

Divided Democracies: Constitutions and Politics in the United States, India and Iran

Menaka Guruswamy Study Group Outline

The study group will meet four times in the Spring 2020 semester. Meeting dates are February 27, March 5, 12 and 19 from 12:00-1:30pm in Kim Koo Library, 111 Thayer Street.

Menaka Guruswamy, a Senior Advocate at the Supreme Court of India is a constitutional rights litigator and scholar. Among other cases, Guruswamy was one of the lead lawyers in the recent Supreme Court case to overturn the Indian law banning homosexuality, for which she was named one of *TIME* magazine's 100 most influential people of 2019. Through her litigation practice, she has successfully sought reform of the bureaucracy in the country through fixed tenure, defended federal legislation that mandates that all private schools admit disadvantaged children, and most recently overturned section 377 the colonial-era law that criminalizes consensual same-sex relations.

Dr. Guruswamy has also advised the United Nations Development Fund, New York and United Nations Children's Fund (UNICEF), New York and UNICEF South Sudan on International Human Rights Law and has also supported the constitution-making process in Nepal. Her most recent publications include, a co-edited volume of essays on *Founding Moments in Constitutionalism* (Hart/Bloomsbury, 2019), an essay on Constitution-Making in South Asia, in the *Handbook on Constitution-Making* (Edward Elgar, 2019). She has written widely for publications including the New York Times, the Indian Express, Hindustan Times, Mint and Scroll.in.

Dr. Guruswamy is a senior fellow with a joint appointment at the Watson Institute for International and Public Affairs and the Center for Contemporary South Asia.

Course Description:

The United States, India and Iran are large, well-established constitutional democracies of varied character. The United States, the world's oldest democracy; Iran, one of the world's oldest civilisations and a contemporary theocratic constitutional democracy; and

India, the world's largest constitutional democracy are all poised delicately at this moment in time.

An impeachment process faces the President of the United States, which is only symptomatic of the deep political and constitutional divisions within the country. Iran is confronted by internal protests and external sanctions. India faces deep divisions whose catalysts include the Hindu nationalist politics and constitutional challenges like the National Citizen Register and the Citizenship Amendment Acts. Critics argue that these initiatives are intended to disenfranchise religious minorities within the country.

Is there something inherent in the democratic constitutional form that had led to such divisions? What are possible failures of constitutional democracies that are highlighted by the trajectories of the three nations? What are the common threads that define the divisions within these three nations? Are there lessons for each country from the others experiences? These and other questions will be discussed in this reading group through academic writings, contemporary reportage and conversations with guests.