

The Hebrew University of Jerusalem

Syllabus

The U.S. Supreme Court and Social Controversy - 62273

Last update 19-11-2024

HU Credits: 1

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: Law

Academic year: 0

Semester: 2nd Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: Michael R. Dreeben

Coordinator Email: [\[to be determined\]](#)

Coordinator Office Hours:

Teaching Staff:

Michael Dreeben

Course/Module description:

This seminar will examine the U.S. Supreme Court's interpretation of the Constitution when resolving issues of great social and legal controversy. The course will analyze selected Supreme Court decisions applying the Constitution to critical social issues -- issues that have parallels in Israeli society. The course will assess the balance that the Court has struck in these areas and draw comparisons to the Israeli Supreme Court's resolution of similar issues. The course will also look at the role of the courts in society more broadly. Specially, the "judicial overhaul" efforts in Israel will be evaluated against the evolving ideas and proposals about the U.S. Supreme Court. The overarching question is whether judicial review and invalidation of legislative measures (by the Knesset or the U.S. Congress) accords with – or frustrates – democracy.

Course/Module aims:

Learning outcomes - On successful completion of this module, students should be able to:

Understand and articulate the basic operation of judicial review in U.S. Constitutional law; assess the performance of the U.S. Supreme Court in resolving a select set of issues that pose significant challenges to the Court's constitutional role; and deepen students understanding of the role of a Supreme Court in democratic society. Students should gains a foundation for contrasting the approach of the U.S. Supreme Court to the Israeli Supreme Court in carrying out their respective roles.

Attendance requirements(%):

Teaching arrangement and method of instruction:

Course/Module Content:

The seminar will begin by asking questions about what role courts do play in enforcing basic societal values. It will then have four specific modules modules: (1) judicial review of legislation for reasonableness; (2) the right to same-sex marriage and how the U.S. Supreme Court has resolved conflicts between that right and

religious values; (3) the conflict between national security and individual rights, and (4) constitutional accountability of the President for criminal conduct. The seminar will conclude by asking what role courts should play in a constitutional democracy.

Required Reading:

The primary texts are U.S. Supreme Court opinions addressing the substantive issues covered in the course. Other readings may include essays on law and the courts and excerpts from Israeli author

Additional Reading Material:

Grading Scheme:

Essay / Project / Final Assignment / Home Exam / Referat 50 %

Active Participation / Team Assignment 50 %

Additional information: