

**Political Science W3120: Problems in Democratic Theory  
Spring 2009  
Professor Melissa Schwartzberg  
Teaching assistants: Margaret Lange and Jeffrey Lenowitz  
Tues.-Thurs. 1:10-2:25**

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This is a course designed to enable students to analyze the concept of democracy and to evaluate the institutional mechanisms by which democracies make decisions. We will investigate the presuppositions of various mechanisms: for instance, how do different decision procedures reflect particular conceptions of the ways in which agents make political judgments? We will pay close attention to the normative implications of these decision procedures: what are the consequences of adopting a supermajority rule rather than a majority rule, or of deliberating collectively prior to voting rather than casting ballots without a preceding discussion? Finally, we will consider the sorts of constraints we might impose upon democratic decision-making: in particular, we will discuss whether constitutional rules restricting majority decisions should be considered democratic, and whether it makes sense to restrict or suspend the operation of democratic institutions for democracy's sake.

**Course requirements:**

- 3 take-home essay examinations (30%, 30%, and 30%).
- Participation in discussion section (10%).

**Texts for purchase:**

- Aristotle. *Politics*. Ernest Barker, trans. Oxford: Oxford University Press, 1995.
- Rousseau, Jean-Jacques. *The Social Contract and Other Later Political Writings*. Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 1997.
- Mill, John Stuart. *On Liberty and Other Essays*. Oxford: Oxford World Classics, 1998.

The other readings will be available on Courseworks.

**Class schedule**

**Jan. 20: Course introduction: What is democracy?**

\*\*\*Note: Class will begin upon the conclusion of the inauguration ceremony\*\*\*

**Part I: Democracy, elections, and the individual capacity for judgment**

**Jan. 22: Does democracy require elections? Lotteries.**

Reading:

Aristotle, *Politics*, Book III.6-8; Book IV.

**Jan. 27: Should “every vote count”? Part I: Greece (assemblies and juries).**

Reading:

Ober, Josiah. *Mass and Elite in Democratic Athens*. Princeton: Princeton University Press, 1989. Ch. 2.

**Jan. 29: Should “every vote count”? Part II: Rome (orders and acclamation).**

Reading:

Millar, Fergus. *The Crowd in Rome in the Late Republic*. Ann Arbor: University of Michigan Press, 1998. Ch. 2.

**Feb. 3: Should democracy be aggregative? Rousseau, *Social Contract*.**

Reading:

Rousseau, *Social Contract*, I.6-7; II.1-4, 6; IV.1-4

**Feb. 5: Jeffrey Lenowitz, guest lecturer**

Reading:

Marquis de Condorcet. "On the Form of Elections" and "A Survey of the Principles Underlying the Draft Constitution." In Iain McLean and Fiona Hewitt, *Condorcet: Foundations of Social Choice and Political Theory*. Aldershot, UK: Edward Elgar, 1994.

**Feb. 10: The epistemic benefits of aggregating individual judgments. Part I: The Condorcet Jury Theorem**

Reading:

Marquis de Condorcet. "An Essay on the Application of Analysis to the Probability of Decisions Rendered by a Plurality of Votes." Translated in Iain McLean and Arnold Urken, ed., *Classics of Social Choice Theory*, Ann Arbor: University of Michigan Press, 1995.

**Feb. 12: The epistemic benefits of aggregating individual judgments. Part II: Prediction markets**

Reading:

Page, Scott. *The Difference*. Princeton: Princeton University Press, 2007. Chs. 7-8.

## **Part II: Democratic decision-making: The choice of voting rules**

### **Feb 17: The (in)coherence of majority rule**

Reading:

Dahl, Robert A. *Democracy and Its Critics*. New Haven: Yale University Press, 1989. Ch. 10.  
Elster, Jon. "The Market and the Forum: Three Varieties of Political Theory." In *Deliberative Democracy*, James Bohman and William Rehg, ed. Cambridge: MIT Press, 1997.

**\*\*\*First midterm distributed\*\*\***

### **Feb. 19: The tyranny of the majority?: Madison and Tocqueville**

Reading:

Madison, Federalist 10 and 47.

Tocqueville, *Democracy in America*, Book I, ch. 16-17.

### **Feb. 24: Democracy and representation: Mill**

Reading:

Mill, *Considerations on Representative Government*, chs. 5-7.

**\*\*\*First midterm due\*\*\***

### **Feb. 26: Should every vote count? Part III: Plural voting and the secret ballot.**

Reading:

Mill, *Considerations on Representative Government*, chs. 8-10.

### **March 3: Unanimity, supermajority and majority rule. Part I: Congress and the filibuster**

Reading:

Binder, Sarah A. and Steven S. Smith. *Politics or Principle: Filibustering in the United States Senate*. Washington, DC: Brookings Institution Press, 1997. Ch. 1.

Wawro, Gregory J. and Eric Schickler. *Filibuster: Obstruction and Lawmaking in the U.S. Senate*. Princeton: Princeton University Press, 2006. Ch. 2.

### **March 5: Unanimity, supermajority and majority rule. Part II: Juries**

Reading:

Abramson, Jeffrey B. *We the Jury: The Jury System and the Ideal of Democracy*. Cambridge: Harvard University Press, 2000. Ch. 5.

## **Part III: Democracy and Deliberation**

### **March 10: What is deliberation?**

Reading:

Habermas, Jürgen. "Three Normative Models of Democracy." In Seyla Benhabib, ed., *Democracy and Difference*. Princeton: Princeton University Press, 1996.

Habermas, Jürgen. "Popular Sovereignty as Procedure." In James Bohman and William Rehg, ed., *Deliberative Democracy*. Cambridge: Massachusetts Institute of Technology, 1997.

**March 12: Margaret Lange, guest lecturer.**

Reading:

Rawls, John. "Idea of Public Reason Revisited." In *John Rawls: Collected Papers*, Samuel Freeman, ed. Cambridge: Harvard University Press, 1999.

**March 24: Deliberation and disagreement**

Reading:

Gutmann, Amy and Dennis Thompson. *Why Deliberative Democracy?* Princeton: Princeton University Press, 2004. Ch. 1.

**March 26: Against deliberation**

Reading:

Sanders, Lynn. "Against Deliberation." *Political Theory*, 25:3, pp. 347-376.

Sunstein, Cass. "The Law of Group Polarization." *Journal of Political Philosophy*, 10:2, pp. 175-195.

**\*\*\*Second midterm distributed\*\*\***

**March 31: Deliberative polls: Fishkin video in class.**

Reading:

Ackerman, Bruce and James S. Fishkin. "Deliberation Day." *Journal of Political Philosophy*, June 2002, vol. 10, no. 2, pp. 129-152.

**Part IV: Constitutionalism and democracy**

**April 2: Why a constitution? Part I: Constitutions as contracts.**

Reading:

Brennan, Geoffrey and James M. Buchanan. *The Reason of Rules: Constitutional Political Economy*. (Collected works of James M. Buchanan, vol. 10) Indianapolis, IN: Liberty Fund, 2000. Ch. 2.

**\*\*\*Second midterm due\*\*\***

**April 7: Why a constitution? Part II: Constitutions as precommitment and coordination devices.**

Reading:

Holmes, Stephen. "Precommitment and the Paradox of Democracy." In Jon Elster and Rune Slagstad, ed., *Constitutionalism and Democracy*. Cambridge: Cambridge University Press, 1988.  
Hardin, Russell. "Why a Constitution?" In Bernard Grofman and Donald Wittman, eds. *The Federalist Papers and the New Institutionalism*. New York: Agathon Press, pp. 100-120.

**April 9: Passover (class cancelled)**

**April 14: Amending a constitution. Part I: What is amendment?**

Reading:

Levinson, Sanford. "How many times has the United States Constitution been amended? (A) <26; (B) 26; (C) 27; (D) >27: Accounting for Constitutional Change." In Sanford Levinson, ed., *Responding to Imperfection*. Princeton: Princeton University Press, 1995.

**April 16: Amending a constitution. Part II: Amendment and constitutional legitimacy**

Reading:

Raz, Joseph. "On the Authority and Interpretation of Constitutions: Some Preliminaries." In Larry Alexander, ed., *Constitutionalism: Philosophical Foundations*. Cambridge: Cambridge University Press, 1998.

**April 21: Democracy and expertise revisited: Judicial review**

Reading:

Dworkin, Ronald. "Introduction: The Moral Reading and the Majoritarian Premise." In *Freedom's Law*. Cambridge: Harvard University Press, 1996.  
Tushnet, Mark. *Taking the Constitution away from the Courts*. Princeton: Princeton University Press, 2000. Ch. 7.

**April 23: Democracy and emergency**

Reading:

Ackerman, Bruce. "The Emergency Constitution." 113 Yale L.J. 1029 (2004)

**April 28: Course conclusion.**

**\*\*\*Final take-home exam distributed, due May 12.\*\*\***