

**PUBLIC LAW MASTER PROGRAM
COURSE SYLLABUS**

Course Details				
Code		Academic Year		Semester
KHD107		1		1
Title		T	A	L
Democracy and Constitutional Review: Kelsen Against Schmitt		3	-	-
Language	Turkish			
Level	Graduate		Postgraduate	X
Department / Program	Public Law Dr.			
Forms of Teaching and Learning	Formal			
Course Type	Compulsory		Elective	X
Objectives	The aim of this course is to explain the characteristics of the relationship between democracy and constitutional jurisdiction and to examine Kelsen and Schmitt's arguments related to constitutional jurisdiction.			
Content	In this course, the origin of the constitutional jurisdiction, its democratic legitimacy and legal basis, and the views of Kelsen and Schmitt are discussed.			
Prerequisites	None			
Coordinator	Dr. Berke Özenç			
Lecturer(s)	Dr. Berke Özenç, ozenc@tau.edu.tr			
Assistant(s)	Res. Assist. Nurdan Özçelik, nurdan.ozcelik@tau.edu.tr ; Res. Assist. Lütfullah Yasin Akbulut, akbulut@tau.edu.tr ; Res. Assist. Kemal Başol, basol@tau.edu.tr ; Res. Assist. Eyüp Kaan Demirkıran, demirkiran@tau.edu.tr ; Res. Assist. Ceren Hilal Günaydın, cerenhilalgunaydin@tau.edu.tr			
Work Placement	None			
Recommended or Required Reading				
Books / Lecture Notes	-			
Other Sources	Schmitt, Carl, Siyasal Kavramı 4. baskı (çev. Ece Göztepe), Metis Yayınları, İstanbul 2018; Carl Schmitt, Verfassungslehre, Berlin, Duncker&Humblot, 2. baskı (1928 tıpkıbasım), 1954. Schmitt, carl. (1929). “Der Hüter der Verfassung”. Archiv des öffentlichen Rechts. Vol: 55, no:2 pp. 161-237, Tübingen: Mohr siebeck GmbH & co. KG.; Hans Kelsen Pure Theory of Law, M. Knight, trans., Berkeley: University of California Press			
Additional Course Material				
Documents	-			
Assignments	-			
Exams	-			

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Course Composition			
Social Sciences	70		%
Educational Sciences			%
Natural Sciences			%
Health Sciences			%
Expert Knowledge	30		%
Assessment			
Activity	Count		Percentage (%)
Midterm Exam			
Quiz			
Assignments	1		40
Attendance			
Recitations			
Projects			
Final Exam	1		60
Total			100
ECTS Points and Work Load			
Activity	Count	Duration	Work Load (Hours)
Lectures	14	3	42
Self-Study	23	2	46
Assignments	1	60	60
Presentation / Seminar Preparation	1	60	60
Midterm Exam	0	0	0
Recitations	0	0	0
Laboratory	0	0	0
Projects	0	0	0
Final Exam	1	2	2
Total Work Load			210
ECTS Points (Total Work Load / 30)			7,5
Learning Outcomes			
1	Understands the historical, political and legal basis of constitutional jurisdiction.		
2	Learns Kelsen's theory of constitutional law and his thoughts on constitutional jurisdiction.		
3	Learns Schmitt's theory of constitutional law and his thoughts on constitutional jurisdiction.		
Weekly Content			
1	Introduction		

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2	Origin of constitutional jurisdiction-1
3	Origin of constitutional jurisdiction-2
4	Kelsen's views on the constitutional jurisdiction-1
5	Kelsen's views on the constitutional jurisdiction-2
6	Schmitt's views on the constitutional jurisdiction-1
7	Schmitt's views on the constitutional jurisdiction-2
8	Midterm exam
9	Determination of paper topics
10	Preparation for presentation-1
11	Preparation for presentation-2
12	Presentations-1
13	Presentations-2
14	Presentations-3
15	Epilogue
16	Final paper

Contribution of Learning Outcomes to Program Objectives (1-5)

	P1	P2	P3	P4	P5	P6	P7
1	4	4	4	4	3	5	5
2	4	4	4	4	3	5	5
3	4	4	4	4	3	5	5

Contribution Level 1: Low 2: Low-intermediate 3: Intermediate 4: High 5: Very High

<https://obs.tau.edu.tr/oibs/bologna/progLearnOutcomes.aspx?lang=en&curSunit=5908>

Compiled by: Res. Assist. Ceren Hilal Günaydın

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