 2014.

DRINÓCZI, Tímea. Constitutional identity in Europe: The identity of the constitution. A regional approach. **German Law Journal**, v. 21, n. 2, p. 105–130, 2020.

DRINÓCZI, Tímea; GÁRDOS-OROSZ, Fruzsina; POZSÁR-SZENTMIKLÓSY, Zoltán. Formal and Informal Constitutional Amendment in Hungary. **MTA Law Working Papers**, 2019.

DRINÓCZI, Tímea; Bień-Kacała, Agnieszka. **Illiberal Constitutionalism in Poland and Hungary: The Deterioration of Democracy, Misuse of Human Rights and Abuse of the Rule of Law**. London: Routledge, 2021.

JACOBSON, Gary. ROZNAI, Yaniv. **Constitutional Revolution**. New Haven and London: Yale University Press, 2020.

KHOSLA, Madhav. **India's Founding Moment: The Constitution of a Most Surprising Democracy**. Cambridge, MA; London, England: Harvard University Press, 2020.

MEYER, Emilio Peluso Neder. **Constitutional Erosion in Brazil**. Oxford and Portland, Oregon: Hart Publishing, 2021.

ROSENFELD, Michel. **The Identity of the Constitutional Subject: Selfhood, Citizenship, Culture, and Community**. London and New York: Routledge, 2009.

ROZNAI, Yaniv. **Unconstitutional Constitutional Amendments: The Limits of Amendment Powers**. Oxford: Oxford University Press, 2017.

RUBINELLI, Lucia. **Constituent Power**. Cambridge: Cambridge University Press, 2020.

TEXTOS E DOCUMENTOS DISPONÍVEIS NA WEB

INFORMAÇÕES ADICIONAIS

All students must be able to read all the bibliography, participate in the debates and make their presentations in English.

Methodology: the students shall make presentations of the selected bibliography and critically analyze them.

Assessment:

40,0 points: deliver a final essay relating the subject of their own research with the themes debated in the course.

30,0 points: introductory presentation of one or more texts of the selected bibliography. The student can connect the text with other research results and use diverse forms of presentation.

30,0 points: participation in the debates. All students shall read the whole bibliography and actively engage in the discussions.

The classes will use UFMG's emergency remote system and all classes will occur using Microsoft Teams.