**DEMOCRATIC CONSTITUTIONALISM: SELF-GOVERNMENT AND CONSTITUTIONAL LEGITIMACY IN DIVERSE POLITIES**

**Time:** April 8 8:00-12:00, April 9 8:00-12:00, April 10 8:00-12:00, April 11 8:00-12:00, April 12 8:00- 12:00, April 14 8:00-12:00

**Lecturers: Jeremy Webber** (University of Victoria – Canada) and

**Eszter Bodnár** senior lecturer, Department of Constitutional Law (ELTE)

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**Course description and working method**

This course explores a number of foundational concepts in constitutional law and theory, animated by two crucial premises: 1) that the predominant focus of constitutional lawyers on the review of constitutionality by courts has neglected the essential democratic foundations of contemporary constitutionalism, in which the first principle of constitutionalism is not to limit but rather to enable the expression of a democratically determined popular will; and 2) that in determining that expression of a popular will, constitutions must grapple with the ineradicable diversity and disagreement that characterize any free and democratic society. From those starting-points, the course will examine such concepts as consent, sovereignty, the rule of law, justifications for judicial review, and federalism. It will do so by stimulating discussion of readings that address these concepts in depth in democratic contexts, and by exploring the implications of these analyses for present-day controversies. The class will focus also on a series of particular examples, exploring the implications of the theoretical readings in those contexts. The course will be built around critical analysis and discussion; it will not propound a single answer to these challenging questions. But upon completion of the course, students will have a much better sense of the interaction between constitutional limitation and constitutional authorization, and between constitutional adjudication and legislative initiative.

**Course outline**

*Theoretical Foundations of a Democratic Constitutionalism*

*Consent, Sovereignty, and Political Legitimacy*

*Democratic Decision-Making as the First Principle of Contemporary Constitutionalism*

*The Rule of Law*

*Adjudication in Diverse Societies*

*Federalism as a Solution to Societal Diversity*

*Constitutionalism from Below: The Role of Citizens’ Action*

**Materials**

Materials will be shared with the students in the Neptun system.

**Assessment**

Students are required to

• prepare for every class from the given readers and legal documents,

• participate actively at the classes,

• submit a final essay (2500-3000 words with footnotes)