

Political Science 583: Designing a Constitution

Fall Semester 2015

Instructor: Andrew Roberts

From Solon up to today, constitution-making has been the fundamental political act. Creating a constitution is at the heart of forming a political community and political scientists have been debating proper constitutional forms since Aristotle.

This course will ask what we have learned about this process. Why do some constitutions function better and some worse? Is constitution-making a one-size-fits-all art, in which successful constitutional arrangements from the advanced democracies should be exported intact to new democracies? Or, must constitutions be specially tailored to the unique circumstances of the country in question? If the latter is the case, what kinds of constitutions are necessary to solve specific problems? And even if we find good solutions, how can we get self-interested politicians to choose them? These are the questions that motivate this course.

The class will focus on the constitutional options that countries can choose from. We will begin by asking what a constitution is and whether constitutions really do matter for creating and preserving democratic politics. We will then survey a variety of different constitutional arrangements for executive-legislative relations, electoral laws, and federalism and assess their political, social, and economic consequences. Our goal is to understand how constitutions work and how they can be used to create stable, prosperous, and free democracies.

Course Requirements

There will be two short assignments and one longer one. The first short assignment will be to answer several questions about a particular country's constitution. The second short assignment involves the student becoming a class expert on a particular constitutional issue which we will not have time to cover in the required readings. A list of possible issues is presented below, though students may also propose other possibilities. Each student is required to make a 5 minute presentation and lead a short class discussion at the second session. I will advise you on potential readings in researching your topic. Potential topics for these reports include:

Amendment Procedures	Common/Civil Law	Referenda
Bicameralism	Corporatism	Secession Policies
Central Banks	Emergency Powers	Term Limits
Citizenship Rules	Group Rights	Transitional Justice
Civil-Military Relations	Presidential Powers	

The culmination of the class is a seminar paper of approximately 8-12 pages. In this paper, students will create a new constitution for one of the world's developing countries. This does not mean actually writing the text of the constitutions, but instead describing a set of institutions that will help to solve the pressing problems facing the country and as best as possible ensure a stable, liberal democratic government.

Students are free to choose any country they wish. I would discourage students from working on an established, stable democracy (e.g., England, France, etc.) without a compelling reason. The course will be more challenging and rewarding if you choose a country experiencing severe difficulties. Interesting cases that come to mind are Afghanistan, Russia, Egypt, Iran, Indonesia, Pakistan, China, Palestine, Nigeria, and Rwanda.

In writing this paper, think of yourself as an expert invited to this country's constitutional assembly to advise them. (Such people actually exist. After this class you can be one.). Your paper will outline the dangers facing the country (perhaps pointing to the failures of the current constitution) and suggest institutional solutions in the main areas that we discuss in this course (i.e., electoral laws, legislative-executive relations, etc). While you should present a single set of recommendations (not alternatives), try not to oversell your constitution. Do mention drawbacks to your recommendations and how these might be handled. More details on the project will be distributed in class.

For students who plan a career in political science, you also have the option of writing a conventional political science paper on the subject of constitutional engineering. This means developing a set of hypotheses about the causes or consequences of a specific constitutional feature and testing this hypothesis on a carefully chosen sample of countries. If you choose this option, consult with me early in the semester on your choice of topic and your strategy for addressing it.

The final paper is due on January 15.

Course Evaluation:

Evaluation in the course will be based on the following exercises

Class Participation:	30%
Short Assignments (10% each):	20%
Final Paper:	50%

Course Outline

Day 1: November 20

Lesson 1: What is a constitution and what do we want from one?

- Felicia Lee, “Constitutionally, A Risky Business”
- “Constitutionalism”, Stanford Encyclopedia of Philosophy
- Robert Dahl, How Democratic is the American Constitution?, chapter 5

Lesson 2: Types of Democracy

- Lijphart, Patterns of Democracy, chapter 1-3
- Taagepera, “Arend Lijphart’s Dimensions of Democracy”
- Gerring, Thacker, and Moreno, “Centripetal Democratic Governance: A Theory and a Global Inquiry”

Lesson 3: Executive-Legislative Relations

- Shugart and Carey, Presidents and Assemblies, chapters 2-3
- Sartori, Comparative Constitutional Engineering, chapters 5-7

Lesson 4: Electoral Laws

- (For reference) Andrew Reynolds, Electoral System Design: The New International IDEA Handbook
- Blais and Massicotte, “Electoral Systems”
- Donald Horowitz, “Electoral Systems: A Primer for Decision Makers”

Day 2: November 27

Lesson 5: Federalism

- Alfred Stepan, "Federalism: Beyond the U.S. Model"
- Cheryl Saunders, "Options for Decentralizing Power"

Lesson 6: Courts and Judicial Review

- Herman Schwartz, The Struggle for Constitutional Justice in Post-Communist Europe, chapters 1-2

Lesson 7: Rights

- United Nations, "Universal Declaration of Human Rights"
- Cass Sunstein, "Social and Economic Rights? Lessons from South Africa"
- Jacob Levy, "Classifying Cultural Rights"

Lesson 8: Dealing with Ethnic Conflict

- Timothy Sisk, "A Typology of Conflict-Regulating Practices"
- Benjamin Reilly, "Electoral Systems for Divided Societies"