

V55. 0400

**CONVERSATIONS OF THE WEST: TOPICS
DEMOCRACY, ANCIENT AND MODERN**

Civitas Hominum

Syllabus

Fall 2007

Instructor:

Prof. Pasquale Pasquino [pasquino@ext.jussieu.fr]

Teaching Assistants:

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Classes: Tu and Th 9:30-10:45 – Silver 206

I. Course description

Considering the history of political theory and political institutions in Western societies, the course will focus on and discuss two main questions:

- (1) Mechanisms for collective decision-making, and
- (2) Conceptualization of the threat to political order.

Comparing Athenian “*demokratia*” in the 4th century B.C. and contemporary representative government, we will explore some crucial dimensions of democratic theory and practice. In connection with (2) we will discuss, moreover, changes in paradigm of doctrines of “good government” from the ancient “mixed” constitution to “constitutional” democracy.

Reading will include secondary literature and selection from major political thinkers like Aristotle, Machiavelli, Hobbes, Locke, Madison, Kelsen, Schumpeter, Dahl.

II. Course requirements

Students will be required to write three take-home papers over the course of the semester (by early October, early November and late November). The professor will assign topics for these papers. The papers have to be four/five pages long. There will be no final examination. The final grade will reflect both the grades of the three papers (20% for each of them) and attendance and participation in classroom/recitations discussion (40%)

III. Schedule [draft]

1. Introduction and presentation of the course.

2. Religion and Politics in the Western Culture: The Bible and the Gospel.

Reading: The Old Testament: Genesis XVIII. 16 - XIX. 29, Joshua V. 13-15 ; The New Testament: The Gospel according to Matthew, chapters 5-7 The Speech of the Mountain. [use the translation of King James!]

3. Human societies and their institutions. Membership and decision-making mechanisms.

Reading: Wikipedia: acclamation, voting, majority rule, unanimity, etc.

4. Majority rule and forms of government

Reading: p.pasquino on Pufendorf and majority rule

5./6./7. Majority rule: pros and cons.

Reading: R. Dahl, *Democracy and its critics*, chapters 10-13, pp.135-192

8. Δημοκρατία (Greek democracy) and representative government

Reading: J. Dunn, *Setting the people free: The story of democracy*, chapter 1.

9./10. The institutions of the Athenian democracy (in the 4th century)

Reading M.H. Hansen, *The Athenian democracy in the age of Demosthenes*, chapters 6 and 8, pp. 125-160 & 178-212.

11./12. Hans Kelsen and the modern democracy

Reading: "Nature and Value of Democracy", in: *Weimar: a jurisprudence of crisis*, ed. by A.J. Jacobson and B. Schlink, Berkeley: University of California Press, 2000, pp. 84-109; *General theory of State and Law*, [1946], pp. 282-303

13./14 Joseph Schumpeter: a minimalist conception?

Reading: *Capitalism, Socialism and Democracy* [1942], chapters 20-23 [on the web] and A. Przeworski, A minimalist conception of democracy.

15. Forms of government – Aristotle's and Montesquieu's taxonomies

Reading: my figure and *Politics*, Book III, chapters 6, 7, 8

16. Anatomy of the city

Reading: p. pasquino, Aristotle and Machiavelli

17. Mixed government

Reading: Aristotle, *Politics*, Book IV, chapter 3, 4, 11

18./19. The Aristotelian tradition: Polybius, Thomas Aquinas, Machiavelli

Reading: Polybius, *Histories*, Book VI, The Roman constitution; B. Tierney, "Aristotle, Aquinas, and the Ideal Constitution", Proceedings of the Patristic, Mediaeval and Renaissance Conference, 4, 1979, pp.1-11 [Xerox-copies]; Machiavelli, *Discourses on Livy*, Book I, 1-7 and *Discursus Florentinarum Rerum* (a Constitution for Florence, 1519?) [Blackboard], or Machiavelli, *The Chief Works and Others*, vol. I, Duke UP, Durham and London, 1989. pp. 101-115

20. "The Prince" and its conundrum

Reading: *The Prince*, chapters 1-11

21. Politics and threat: shift of paradigm

Reading: P. Pasquino, "Political Theory, Order and Threat" in *Nomos*, vol. XXXVIII: Political Order, 1996, pp. 19-40

22. Hobbes and the absolute representation

Reading: P. Pasquino, "Hobbes, Religion and rational Choice", *Pacific Philosophical Quarterly*, vol. 82, 2001, pp. 406-419

23. Locke and the limited government

Reading: *The Second Treatise of Government*, # 77-94; 211-241

24. James Madison and the self enforcing equilibrium of the American constitution

Reading: *Federalist Papers*, # 47-51

25. Alexander Hamilton and the constitutional role of the judicial power

Reading: *Federalist Papers*, # 78

26./27. Courts and "constitutional" democracy

Reading: J. Ferejohn – P. Pasquino, "Constitutional Adjudication: Lessons from Europe", *University of Texas Law Review*, 2004, vol. 82, No. 7, pp. 1671-1704

IV/a. Bibliography: Sources

[1] Aristotle, *The Politics*, ed. by E. Barker, Oxford: Oxford University Press, 1958
[Book III, IV and VI]

[2] Polybius, *The Rise of the Roman Empire*, trans. by I. Scott-Kilvert, Harmondsworth: Penguin Books, 1979 [Book VI]

[3] N. Machiavelli, *The Prince*, ed. by Q. Skinner & R. Price, Cambridge: Cambridge University Press, 1990

[4] N. Machiavelli, *The Discourses*, translated by A. Gilbert, in , *The Chief Works and Others*, vol. I, Durham and London: Duke University Press, 1989 [Book I]

[5] Th. Hobbes, *The Elements of Law* [published under the title "Human Nature and De Corpore Politico"], ed. by J.C.A. Gaskin, Oxford: Oxford University Press, 1994

[6] Th. Hobbes, *Leviathan*, ed. by E. Curley, Indianapolis: Hackett, 1994

[7] Ph. Hunton, *A Treatise of Monarchy* [1643], republished in *Divine Right and Democracy*, ed. by D. Wootton, Harmondsworth: Penguin Books, 1988, pp. 175-213

[8] J. Locke, *Two Treatises of Government*, ed. by P. Laslett, Cambridge: Cambridge University Press, 1988

[9] Montesquieu, *The Spirit of the Laws*, ed. by A. M. Cohler, Cambridge: Cambridge University Press, 1989

[10] J. Madison, A. Hamilton, J. Jay, *The Federalist Paper*, New York: Bantam Books, 1982

[11] J.A. Schumpeter, *Capitalism, Socialism and Democracy* [1942], London: Allen and Unwin, 1976

[12] H. Kelsen, "Foundations of Democracy", *Ethics*, LXVI, 1955, n°1 & 2

[13] R. Dahl, *Democracy and its Critics*, New Haven and London, Yale University Press, 1989.