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CHAPTERS FROM THE HISTORY OF JUDICIAL REVIEW

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THE AIM OF THE COURSE IS TO GIVE AN OVERVIEW ON THE ORIGINS AND DEVELOPMENT OF JUDICIAL REVIEW.

CONTENT OF THE COURSE:

THE 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 JUDICIAL/CONSTITUTIONAL REVIEW 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 HUNGARIAN CONSTITUTIONAL COURT IN AND EXAMINE THE EARLY DECISIONS OF THE CONSTITUTIONAL COURT.

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 (25-30 MINUTES, USING A SLIDESHOW IS OBLIGATORY),
2. PARTICIPE IN THE DISCUSSIONS AFTER EACH PRESENTATION.