

JUS5930 Comparative Public Law - *Emnerapport*

Introduction

JUS5930 Comparative Public Law was taught for the first time in Spring 2016. While it was approved by PMR in 2013 (after a proposal by Iris Nguyen Duy), staffing changes led to a delay in its commencement. Cecilia Bailliet was named as the course coordinator as part of a transition but all coordination was carried out effectively by Malcolm Langford. Langford is now the course coordinator and author of this report.

JUS5930 aims to provide a critical understanding of the main ideas, issues, trends and methods in the field of comparative public law. The website for the course states that it “will present a survey of the major themes in comparative public law and compare leading legal families and traditions” in the “field of Constitutional and Administrative law”. The course is also a compulsory course in the new comparative law profile in *Master i Rettsvitenskap*.

Unfortunately, the course was announced very late for students. It only appeared on the Faculty website in January 2016. Nonetheless, approximately thirteen students regularly attended lectures and eleven took the home exam.

1. Evaluation

Pensum

The course is strongly focused on constitutional law and partly on administrative law. While this focus is indicated clearly in the course description, a number of mid-term evaluations questioned whether the title of the course is misleading. One student commented that the course could be renamed ‘Comparative Constitutional Law’. In my view, the course should better reflect its title rather than its description. Even though constitutional law provides the most obvious starting point for comparative public law discussion and study, it is too narrow and the proposal for JUS5930 anticipated a future course in comparative constitutional law. In 2017, the constitutional law dimension could be reduced to half the course. The remainder could focus on other areas of public law (particularly criminal and tax law in addition to administrative law). In addition, a full lecture on comparative method should be included, given that this was an essential part of the exam.

Teaching

The teaching methods were varied and included: (1) lecturing (2) group work; (3) group and individual student presentations; (4) a mock constitutional convention; and (5) short films. Positive feedback on the teaching methods was received in the mid-term evaluation.

All relevant teachers at the Faculty were invited to teach. Two teachers were available (Christoffer Eriksen and Johann Ruben Leiss) while another (Matthew Saul, Pluricourts) presented research. The other nine lectures were given by Malcolm Langford. For 2017, additional lecturers will be asked to contribute, including Johan Boucht (Criminal Law), Arvid Skaar, Xiaoqing Huang and Line-Anker Sørensen (Tax Law) and Iris Nguyen-Duy and Anine Kierulf (Constitutional Law).

Resources

The room was too large for this class. An auditorium was not appropriate.

Exam

A home exam was used which seemed to function well. Students had to choose a question from five. Each question required knowledge of two different areas of the course, with a sub-question that required a

philosophical or empirical perspective. Informal feedback indicated students appreciated the opportunity to do original research.

Eleven students took the exam – two fewer than expected. The students performed well – most receiving a B, two receiving an A and one obtaining a C.

The student who received a C complained and obtained an E. This was probably an unfair evaluation as the evaluators appeared to have overlooked the original research done by this student. A C was a fair grade as the comparative method in the essay was weak.

In 2017, a debate could be used as a 20% assessment form. This has been used previously in HUMR5132 and HUMR5133. It could work particularly well in JUS5930 as there are often two sides to every issue. It would also test out student's verbal skills.

The course was poorly advertised online yet would be very appropriate to many students in the *Master i Rettvitenskap*.

Level

The level is perfect for 4th and 5th year students as it presumes familiarity with at least one legal or political system.

Prerequisites

The current prerequisites are too narrow. This course could be easily taken by social scientists at the University (particularly political scientists). There are two similar comparative law courses at the University of Bergen in which half the students come from the Department of Comparative Politics (and perform very well). Moreover, the course is appropriate for all students taking the Master in Human Rights and Theory and Practice as well as the Master in Legal Sociology. Comparative public law always involves a philosophical and social science dimension, and legal students do not necessarily have a comparative advantage in studying this topic.

Therefore, the following group of students should be added to the prerequisite list: *“Admitted to a Master’s Programme at the University of Oslo in the following disciplines: political science, sociology, history, philosophy and human rights.”*

4. Changes since the last evaluation

None. It is a new course.

5. Proposal for Change

The main proposed changes are:

- 1) More balanced coverage of public law with inclusion of criminal and tax law.
- 2) Inclusion of a debate worth 20 per cent of the final grade.
- 3) Change to a smaller room in order to enable better student participation.
- 4) Opening of the course to students undertaking masters' degrees in political science, sociology, history, philosophy and human rights at the University of Oslo.

6. Short Summary

JUS5930 Comparative Public Law received positive feedback from students, particularly on account of its engaged and diverse teaching methods and take-home exam. Proposed changes from 2017 include a focus on comparative criminal and tax law in addition to constitutional and administrative law; an opening of the course to students from other disciplines; and the inclusion of a debate as part of the assessment.