

THE RULE OF LAW: HISTORICAL CASE STUDIES

Phil Carchman and Stan Katz

Course Information

Mondays from 10:00 a.m. - noon for six weeks beginning September 29 through November 3.

Hybrid- Lecture - Unlimited

Course Description

The course will attempt to explain the origins and functions of the concept of the rule of law, starting with the English experience in the 17th century (the Civil War, the Glorious Revolution, Parliamentary sovereignty). We will then consider the creation of a new and powerful conception during the American and French Revolutions, and this will help to explain the emergence of modern constitutionalism in the late 18th century. We will ask what it means for a nation to commit itself to the idea that it is “a government of laws and not of men”? What is the significance of written constitutions? What are constitutional rights? How does “the rule of law” change with the emergence of political democracy in the 19th and 20th centuries? We will then turn to four case studies in challenges to the rule of law over the course of the last 250 years: the First Amendment; Lincoln and the Civil War; America at War; Trump and the rule of law. These sessions will be based on a close examination of a number of U.S. Supreme Court opinions especially on issues that have retained relevance in the present day such as privacy, abortion and gun control. We will conclude with a session on comparative law - how is the rule of law currently being challenged in other countries? We will look at Hungary, China, Turkey, India, Russia and other nations in which the rule of law is threatened by what scholars call “competitive authoritarianism.” The sessions will be a mixture of lecture and discussion. Readings will be suggested, and we will make use of videos to visualize the problems we discuss.