Democratic Theory

Course overview

This course will offer an introduction to classical and contemporary theories of democracy. It will cover questions such as: What is democracy? What are the historical origins of our ideas about democracy? What is the relationship between democracy and concepts such as freedom and equality? What are the democratic functions of institutions such as legislatures? What is the relationship between constitutionalism and democracy? Is populism a threat to democracy, or part of democratic politics? How do real constitutional systems fit our democratic ideals?

Course objectives

This course seeks to introduce students to historical, evaluative, and empirical debates about democracy, with a special emphasis on democracy's relationship to the Western History of Political Thought and Anglo-American constitutionalism. Students will learn about the historical roots of our democratic concepts, the difficulty with understanding how democratic ideals relate to modern institutions, and how democratic theory is entangled with questions of constitutional theory.

Course materials

Course materials will be available on *MyCourses*. Students need not purchase any books taught in this course.

Evaluation

Class Structure: Each Monday class will involve a recorded lecture (separated into multiple sections, adding up to a total of 45min) that will be posted on MyCourses. The Monday lecture should be watched before Wednesday's class. Each Wednesday class will be comprised of a live lecture from 12:00pm until 12:30pm, and breakout discussion groups from 12:30 until 12:55. Students are advised that they may be called upon to answer questions about class readings during lectures. Should this kind of engagement prove discomforting, or if you feel unprepared to be called upon to answer questions in class, then please email me before class. Students will be grouped into 8-9 discussion sections of approximately 10 students (the final number of groups and group size will depend on final enrollment). At the end of each Wednesday discussion group, students will hold a vote on a designated "yes/no" discussion question distributed before class. The group should vote at the end of the discussion and then one volunteer from

the group should post the results on the group's MyCourses discussion board (under the relevant forum "Voting Questions" and the question for that week). For example, for the first week of classes, the discussion groups will vote on the question: "Was it democratic for Athens to sentence Socrates to death? Yes or no?" Several more open-ended discussion questions will be circulated along with the designated "yes/no" question before each class (although students are welcome to raise and pursue their own questions and topics relevant to the subject matter). The instructor and TA will regularly switch between discussion groups.

The course is evaluated by the following four components:

Participation (10%). Class participation will be evaluated qualitatively, including by reference to the seriousness of preparation for discussion groups, participation in discussion, and the quality of the interventions. Participation encompasses interventions in discussion groups, and students may also earn extra participation marks for quality interventions during live lectures. Students who miss discussion groups for a legitimate reason (e.g. sickness, different time zone) may participate *in writing* by watching the recorded discussion section and posting a 500 word commentary on their group's MyCourses discussion board by 12:00pm the following Wednesday. Students who wish to participate in a discussion section by writing must receive explicit permission from the instructor.

Response Paragraphs (10%): After each Wednesday discussion group, students will submit a one paragraph summary of a point or idea they contributed to the discussion group on their group's MyCourses discussion board before the following Monday. These paragraphs should be submitted under MyCourses' weekly assignment for each discussion group.

Mid-Term Paper: (30%) The mid-term paper should be between 2,000 and 3,000 words, inclusive of footnotes. Students will write papers responding the pre-circulated questions concerning topics covered in class. Students may write on alternative topics only with the instructor's permission. This essay is not your research paper. Its main purpose is to demonstrate a detailed understanding and exercise analytical judgment of the course subject matter by *explaining* and concisely *assessing* topics we have covered in the course. **Due date Oct. 30th**.

Term Paper Proposal: (10%): The term research paper proposal should be 1,000 words and explain a research question that will be addressed in the student's research paper, why the question matters, and how the student will approach the question. Proposals must include a draft bibliography of sources that their research paper will draw upon. **Due date Nov 13th**.

Term Research Paper (40%). The term research paper should be between 3,000 and 4,000 words, inclusive of footnotes. Economy of expression is encouraged. Unlike your midterm essay, the *point* of the research paper is for you to explain ***your own answer*** to a question in democratic theory. Developing your own answer requires you to support your answer to an important question through *research* on your assigned readings, and potentially other articles, books, statutes, judicial decisions, historical records, etc. beyond your readings. **Due date Dec. 11th**.

Office hours: Tuesdays from 1:00-2:00pm on Zoom, or by appointment via Zoom, Skype, or Facetime.

Language of Submission:

In accord with McGill University's Charter of Students' Rights, students in this course have the right to

submit in English or in French any written work that is to be graded. This does not apply to courses in which acquiring proficiency in a language is one of the objectives.

Conformément à la Charte des droits de l'étudiant de l'Université McGill, chaque étudiant a le droit de soumettre en français ou en anglais tout travail écrit devant être noté (sauf dans le cas des cours dont l'un des objets est la maîtrise d'une langue).

Academic Integrity:

McGill University values academic integrity. Therefore, all students must understand the meaning and consequences of cheating, plagiarism and other academic offences under the Code of Student Conduct and Disciplinary Procedures" (see [McGill's guide to academic honesty](#) for more information).

L'université McGill attache une haute importance à l'honnêteté académique. Il incombe par conséquent à tous les étudiants de comprendre ce que l'on entend par tricherie, plagiat et autres infractions académiques, ainsi que les conséquences que peuvent avoir de tells actions, selon le Code de conduite de l'étudiant et des procédures disciplinaires (pour de plus amples renseignements, veuillez consulter le site [http://www.mcgill.ca/students/srr/honesty)](http://www.mcgill.ca/students/srr/honesty).

Extraordinary Circumstances:

In the event of extraordinary circumstances beyond the University's control, the content and/or evaluation scheme in this course is subject to change.

Copyright of lectures:

All slides, video recordings, lecture notes, etc. remain the instructor's intellectual property. As such, you may use these only for your own learning (and research, with proper referencing/citation) ends. You are not permitted to disseminate or share these materials; doing so may violate the instructor's intellectual property rights and could be cause for disciplinary action.

Outline of the Readings

Part I: The Greek Origins of Democracy

1. *The Philosopher as Democratic Citizen*

    Plato. *The Apology* (Sept. 2nd)
    http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0170%3Atext%3DApol.%3Asection%3D17a

2. *Monarchy/Aristocracy/ Democracy* (Sept. 7th)

    Aristotle. *Politics*, Book III, chapters 7-8 [1279a22-1280a6]; Book IV, chapter 4, sections 22-31 [1291b29-1292a38]; Book IV, chapter 14 [1297b35-1299a2]; Book VI, chapter 2 [1317a40-

1318a10]

I recommend reading Carnes Lord's translation, but you can also find the text online at:
http://data.perseus.org/citations/urn:cts:greekLit:tlg0086.tlg035.perseus-eng1:3.1279a
[This online edition gives book but not chapter and section numbers; if you use this translation, you will have to follow the line numbers I give in brackets]

Part II: Roman to Early Modern Democracy

3. *Rome and the Mixed Constitution* (Sept. 9th)

    Polybius. *Histories* Book 6
    http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0234%3Abook%3D6%3Achapter%3D1

4. *The Medieval Idea of the Corporate People* (Sept. 14th)

    J.P. Canning, The Corporation in the Political Thought of the Italian Jurists

5. *The Early Modern Idea of the Sovereign People* (Sept. 16th)

    Jean Bodin*, Six Books on the Republic*, Books 1.8 and 2.1
    Thomas Hobbes *Leviathan*, Chapters Book I, 17-19

Part III: From Rousseau's Synthesis to Mill's Utilitarianism

6. and 7. *Rousseau's Synthesis?* (Sept. 21st and 23rd)

    Rousseau. *On the Social Contract* Books I and II (Sept 21st), III and IV (23rd)
    https://oll.libertyfund.org/titles/rousseau-the-social-contract-and-discourses

8. *Locke's "Monarchomachianism"* (Sept. 28th)

    Locke. *The Second Treatise*, Chpts. 7-11, 19
    https://oll.libertyfund.org/titles/locke-the-two-treatises-of-civil-government-hollis-ed

9. *The Tyranny of the Majority* (Sept 30th)

    Benjamin Constant (1819), *The Liberty of Ancients Compared with that of Moderns*.
    http://oll.libertyfund.org/titles/constant-the-liberty-of-ancients-compared-with-that-of-moderns-1819

Alexis de Tocqueville (1835), *Democracy in America*, Volume 2: Part 2: Chapter 7 ("On the Omnipotence of the Majority in the United States and its Effects")
http://oll.libertyfund.org/titles/tocqueville-democracy-in-america-historical-critical-edition-vol-2

10. *Utilitarian Democracy* (Oct. 5th)

James Mill, *Essay on Government*
John Stuart Mill, *Considerations on Representative Government*, Chapters 3 and 5.
https://oll.libertyfund.org/titles/mill-the-collected-works-of-john-stuart-mill-volume-xix-essays-on-politics-and-society-part-2

Part IV: Contemporary Democratic Concepts

11. and 12. *Republican Freedom* (Oct. 7th and 12th)

Philip Pettit *On the People's Terms*, Chapters 1 (Oct. 7th) and 3 (Oct 14th).

Nadia Urbinati "Competing for Liberty: The Republican Critique of Democracy" *APSR*, 106: 607-621 (Oct. 14th).

No response paragraphs due on Monday Oct.12th, Paragraphs due on republican freedom on Oct 19th.

13. *Rival Concepts of Freedom* (Oct. 19th)

F.A. Hayek *Law, Legislation, Liberty*, vol. 1, Chapters 5 and 6.

Hannah Arendt *What is Freedom?*

14. *Procedural vs. Substantive Equality* (Oct. 21st)

Jeremy Waldron (1998), "Participation: The Right of Rights." *Proceedings of the Aristotelian Society* 98: 307-337.

Ronald Dworkin *Justice for Hedgehogs*, Chapters 15 and 16

15. *Epistemic Procedures and Coequal Principles* (Oct. 26th)

Hélène Landemore *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many*, (3-7, 17-22, 97-115)

Grégoire Webber *The Negotiable Constitution*, Chapter 1 ("The constitution as activity")

Part V: Modern Democratic Institutions

16. *The Problem of Collective Action* (Oct. 28th)

    Richard Ekins. *The Nature of Legislative Intent*, Chapter 3 ("Joint Intention and Group Agency")

17. *Representative Legislatures* (Nov. 2nd)

    [Edmund Burke, 'Speech to the Electors of Bristol'](#)

    Richard Ekins. *The Nature of Legislative Intent*, Chapter 6 ("The Legislative Assembly")

18. *The Democratic Executive* (Nov. 4th)

    Alexander Hamilton. *The Federalist* No.68, 69, and 70.

    Walter Bagehot. *The English Constitution* Chapter 1 ("The Cabinet").

19. *Political Parties* (Nov. 9th)

    Nancy Rosenblum. *On the Side of the Angels*, Chapter 3 ("Moments of Appreciation").

    Stephen Gardbaum "Political Parties, Voting Systems, and the Separation of Powers" (2017) 65(2) *American Journal of Comparative Law* 229.

Part VI: Democracy and Constitutionalism

20. *Democratic Entrenchment?* (Nov. 11th)

    Bruce Ackerman. *We the People: Foundations*, Chapter 1 ("Dualist Democracy").

    Richard Bellamy. *Political Constitutionalism*, Chapter 3.4 ("Constitutive democracy").

21. *The Democratic Legitimacy of Judicial Review* (Nov. 16th)

    Jeremy Waldron, "The Core of the Case against Judicial Review" (2006) 115 Yale Law Journal 1346.

    Corey Brettschneider *Democratic Rights*, Chapter 7 ("Judicial Review: Balancing Democratic Rights and Procedures")

22. *Democracy and "Weak" Judicial Review* (Nov. 18th)

> Stephen Gardbaum. *The New Commonwealth Model of Constitutionalism*, Chapters 1 and 2.

> Jeff King. "Rights and the Rule of Law in Third Way Constitutionalism", (2015) 30 *Constitutional Commentary* 101.

23. *The Separation of Powers* (Nov. 23rd)

> Jeremy Waldron. *Political Political Theory*, Chapter 3 ("The Separation of Powers and the Rule of Law")

> James Madison *The Federalist* No.10

24. *The Balance of Power* (Nov. 25th)

> Richard Bellamy *Political Constitutionalism*, Chapter 5 (subsection "The Balance of Power" 195-208).

> Philip Pettit *On the People's Terms*, Chapter 4.4 ("An Unconditioned System of Influence" 218-229).

Part VII: Contemporary Challenges

25. *Populism* (Nov. 30th)

> Jan-Werner Müller *What is Populism?* Chapter 1 and Conclusion ("What Populists Say" and "Seven Theses on Populism").

> Donald Critchlow "A Somewhat Reassuring Defense of Populism" (2020) 3 *Current Affairs*.

26. *Realism or Minimalism?* (Nov. 2nd)

> Christopher Achen and Larry Bartels. *Democracy for Realists*, Chapters 1 and 11.

> Adam Przeworski (1999), "Minimalist Conception of Democracy: A Defense." In *Democracy's Value*, edited by Ian Shapiro and Casiano Hacker-Cordón, 23-55.