



Course program and reading list

Semester 0 Year 2023

School: Harry Radzyner Law School LL.B.

Comparative Constitutional Democracy

Lecturer:

Prof. Yaniv Roznai yaniv.roznai@runi.ac.il

Prof. Liav Orgad oliav@runi.ac.il

Course No.:	Course Type :	Weekly Hours :	Credit:
10586	Lecture	2	2

Course Requirements :	Group Code :	Language:
Final Paper	230105861	English

Course Description

This colloquium explores the state of constitutional democracy 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 students to discuss and engage with critical thinking and scholarship on the state of constitutional democracy throughout the world. In every class, 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 consortium on constitutional democracy between Reichmann University, Harry Radzyner Law School, the University of Milan School of Law, and the University of Maryland Carey School of Law.



Course Goals

Understand key concepts in substantive law and constitutional theory;

Perform competent legal analysis and reasoning;

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;

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

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

Identify, frame and address legal problems from differing perspectives.

Collaborate effectively with others in a variety of legal contexts.



Grading

Student will write five written response papers.

Students will participate in the discussion and respond orally, to at least one paper.



Reading List

First dates of meetings:

January 11, 2023

January 18, 2023

January 25, 2023

February 14, 2023 (optional, not officially part of the Reichman course)

March 1, 2023 (optional, not officially part of the Reichman course)

March 29, 2023

April 19, 2023

A full list of speakers will be published shortly after the beginning of the semester.

The dates of the extra meeting, in Semester B, will be published later in Semester A.

The papers for the discussion will be circulated prior to the class.