

Democracy and its Crises
Spring 2019
Columbia Law School

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Office hours to be announced weekly (or by appointment)

Students will write papers of approximately 30 pages. I will provide major writing credit supervision for those students who wish it. Please note that I may adjust the syllabus as we proceed, particularly for the later weeks.

Week 1: A Map of the Debate

Aziz Rana, "Goodbye, Cold War" (*n+1* 2018)

Michael Lind, "The New Class War" (*American Affairs* 2017)

Wolfgang Streeck, "The Return of the Repressed" (*New Left Review* 2017)

Anne Applebaum, "A Warning from Europe" (*Atlantic* 2018)

Levitsky & Ziblatt, excerpt from *How Democracies Die* (2018)

Week 2: Democracy defined (and challenged)

J.J. Rousseau, *On the Social Contract*, Bk. I, chs. 1, 5-8; Bk. 3, ch. 4.

Thomas Hobbes, excerpt from *De Cive (On the Citizen)*

Excerpts from Alexis de Tocqueville, *Democracy in America*

Excerpts from Walter Lippmann, *The Phantom Public*

Week 3: Consensus and Fragmentation

Robert Dahl, *Pluralist Democracy in the United States* 3-25, 325-37, 369-70, 372-86, 387-97, 404-28

Samuel Huntington, et al., *The Crisis of Democracy* 1-9, 59-64, 70-115, 157-68

Lewis Powell, Memorandum to Eugene Sydnor

Week 4: Competing Visions

Aziz Rana, *The Two Faces of American Freedom* 5-14, 41-55, 58-62, 65-73, 89-98, 121-31, 148-75, 176-86, 195-200, 205-220, 326-36

Sheldon Wolin, *Politics and Vision*, 1-11, 286-351

Frederick Douglass, "What to the Slave is the Fourth of July?" (delivered July 5, 1852)

Week 5: What does law need from democracy (and vice-versa)?

Jeremy Waldron, "The Core of the Case Against Judicial Review"
Robert H. Jackson, *The Struggle for Judicial Supremacy* v-xvi, 3-11, 286-327
Felix Frankfurter, "The Red Terror of Judicial Reform"
Frankfurter, "Can the Supreme Court Guarantee Toleration?"

Week 6: Democracy and Markets

Friedrich Hayek, "'Social' or Distributive Justice," "Whither Democracy"
Quinn Slobodian, *Globalists* 1-28, 102-20, 202-17, 263-86
Michael Walzer, *Spheres of Justice* 21-26
David Singh Grewal & Jedediah Purdy, "Law and Neoliberalism"

Week 7: Economic Inequality

K. Sabeel Rahman, *Democracy Against Domination* (excerpts)
Jedediah Purdy, "Wealth and Democracy"
Nicholas Carnes, *White-Collar Government* (excerpts)
Martin Gilens, *Affluence and Influence* (excerpts)
Larry Bartels, *Unequal Democracy* (excerpts)

Week 8: "Populism"

Richard Hofstadter, "The Paranoid Style in American Politics" (excerpts)
Lawrence Goodwyn, *The Populist Moment* (excerpts)
Jan-Werner Muller, *What Is Populism?* (excerpts)
Ernesto Laclau, *On Populist Reason* (excerpts)
Chantal Mouffe, *For a Left Populism* (excerpts)

Week 9: Nationality

Michael Walzer, *Spheres of Justice* 272-80
George Kateb, "Is Patriotism a Mistake?"
John Judis, *The Nationalist Revival* 14-46
Jurgen Habermas, *The Crisis of the European Union* 1-20
Francis Fukuyama, *Identity*

Week 10: Borders

Atossa Abrahamian, *The Cosmopolites* (excerpts)
Michael Huemer, "In Defense of Illegal Immigration"
Reece Jones, "In Defense of Free Movement"
Said Saddiki and Meryem Lakhdar, "Open Internal Borders and Closed External Borders in the EU"
Richard Tuck, "The Left Case for Brexit"
Angela Nagle, "The Left Case Against Open Borders"
Milton Friedman, "What Is America?" (excerpt)

Week 11: Knowledge

Jason Brennan, *Against Democracy* (excerpts)

Helene Landemore, *Democratic Reason* 185-241

John Dewey, *The Public and Its Problems* 154-84, 203-19

Weeks 12 and 13 are reserved for treatment of emerging developments in scholarship and public argument, with particular emphasis on how to understand the role of law. I'll be reviewing manuscripts and seeking permission to teach from them as the semester proceeds.