

Democratic Theory

Lecturers: János Kis
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Tuesday, 9-11,
Thursday, 9-11.

This is an advanced course in the normative theory of democracy. Normative political theories ask the question, whether the claim of a state to a right to rule can be justified. The anarchist response is, no, there is no such a thing as a justified right to rule. Opponents of the anarchist thesis hold that the claim of states to a right to rule can be justified, and so states can have legitimate authority, at least under certain conditions. Democratic theory insists that the democratic nature of political rule is part of the necessary conditions of the legitimacy of political authority. This course is dedicated to the examination of this claim. We will address the problem of what the claim to a right to rule amounts to, what must be true in order for it to be justified, and what role democracy plays in the justification.

Normative democratic theory has two types. The first identifies the virtues of democracy with its capacity better to promote some independent aims (such advancing collective well-being, securing justice, protecting human rights, or simply maintaining a peaceful and orderly succession in office). The second starts out from the proposition that democracy as a procedure of taking and carrying out collective decisions has some inherent moral virtue.

The course will consider both types of arguments. We will also examine certain alleged paradoxes of democracy: the paradox of voting, the paradox of recognizing the authority of mistaken official decisions, and the paradox of constitutional review as an anti-majoritarian device.

The classes will be divided in lectures (to be given on Tuesdays) and seminars (to be held on Thursdays). Seminar participants may make 20-30 minute-long oral presentations on one of the topics discussed in class, which counts towards the participation component of their grade. Handouts including the main claims of the presentation are welcome. All participants will be asked to write a term essay on one of the major topics of the course. The deadline for submitting the term essays is the last meeting of the class.

Grading will be based on:

Participation (including the optional presentations)	40%
Term essay	60%

1. Introduction into the Problem

Waldron, *Law and Disagreement*. Oxford: Clarendon 1999. Ch 1., 1-17.

2. Classical Conceptions of Democracy I: The General Will Theory

J.J. Rousseau: *On the Social Contract*. [Excerpts] Indianapolis–Cambridge: Hackett 1987.

R. Harrison: Rousseau. Ch IV of Harrison: *Democracy*. London: Routledge 1993, 51-61.

3. Classical Conceptions of Democracy II: The Utilitarian Theory

J. Mill: “Government”. In: Mill: *Political Writings*. Cambridge: The University Press 1992, 1–43.

R. Harrison: Bentham. Ch III of Harrison: *Democracy*. London: Routledge 1993, 51-61.

4. Popular Sovereignty

E.-J. Sieyès: “What is the Third Estate.” In Sieyès: *Political Writings*. Indianapolis: Hackett 2003.

B. Ackerman: *We The People. Vol. I*. Cambridge, Mass.: Belknap Press 1991. Chs 1-2.

5. Is minimalism Defensible?

J.A. Schumpeter: *Capitalism, Socialism, and Democracy*, Chs XXI and XXII. London: Routledge 1992, 250-283.

A. Przeworski, “Minimalist Conception of Democracy: A Defence” in: I. Shapiro and C. Hacker-Cordón (eds.), *Democracy’s Value*. Cambridge University Press. 1999, 23-55.

6. The Competitive Theory of Democracy

A. Downs: *An Economic Theory of Democracy*, Part I. New York: Harper&Row 1957, 3-74

D. Robertson: “A Predictive Theory of Competitive Democracy”. Ch 2 of Robertson: *A Theory of Party Competition*. London: J. Wiley and Sons 1976, 23–54.

J.A. Schumpeter: *Capitalism, Socialism, and Democracy*, Chs XXI and XXII. London: Routledge 1992, 250-283.

7. Electoral Preferences

G. Brennan and L.E. Lomasky: "Large Numbers, Small Costs..." In: Brennan–Lomasky, eds: *Politics and Process*. Cambridge UP 1989, 42-59.

L.E. Lomasky and G. Brennan: “Is There a Duty to Vote?” *Social Philosophy and Policy* 17 (2000) 62-86

8. Preference Aggregation

W.H. Riker: *Liberalism Against Populism*, Chs I and X. Prospect Heights, Ill: Waveland Press 1982, 1-19, 233-253.

J. Coleman–J. Ferejohn: Democracy and Social Choice. *Ethics* 97 (1986) 6-25.

9. The Informational Basis of Electoral Preferences

A. Lupia and M. D. McCubbins “The Institutional Foundations of Political Competence: How Citizens Learn What They Need to Know” in: A. Lupia, M. D. McCubbins, S. L. Popkin (eds.), *Elements of Reason. Cognition, Choice and the Bounds of Rationality*. Cambridge University Press, 2000.

10. Democracy as Collective Deliberation

J. Cohen, “Deliberation and Democratic Legitimacy”. In: A. Hamlin-P. Pettit, eds: *The Good Polity*. Oxford: Oxford University Press 1991.

J. Habermas, “Struggles for Recognition in the Democratic Constitutional State” in: A. Gutmann (ed.), *Multiculturalism. Examining the Politics of Recognition*. Princeton: The University Press 1994.

F. Michelman: “Constitutional Authorship”, in: L. Alexander (ed.), *Constitutionalism. Philosophical Foundations*. Cambridge: Cambridge University Press, 1998

11. Democratic Equality and Majority Rule

D.W. Rae and E. Schickler: “Majority rule” In: D.C. Mueller, ed: *Perspectives on Public Choice*. Cambridge: The University Press 1997. 181-200.

K.O. May: “A Set of Independent Necessary and Sufficient Conditions for Simple Majority Decision”. *Econometrica* 20 (1952) 680-684.

C. Beitz: “The Subject of Political Equality”. In: Beitz: *Political Equality*. Princeton: Princeton University Press 1989. Ch 2.

12. The Epistemic Value of Democracy

D. Estlund: Making Truth Safe for Democracy. In D. Copp, J. Hampton, J. Roemer, eds: *The Idea of Democracy*. Cambridge 1993.

13. Constitutionalism and Judicial Review

F. I. Michelman, *Brennan and Democracy*. Princeton: Princeton University Press, 2001, Ch. 1, 3-62.

R. Dworkin: “The Moral Reading of the US Constitution”, In Dworkin: *Freedom’s Law*. Harvard: Harvard University Press 1996.