

Constitutionalism & Democracy
MC 271—003
James Madison College, Michigan State University
Spring 2015

Basic Course & Contact Info

Days & Time: MW, 8:30 – 9:50 am

Room: 339 Case Hall

Course Management Site: d2l.msu.edu

Phone and Computer Policy: Phones away and on airplane mode; no tablet and/or laptop use during class time unless you are presenting.

Instructor of Record: Ross B. Emmett

Office: 304 S. Case Hall

Office Hours: MW 1-3 pm

Preferred Method of Contact for Course-Related Questions: inquiries of relevance to all students should be asked on the Piazza discussion platform, available via D2L or Piazza.com; private questions can be asked via email.

Email: emmettr@msu.edu

Phone: 517.432.6139

Yes, I am on Facebook, but I am only “friends” with graduates, not current students! You can check out my website (www.msu.edu/~emmettr) or follow me on Twitter ([rossemmett](https://twitter.com/rossemmett)) and LinkedIn.

Course Description

Prerequisite: MC 270 or College approval

MC 271 is the second sophomore-level required course in the sequence of four core courses in the Political Theory & Constitutional Democracy field. Following the first course’s focus on the literature of classical republicanism, MC 271 focuses on the literature of constitutional (or liberal) democracy, especially the literature that forms the background for, and foundation of, democracy in America.

The classic study of democracy in America is, of course, Tocqueville’s masterpiece. We will conclude with a reading of selected portions of his treatise. But we have a long way to go, and lots of pages to read, before we get to the Frenchman’s reflections.

So where to begin? The usual place is with Thomas Hobbes’ *Leviathan*, which is one of the first arguments for viewing sovereignty as the result of a social contract among the members of society. Written in the midst of the English Civil War (mid-seventeenth century), Hobbes defended monarchy, but not on the grounds of divine right. Instead, he argued that a sovereign appeared because, in the absence of his coercive power, humans would live isolated lives of poverty and

misery, driven by their passions and constantly at war with each other over access to resources. A commonwealth emerges from social contract, for Hobbes, because individuals make the perfectly rational decision to accept constraints on their liberty in exchange for security and mutual betterment.

We will follow the usual pattern and start with Hobbes, but follow him with two items that reach back before his ideas to ground the social contract in the natural rights of individuals and their freedom to form associations. The two texts by John Locke – his letter on religious toleration, and his 2nd treatise on government – ante-date Hobbes. Where Hobbes places the origin of civil society in our willingness to accept a sovereign in exchange for political and economic stability, Locke argues that civil society emerges from our common efforts to protect and extend our natural rights, which pre-exist the state. The contrast between Hobbes’ and Locke’s ideas form part of the background of the American constitutional debates.

One other English author will be examined before we turn to Tocqueville and the American debates. David Hume differed from both Hobbes and Locke in grounding a defense of the rule of law and representative government in the historical and evolutionary approach to social conflict and cooperation. Reading a selection of his political writings will allow us to see a defense of British (and by extension, American) constitutionalism that does not depend entirely upon state of nature and social contract theories.

Before we get to Tocqueville, however, we will consider two sets of debates occurring within liberalism about the time of the American founding. The first debate is the Federalist defense of the American constitutional framework against the criticisms of the Anti-Federalists during the debate over the ratification of the proposed Constitution. The second debate is that between two of the key intellectuals whose ideas lie behind many of the debates in early America: Ireland’s Edmund Burke and the English/American/French Thomas Paine. With those debates in hand, we will be well-prepared to consider Tocqueville’s assessment of the American constitutional framework and the social condition of American democracy.

Official Course Description (from the University Catalog): Origins and development of liberal constitutionalism and its democratization. Theory and practice of the modern state, especially the American variant.

Overview of Course Requirements

All course work will be graded on a percentage basis (out of 100%). On D2L, assignments and averages will also appear in percentages. Conversion to the university’s 4-point scale will follow this chart:

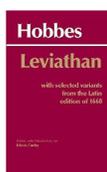
94-100%	4	67-73%	2
87-93%	3.5	60-66%	1.5
80-86%	3	50-59%	1
74-79%	2.5	<50%	0

Grading Weights

Daily Memos	Min. requirement
Participation	15%
Paper 1	26%
Paper 2	26%
Final Paper	33%

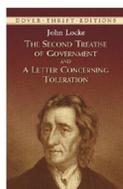
Please note: failure to complete the final essay constitutes failure to complete a major assignment in the course, and is grounds for an automatic zero in the course (regardless of how well you do on other course requirements).

Required Reading



Hobbes, Thomas (1994), *Leviathan*, with selected variants from the Latin edition of 1668, ed. Edwin Curley (Hackett).

NOTE: Lots of used paperback copies available. Will be used for class discussion.



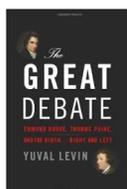
Locke, John (2002), *The Second Treatise of Government and A Letter Concerning Toleration* (Dover Thrift Editions).

NOTE: Lots of used paperback copies available. Will be used for class discussion.



Hume, David (1994), *Political Writings*, ed. Stuart Warner and Donald Livingston (Hackett).

NOTE: Lots of used paperback copies available. Will be used for class discussion.



Levin, Yuval (2013), *The Great Debate: Edmund Burke, Thomas Paine, and the Birth of Right and Left* (Basic Books).



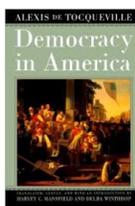
Hamilton, A., Madison, J., and Jay, J. (1961) *The Federalist Papers*, introd. Charles R. Kesler (Signet Classics).

NOTE: Lots of used paperback copies available. Will be used for class discussion.



Storing, Herbert H. (1981), *What the Anti-Federalists Were For* (University of Chicago Press).

NOTE: Lots of used paperback copies available. Will be used for class discussion.



de Tocqueville, Alexis (2000), *Democracy in America*, transl. Harvey C. Mansfield and Delba Winthrop (Chicago).

NOTE: Our final reading, and basis for final paper. Available in multiple formats. Will be used for class discussion.

Detailed Descriptions of Course Requirements

Participation

Most class periods will be spent discussing assigned reading; hence, it is important that everyone has read the material for the day (the daily memo requirement will help with that). Your participation grade will reflect your participation in class discussion on a regular basis. If you are not present in class, you cannot participate; if you are continually absent, your participation mark will necessarily be zero. Remember that the quality of one's remarks in class is as important as their quantity: frequent poor-quality comments will no more earn you full credit for participation than will attendance with little participation in discussion.

Here is a rough guide to my grading of participation (since frequent absences result in a failing grade no matter how much you participate when present, I've deleted the bottom end of the grade descriptions): 63% (approximately 1.5/4.0) for no comments/questions in class even if attending regularly; 70% (2.0/4.0) for good attendance and some contributions; 73% (2.7/4.0) for good attendance and good contributions; 85% (3.2/4.0) for showing familiarity with the readings, leadership in the direction of class discussion occasionally and attending regularly; 97% (4.0/4.0) for regularly moving class discussion forward by providing productive comments based on the readings that contribute to discussion and also help others to enter/participate in the conversation.

My practice is to inform you around the middle of the semester about how I would evaluate your participation to that point. While you can discuss this grade with me, the best way to have an impact on the final grade is to change your participation during the latter half of the course. I will revise the participation grade at least once during the second half of the course, and will finalize the grade at the end of classes.

Daily Memos

Daily memos ensure that the assigned reading has been read (or at least looked over!) by a plurality, if not majority, of the students participating in the day's discussion. Their purpose is not to make sure you get the text "right," but to start you thinking about themes that central to the text, and their relevance to constitutional democracy.

How daily memos work: prior to class, you will write a two-page (typed, double-spaced) memo that addresses the following: **a)** what questions about political economy does the reading address? What answers does the author provide to these questions? *This is the most important section of the memo;* and **b)** your favorite quotation from the reading, with an explanation of its relevance to our discussions. In order to assist me in reading your memo, please use the following headers to separate the two issues: **Questions and Favorite Quotation.**

Memos are turned in at the beginning of a class period. Those who are not in class (not matter what the reason) or who know they will arrive significantly late need not prepare a memo for that day. There is no need to appeal for permission to turn in a memo on a day you know you will miss. (I know that everyone has legitimate reasons for missing some classes, and have compensated for that in setting the minimum number.) Simply ensure that you prepare memos for the days you are in class. If you are in the hospital for more than two weeks, please contact me while in the hospital to make arrangements. If in doubt about whether you can complete an acceptable memo on a particular date, you should not turn a memo in, because a check-minus is no better than a missed memo. You simply need 17 acceptable daily memos on record by the end of the term.

To ensure that we can keep track of your memos over the semester, please put the following information on separate lines at the top (left) of your memo: Your name; MC 271, and the Date of class for which you're turning in the memo. If you wish to number your memos, you may add a line which reads "Memo #__."

Your professor will grade daily memos on a check, check-minus system. As long as you turn in at least 17 memos that are acceptable and therefore receive a check, your final grade will be determined by the other components of the course requirements, as indicated above. If you do not turn in 17 acceptable daily memos, your final grade will decrease .3% for every missed memo or check-minus received. (The maximum one can lose from not turning in memos is 5%.) Daily memos will be returned at least once a week, if not more frequently.

How can you ensure a check on your memos? My response is threefold. First, a memo is not a summary of the assigned reading. Memos that are simply summaries seldom earn a check. The student must make, in my estimation, an effort to discover the text's central questions and uncover the logic it uses to answer them. Secondly, my "standard" for a check is a memo that would earn at least a grade in the low 3-point range. Such a memo has the basics of the argument about the text's central questions. Finally, the argument you make does not need to be the "correct" interpretation. We can only learn the meaning of the text if we try to understand it ourselves; and our initial understanding is often confused and partial. But it is better that we try to interpret the texts ourselves, than that we leave the job of interpretation to others—including the prof!

Papers

Three papers will be written during the course; each focused on questions emerging from the course readings. Please read my guide to “How I Grade Papers” (available on D2L) for some indication of what I look for in papers, and how I will grade your performance. Papers that do not show familiarity with the specific readings used in our course, as well as our class discussions, will receive a grade no higher than 68%. These guidelines also appear in separate documents for each paper on D2L.

Paper 1: Guidelines for the paper are already available on D2L. You have two options for fulfilling this requirement: two different papers you could write, due on different dates. Paper length should be no more than 8 pages (works cited may appear on a 9th page). The due date for each option is the *last possible time* at which your essay on that topic may be *turned in for full credit*.

Option 1: *Hobbes, Hume and the Commonwealth*. [Due Tuesday, March 3, 2015, before 11 pm] Hobbes provides one account of the formation of a commonwealth from the state of nature; Hume provides a different account of the origins of commonwealths. Identify the central differences between their views, and write a criticism of one of them from the perspective of the other.

Option 2: *Burke, Paine and America*. [Due: Tuesday, April 14, 2015 before 11 pm] Assess Levin’s criticism of either liberalism or conservatism in America today, and then outline the response you would give assuming you held the view he criticized. In the process, assess whether Burke and/or Paine can legitimately serve as guides to contemporary American politics. [NOTE: because not everyone falls neatly into the categories of left and right, this assignment does not require you to assess Levin’s criticism of your personal political position (although it may); however, it does require you to respond *as if* you did hold that view (even if you don’t).]

Paper 2: Guidelines for the paper are already available on D2L. Paper length should be no more than 8 pages (works cited may appear on a 9th page). The due date is the *last possible time* at which your essay on that topic may be *turned in for full credit*.

Write a paper on the relation of the intellectual relationship of The Federalist’s defense of the American constitutional framework to the political philosophy of EITHER John Locke or David Hume. [Due: Tuesday, March 31, 2015 before 11 pm]

Paper 3 (The Final Paper): *On the Social Condition of American Democracy*.

Guidelines for the paper are already available on D2L. Paper length should be no more than 10 pages (works cited may appear on an 11th page). The paper substitutes for a final exam, and will be turned in during finals week. Thus, the *last possible time to turn in the paper* is at noon on Friday, May 8, 2015.

Using Tocqueville’s book as your guide, construct an argument about the relevance of America’s democratic social condition to at least three of the following issues:

- a) the origins of America’s democratic spirit;

- b) the tension between freedom and equality in America;
- c) individualism and voluntary association in America; and/or
- d) the prospects for America's democratic future.

Statement About the Use of Turnitin

Consistent with MSU's efforts to enhance student learning, foster honesty, and maintain integrity in our academic processes, I have chosen to use a tool called Turnitin to compare your papers with multiple sources. The tool will compare each paper you submit to an extensive database of prior publications and papers, providing links to possible matches and a "similarity score." The tool does not determine whether plagiarism has occurred or not. It is my responsibility to make a complete assessment and judge the originality of your work. All submissions to this course may be checked using this tool.

You should submit papers to the D2L Dropboxes without identifying information included in the paper (e.g., name or student number). If you forget and submit your paper with your identifying information on it, it will be retained in the Turnitin repository.

Your submissions will be retained only in the MSU repository hosted by Turnitin. In choosing to use Turnitin in our class, I have agreed to follow five guidelines. They are:

- I will use Turnitin as part of a balanced approach to encourage academic integrity and foster student success.
- I will openly disclose use of Turnitin in this course on the syllabus and at the time assignments are announced.
- For a given assignment, I will use Turnitin for all papers.
- I will make the final determination of originality and integrity.
- To ensure privacy, I will ask students to remove identification (e.g., names and student numbers) from submissions.
- If you have any questions about the use of Turnitin in this course, please bring them to my attention.

Expectations

What you can expect from me

My pedagogical goal in this course is to provide a structured environment in which you learn to think about political theory, and in particular in this course, theories of liberalism and constitutionalism. While I will often lecture, you can expect me to aim to keep the focus as much as possible on *your learning*, not *my showing you what I know!* Experience in James Madison College has taught me that students learn from a combination of reading, listening to short lectures, participating in focused discussion, and writing. That is the environment I expect to provide you in this course.

I will be on time and will try to maximize our use of the time we have. I will post announcements relevant to the class on Piazza. I will also use Piazza to post contemporary news stories and/or commentaries related to our texts and discussions.

Class time will be used to enhance your understanding of the assumptions, conclusions, and implications of the political theories discussed in our texts. Lectures will not rehearse the readings, but focus on key assumptions and on issues that need expansion. They will be coupled with discussions that allow you to raise questions you have about the readings and the ideas you're encountering, as well as point your attention to key tensions or challenges in the readings and

lectures. There are times when we will discuss the contemporary constitutional or policy implications of the ideas in our readings, but that is not the purpose of the course or the primary use of class time. You can expect me to give you the same opportunity to participate in discussion that I give to other students.

You have a right to clear explanations of the expectations for assignments, and to prompt and adequate feedback about your performance. Information regarding my expectations for the essays will be provided in class and/or on Piazza and the “How I Grade Papers” brief available on D2L. Individual feedback will be provided on your papers, and you may come to talk about your performance during my office hours.

Your performance during university will be enhanced by contact outside the classroom with your professors. I welcome you to stop by my office early in the term to introduce yourself. I will respect my posted office hours, and can make appointments if the posted times are not convenient for you. I will also respond to questions raised privately or publicly on Piazza. Indeed, posting on Piazza or meeting with me occasionally during the term to discuss questions you have about the class can even increase your participation grade!

What I expect of you

I expect you to attend class, to have read the assigned material in advance, and to write a memo before most classes. I also expect you to come prepared for engagement in the discussion of topics related to the readings. Being engaged does not mean simply talking. Engagement with class discussion comes in many forms. Constantly reading social media and/or sleeping through class are not among them! Thoughtful contributions that advance our common understanding of strategic thinking will be rewarded more than simply talking.

I also expect you will use the Piazza discussion platform as a means of both addressing questions you might have in the course, and discussing themes from readings/lectures/discussions that you wish to pursue further. Piazza can also be used to post news stories or commentaries that are relevant to our texts and/or discussions. I encourage you to both ask questions on Piazza and answer them when other ask.

I expect you to prepare carefully for each of the essays. Take the time to sift through your ideas and your source(s) to identify a clear thesis and develop a clear argument to sustain that thesis. Edit and re-write your papers to ensure that their organization reflects the logic of the argument. I expect you already write well, and that you can proofread to catch mistakes caused by hasty writing or poorly structured paragraphs and sentences.

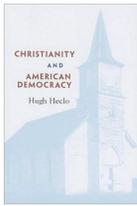
I expect you to treat others with the same respect you expect from them. This version of the “Golden Rule” extends beyond your classmates to the individuals whom you are studying. I expect you to respect the rights of those whose ideas you utilize in writing your papers. Acknowledging the sources of your own ideas is an integral part of participation in a civil democratic society, especially in the academic context. That dreaded p-word – plagiarism – is ultimately an issue of respect. College and University policies regarding academic dishonesty will be enforced in this course (see the *College Student Handbook*).

H-Option

My honors option this semester will use Hugh Hecló's *Christianity and American Democracy* as the occasion for a discussion of the question of whether the rupture/estrangement between Christianity and democracy in America will be beneficial to either side.

All students are invited to participate in the Honors Option.

To earn the H-Option credit, a student must attend all of the meetings (because there are only 4), earn at least a 3.5 in MC 271, and write a 5-6 page paper on the question we are addressing. Honors Option meetings will occur on the following Wednesdays, from 5 – 6:30 pm: Jan. 28, Feb. 11, Feb. 18, and Feb. 25.



Hecló, Hugh (2009), *Christianity and American Democracy* (Harvard University Press).

NOTE: Used paperback copies available. Will be used for H-option discussion.

MC 271—003 : Reading/Assignment Schedule

Assignment Due Dates Shaded

Class Date	Reading to be Discussed/Assignment Due
Jan. 12	Course Introduction
Jan. 14	Mark Lilla, <i>The Politics of God</i> , <i>NY Times</i> (link available in D2L Content folder); and <i>Hobbes, Leviathan, Introduction (pp. 3-5); and Chapter 46 (pp. 453-68)</i>
Jan. 19	NO CLASS: MLK, Jr. Day
Jan. 21	Hobbes, <i>Leviathan</i> , chapters 7, 10-11, 13-14 (pp. 35-37, 50-63, 74-88)
Jan. 26	Hobbes, <i>Leviathan</i> , chapters 17-21 (pp. 106-45)
Jan. 28	Hobbes, <i>Leviathan</i> , Second Part, chapters 22-24, 26, 29-30 (pp. 146-65, 172-89, 210-33)
Feb. 2	Locke, <i>Letter on Toleration</i> , pp. 113-32 (end of first paragraph)
Feb. 4	Locke, <i>Letter on Toleration</i> , pp. 132-53
Feb. 9	Locke, <i>Second Treatise</i> , chapters I-VI
Feb. 11	Locke, <i>Second Treatise</i> , chapters VII-XIII
Feb. 16	Locke, <i>Second Treatise</i> , chapters XIV-XIX
Feb. 18	Hume, <i>Political Writings</i> , Part I
Feb. 23	Hume, <i>Political Writings</i> , Part II – Part III, chapter XI
Feb. 25	Hume, <i>Political Writings</i> , Part III, chapter XII – Part V
March 2	<i>Federalist</i> , Papers 1, 9-10, 12, 22-23, 28
March 3	<i>Paper 1 – Option 1 Due before 11 pm</i>
March 4	<i>Federalist</i> , Papers 30-31, 34, 36, 37-41
March 9	Spring Break: No Class
March 11	
March 16	<i>Federalist</i> , Papers 46-52, 55
March 18	<i>Federalist</i> , Papers 62, 64, 70-72, 78-80
March 23	Storing, <i>Anti-Federalists</i> , chapters 1-4
March 25	Storing, <i>Anti-Federalists</i> , chapters 5-9
March 30	Levin, <i>Great Debate</i> , chapters 2 & 3 Recommended: read the first chapter as background
March 31	<i>Paper 2 Due Before 11 pm</i>
April 1	Levin, <i>Great Debate</i> , chapters 4 & 5
April 6	Levin, <i>Great Debate</i> , chapters 6 & 7
April 8	NO CLASS: in lieu of attendance at either Ryan Hanley or Dave Rose lectures on April 7 or April 8
April 13	Tocqueville, <i>Democracy in America</i> , pp. 3 -15, 46-55, 118-20, 130-33
April 14	<i>Paper 1 – Option 2 Due before 11 pm</i>
April 15	Tocqueville, <i>Democracy in America</i> , pp. 165, 187-201, 220-58, 264-98
April 20	Tocqueville, <i>Democracy in America</i> , pp. 399-400, 403-15, 417-24, 426-28, 433-39
April 22	Tocqueville, <i>Democracy in America</i> , pp. 479-539, 567-73
April 27	Tocqueville, <i>Democracy in America</i> , pp. 639-76
April 29	Course Wrap-up
May 8	<i>Final Paper Due by noon to D2L Dropbox</i>