



**ODFRL:
Democracy, Freedom, and the Rule of Law
Syllabus**

DESCRIPTION

This course is a yearlong examination of the foundations of civil society. Drawing on both historical and theoretical materials, the course studies changing conceptions of how a state is and should be organized. In particular, we will focus on different treatments of the interwoven concepts of democracy, freedom, and the rule of law. As part of their study, students will practice the methodological tools of analysis relevant to philosophy and political theory, learn to formulate and evaluate hypotheses about the content of critical concepts, and develop a thorough knowledge of their political traditions and principles. These lessons contribute to the broader aim of the course, which is to prepare students for citizenship in their community by refining their ability to participate constructively in the discourse that draws on these conceptions of the state. And while the course is organized around principles of American government, many of the readings will be germane to democratic society generally, particularly to the extent that they belong to a common historical tradition.

The first semester of this course covers the first of our topics: democracy. As will quickly become apparent, our conception of democracy comprises a number of often conflicting aspects. We will begin by studying the picture of government that characterized the social contract tradition, continuing on in the second part to assess the changes that the American founders made to this tradition. The third part of the course will follow developments in thinking about representation and equality central to an emerging ideal of democracy as the rule of the people. With this foundation, we will conclude by considering the role of self-interest in the American understanding of democratic principles. This theme of individual and community will set the stage for the discussions of freedom and the rule of law that will occupy us in the second semester.

The second semester of the course investigates the closely integrated concepts of freedom and the rule of law as they are incorporated into democratic society. We will begin the semester with an analysis of a range of interpretations of what freedom in a democratic society might amount to, particularly with respect to the coercive role of democratic government. We will then consider what these legitimate government measures may do in the interest of establishing the degree of social or distributive justice that is democratically agreed upon. A more general discussion of these issues occurs in debates about the necessity and legitimacy of government intervention in free markets. The rule of law, our final topic, can be seen as imposing an additional constraint on the people's exercise of their democratic prerogative. We will conclude by considering the various ways in which the principle of the rule of law actually does bear upon and regulate government actions in dealing with war and terror.

Readings include Hobbes, Locke, Rousseau, Montesquieu, Madison, Jefferson, American founding texts, Lincoln, Addams, King, Burke, Tocqueville, Smith, Dewey, Mill, Berlin, Rawls, Nozick, Sandel, Sen, McMillan, Marx, Dicey, and Hayek.

LEARNING OBJECTIVES

In this course, students will develop an understanding of what it is to approach political issues in a theoretical and philosophical manner through a close analysis of central ideals of the American political tradition. To this end, they will acquire proficiency in the tools of philosophical analysis as well as an appreciation of the major patterns and phenomena in ideological development. Their study will furnish

them with an analytical perspective on modern political life through the provision of the following competencies:

Tools of Analysis

- formalize textual arguments
- evaluate arguments for soundness and validity
- formulate and evaluate criticisms
- analyze formal, written, and spoken political discourse; extract underlying political principles
- bring theories to bear on empirical political problems, and in the process evaluating both the theory and empirical approaches to the problem

Understanding of Diversity and Change

- recognize the variable meaning of concepts generally
- research and formulate hypotheses about the philosophical origins and implications of changes
- consider the impact of non-theoretical events and forces on political reality and theory
- study the interplay of moral and political ideals

Knowledge of Content

- acquire familiarity with founding and other seminal texts in American government, as well as the relevant philosophical ideas and traditions
- build a working knowledge of the structure of the United States government, the principles motivating its design, and its differences from other systems of government
- develop a schematic understanding of important changes and variations in certain key concepts, such as democracy, freedom, and equality.
- build the historical and conceptual background necessary to formulate alternatives to the content of historical and contemporary civic discourse

Writing

- This is a writing-intensive course. Through a process of drafting, discussion, and revision, students will work to improve their general writing skills, as well as their ability to write according to the conventions of philosophy and political theory.

MAJOR COURSE TOPICS

- Part I: Democracy as Conflict
- Part II: Democracy as Coordination
- Part III: Democracy as Popular Sovereignty
- Part IV: Democracy as Community: Social versus Individual Norms and Conventions
- Part V: The Nature of Freedom in Society
- Part VI: Freedom and Justice
- Part VII: Freedom and the Market
- Part VIII: The Rule of Law

SAMPLE PAPER ASSIGNMENT

In a 4-5 page paper, respond to one of the following prompts. Be sure to respond to each part of the prompt:

1. Compare Brutus's theory of representation with Madison's. Your discussion should include for each author a statement of how representation works, what the motivation for the approach to

representation is, and how abuse is to be prevented. On the basis of this discussion, make an argument that one of the authors has a view that better meets modern challenges.

2. Compare Montesquieu's strategy for preventing tyranny (in a republic) with Madison's. Your discussion should focus on the problems the authors anticipate, the assumptions or premises of their arguments, and the mechanisms they attempt to make use of. Consider what sort of measure Montesquieu or Brutus might propose to supplement Madison's system. Would such a measure improve on Madison's general approach? (Note that it might be the case that there are already some such measures in the current American system.)

KEY ASSIGNMENTS AND GRADING POLICY

1. Attendance and participation in lecture and discussion sections, including responsibility as an 'expert' in one discussion section (15% of the semester grade)
2. Periodic assignments, including quizzes, reading questions, essay tests, and current event applications (12% of the semester grade)
3. Papers (approximately 4 per semester) (43% of the semester grade)
4. Final Exam (proctored) (30% of the semester grade)
5. Research project, including student lecture/presentation (spring semester only)

REQUIRED MATERIALS

1. [Justice is Conflict](#). Stuart Hampshire. ISBN: 0691089744
2. [Leviathan](#). Thomas Hobbes. Edited by Richard Tuck. ISBN: 0521567971
3. [Introduction to the Study of the Law of the Constitution](#). A.V. Dicey. ISBN: 0865970033
4. [The Basic Writings of John Stuart Mill: On Liberty, the Subjection of Women and Utilitarianism](#). John Stuart Mill. Edited by J.B. Schneewind. ISBN: 0375759182
5. [Democracy in America](#). Alexis de Tocqueville. Translated by Harvey Mansfield. ISBN: 0226805360
6. [A Preface to Democratic Theory \(Expanded Edition / 50th Anniversary Edition\)](#). Robert A. Dahl. ISBN: 0226134342
7. [A Theory of Justice, Revised Edition](#). John Rawls. ISBN: 0674000781 Be sure to get the Revised Edition, not the 'Original Edition', if at all possible.
8. [The Constitution of Liberty](#). Friedrich A. Hayek. ISBN: 0226320847
9. [Reinventing the Bazaar: A Natural History of Markets](#). John McMillan. ISBN: 0393323714