Course Program and Reading List
Semester 2 Year 2022

School: Harry Radzyner Law School LL.B.

Comparative Constitutional Democracy

Lecturer:
Prof. Yaniv Roznai yaniv.roznai@idc.ac.il

Course No.: 10579
Course Type: Elective
Weekly Hours: 1
Credit: 1

Course Requirements: Final Paper
Group Code: 221105791
Language: English

Prerequisites

Prerequisite:
1 - Constitutional Law OR 10390 - Constitutional Law

Course Description

This colloquium explores the state of constitutional democracy in the United States and throughout the world. During the second decade of the twenty-first century, the global momentum toward constitutional democracy, that many commentators in the late twentieth century described as irresistible, stalled and began to reverse. Across the universe of constitutional democracy, from Canada to Australia, from Italy to India, such conventional foundations of liberal constitutional democracy as a strong middle class, secularism and commitment to playing by the rules of the constitutional game are weakening. Many past models of post-transitional constitutional democracies, most notably Hungary and South Africa, are experiencing severe constitutional problems. Ongoing struggles to institute new models of constitutional democracy in the Middle East,
North Africa and South American face uncertain futures.

Globalization, the Great Recession, terrorism, sectarianism, and other global phenomenon create common afflictions for constitutional democracies around the world. Constitutional democracy has more difficult tasks than at any time in history and the costs of mistakes is higher, potentially catastrophic. For the first time since the Great Depression, when proto-fascist movements gained some traction, if not the Civil War constitutional democracy in the United States appears to be weakening. Democrats charge Republicans with engaging ongoing voting suppression and supporting what they believe is an executive dictatorship; Republicans charge Democrats with seeking to reverse the 2016 national election illegitimately. The possible global crisis of constitutional democracy in the United States has particular implications for American politics as well as politics throughout the world. If almost every constitutional democracy is experiencing increased weakness in democratic forms and practices, then this suggests that many ill afflicting the United States in the second decade of the twentieth century have global as well as domestic roots.

This Colloquium will bring together internationally recognized scholars in comparative constitutional law and Maryland Carey Law faculty and students to discuss and engage with critical thinking and scholarship on the state of constitutional democracy throughout the world. Every other week a prominent scholar will deliver a paper on some aspect of constitutional democracy, with faculty commentary. Students will be expected to prepare written observations in advance and participate actively in the subsequent discussions.

The colloquium is a central part of the new consortium on constitutional democracy between Reichmann University School of Law (Herzliya, Israel), the University of Milan School of Law, and the University of Maryland Carey School of Law. The annual constitutional law schmooze will be part of that colloquium. We are also planning faculty exchanges and other seminars for the future. Please note, however, that participation in other consortium events, while highly encouraged, is not part of the obligations for this course.

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Course Goals

1. Understand key concepts in substantive law, legal theory, procedure, and legal practice;

2. Perform competent legal analysis and reasoning;
3. Demonstrate competence in other professional skills needed for competent and ethical participation as a member of the legal profession;

4. Identify sources of fact and law, perform research, assess legal materials and evidence critically, and apply legal rules in a variety of legal and factual contexts;

5. Understand the importance of considering available options for dispute prevention and resolution;

6. Communicate effectively about legal matters, both orally and in writing, in objective and persuasive styles, to a variety of audiences;

7. Identify, frame and address legal problems from differing perspectives.

8. Collaborate effectively with others in a variety of legal contexts;

9. Understand the role and responsibility of laws, lawyers, and legal systems in achieving justice for society and individuals, including those who lack access to effective legal representation;

10. Apply knowledge of professional ethics to identify and address legal issues in representation of clients and performance of duties as an officer of the courts; and

11. Apply professional judgment through self-reflection and conduct consistent with the legal profession's values and standards.

Truth be told, I think that outcomes 1, 2, 4, and 7, strike me as particularly relevant to this course,

Grading

each student will comment on one paper - up to 5 points bonus
A paper on one of the class topics

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**Reading List**

1/18: Mark Tushnet, Harvard Law School

2/1: Antonia Baraggia, University of Milan School of Law

2/15: Margit Cohn, Hebrew University of Jerusalem, Faculty of Law

3/1: Yaniv Roznai, Reichman University, Radzyner School of Law

3/15: Phoebe Okowa, Queen Mary School of Law, London

3/29: Maxwell Chibundu, University of Maryland Carey School of Law

4/12: Dilek Kurban, European University Institute

Articles will be circulated prior to the class