



Droit - Economie - Sciences Sociales

SUJET

CODE EPREUVE : 7031

SESSION : Janvier 2025

ANNÉE D'ÉTUDE : 2^{ème} année de Licence en Droit

DURÉE D'ÉPREUVE : 1h30

DISCIPLINE : Anglais juridique (UEC 1)

**TITULAIRES DU COURS : Ekow ACQUAH et Amélie
RIBIERAS**

Document(s) autorisé(s) : AUCUN

Ce sujet comporte 3 pages. Avant de composer, veuillez vérifier que votre sujet est complet.

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Part I: Complete the following sentences, adding between 10 and 25 words. Use only one sentence. (20 points in total; 5 points per question).

- 1) Although they are not explicitly listed in the Constitution...
- 2) Unlike a unitary system...
- 3) Pursuant to the Privileges and Immunities Clause...
- 4) While Maine and Nebraska...

Part II: Read the following document and answer each of the questions below (approximately 100 words for EACH question). Use your own words. DO NOT QUOTE DIRECTLY FROM THE TEXT (30 points in total; 10 points per question).

“Is America dictator-proof?”
The Economist, May 18th 2024

How has it come to this? After victory in the cold war, the American model seemed unassailable¹. A generation on, Americans themselves are losing confidence in it. Americans have heard their leaders denounce the integrity of their democracy. They have seen fellow citizens try to block the transfer of power from one administration to the next. They have good reason to wonder how much protection their system guarantees them against the authoritarian impulse rising around the world.

If Americans believe that their constitution alone can safeguard the republic from a Caesar on the Potomac, then they are too sanguine. Preserving democracy depends today, as it always has, on the courage and convictions of countless people all across America—especially those charged with writing and upholding its laws. As our briefing explains, the constitutional order is vulnerable. A would-be dictator could start off without flouting² the letter of the constitution, because later laws have created loopholes big enough for troops to march through. As a young country, America was worried not only about a home-grown despot but also about powerful foes, having just defeated one.

Congresses granted the president emergency powers to keep order in times of crisis. Under the Insurrection Act, a president can deploy the army or navy against a domestic uprising or when federal law is ignored. Presidents have invoked this authority 30 times, to break strikes, overcome segregation and, most recently, to stop riots in Los Angeles in 1992.

The Brennan Centre, a think-tank, lists 135 extraordinary powers a president can claim by calling a national emergency—some of the most serious freeze bank accounts and shut down the internet. The president can decide what counts as an emergency. Over 40 remain in force, some years old. Donald Trump invoked one to fund his border wall; Joe Biden, to forgive student loans. Congress is supposed to consider terminating emergencies every six months. It never has. Neither has it removed a president through impeachment.

That makes complacency a danger. And yet so is alarmism, because an emergency, real or confected, is the strongman’s ally. When they believed the American project was at stake, even great presidents asserted extra-constitutional powers. During the civil war Abraham Lincoln suspended habeas corpus; Franklin Roosevelt interned Americans without trial.

¹ Unassailable = irrefutable

² To flout = to disregard

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Among the biggest constitutional obstacles to dictatorship is the 22nd Amendment, which limits a president to two terms. But what would happen if an iron-willed autocrat stacked the Pentagon with lackeys and, with an army at his shoulder, refused to go? The United States has 247 years of history, but its constitution was copied by several young Latin American republics in the 19th century and they succumbed to strongmen.

The lesson is that what sustains the American project, as with any democracy, is not black-letter laws but the values of citizens, judges and public servants. And the good news is that even the most determined, inventive and organised of would-be despots would struggle to overcome them.

The army remains among America's healthiest institutions, its ranks filled with people mindful of their oaths to the constitution. States have wealth and tremendous authority over their own affairs. The vast majority of police officers work for state and local officials, not the president. The press has become more partisan, but it also prizes its independence, and it remains too diffuse for any one party to control. The next president may increase his power to fire tens of thousands of civil servants, but that would still leave a "deep state" of close to 3m workers spread across hundreds of agencies and 15 departments. These people could cause a lot of trouble.

Americans rightly lament the erosion of norms, yet the abuse of executive power has sometimes led to new ones. After Richard Nixon resigned over Watergate, the Justice Department began to take decisions about investigation and prosecution without regard to a president's wishes. Mr Trump has said he would do away with all that, yet any would-be Caesar who invoked emergency powers or the Insurrection Act would still have to overcome the independence of the courts. A lawbreaker would also have to reckon with the resistance of professional prosecutors and the integrity of juries.

Mr Trump is surely unequal to the task of turning himself into a dictator, even if he wanted to. The greater danger is that his contempt for norms and institutions further diminishes Americans' faith in their government. That matters, because the American project depends on its people. Barely a quarter of them say they are satisfied with democracy.

Questions:

- 1) According to the text, why is American democracy vulnerable?
- 2) What does the journalist believe is protecting American democracy and why might that be under threat?
- 3) Based on the text and your knowledge of the subject, comment upon the underlined sentence.

Part III: Choose ONE of the following topics and write an essay of approximately 250 words (+/- 10%) (50 points)

300

- 1) In June 2022, American author and attorney Jill Filipovic said "The United States Supreme Court should officially be understood as an illegitimate institution". To what extent do you agree with this statement?
- 2) Comment on the following quotation: 'Experts rated American elections as the worst among all Western democracies. Without reform, these problems risk damaging the legitimacy of American elections.' Pippa Norris, American political scientist

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