

What To Do About the Courts: An International & Comparative Perspective Discussion Questions

1. How and why did written constitutions spread as a technology of modern governance? What are the strengths and limitations of this political mode?
2. What are the basic elements of the American mode of constitutionalism? What are the overlaps and differences with modes elsewhere?
3. How does constitutional change proceed in the US by comparison with other systems? What are the effects for American law and politics?
4. What should be the focus of court-based reforms? Judicial disempowerment and/or judicial de-politicization/de-polarization?
5. How should Americans pursue constitutional change? What are the lessons to be drawn from other countries? Must they abide by the established rules for amendment, convention, etc.? When are norm-breaking or extra-legal means appropriate?