

## GRAD-E1277: Dilemmas of Popular Sovereignty

Helmut Anheier and Christine Landfried (Hertie School of Governance)  
Ewa Atanassow (Bard College Berlin)  
Ira Katznelson (Columbia University)

### 1. General Information

Class Time	Fridays, 10-12
Venue	2.32
Conveners	Helmut Anheier, Christine Landfried
Office	
E-Mail	christine.landfried@uni-hamburg.de
Telephone	040-45038428
Assistant	
Office Hours	After class and by appointment

#### Instructor Information:

Helmut K. Anheier is President of the Hertie School of Governance and Professor of Sociology.  
Ewa Atanassow is Junior Professor of Political Thought at Bard College Berlin.  
Ira Katznelson is Ruggles Professor of Political Science and History at Columbia University, NY.  
Christine Landfried is Professor emerita of Political Science at the University of Hamburg, and Senior Fellow at the Hertie School of Governance.

### 2. Course Contents and Learning Objectives

The principle of popular sovereignty posits that, to be legitimate, authority must rest with the people – the very people who are subject to that same authority. Premised on a certain vision of humanity, statehood, citizenship and belonging, popular sovereignty has become the paradigmatic way of legitimizing political power and has informed a great deal of historical and institutional analysis.

In this collaborative course, made possible by the generous support of the Social Science Research Council, we will study contemporary problems of democratic governance related to questions of popular legitimation by illuminating their historical roots and theoretical ramifications. Deploying the concept of popular sovereignty and situating its elements in concrete cases (17th century Britain, early American Union, Brexit and the European Union, contemporary populism) the course aims to develop analytical and interpretive tools that are applicable across a wide range of present and past instances. The questions it will ask include: What does it mean for a people to be sovereign, and who can belong to a sovereign people? How and when does the people appear in political life, through what institutions or modes of representation? What is the social and cultural basis of popular sovereignty, and how does it evolve?

Drawing on different modes of investigation, and comparing diverse historical and geo-political perspectives, we will aim to gain a deeper understanding of both current policy challenges and inherent dilemmas of liberal democracy.

### 3. Grading and Assignments

Assessment will be based on seminar participation including protocol writing (20%), two response papers ca. 2 pages long (30%), a proposal for a final essay topic (10%) and a substantial final essay of ca. 8 pages (40%).

Participation and protocol writing: As part of the course participation students will take turns in producing protocols for each session. A 'protocol' is a 1-2 page synthetic version of class notes recapitulating the main focus and bullet-pointing the key issues raised in the discussion.

Response papers: over the course of the semester, each student is expected to write two 2-page long response papers, whose aim is to analyse a particular theme or claim advanced in the readings for a given session, and articulate questions for discussion. The response papers should be circulated online by midnight on Thursdays at the latest.

Proposal: students will be invited to formulate the topic of their final essay and discuss it with the relevant instructor. To facilitate this process, they will be encouraged to submit by **Saturday, May 5**, a proposal for the topic of the final essay. The deadline for the essay is **May 18, 2018**.

#### Composition of Final Grade:

seminar participation including protocol writing	20%
two response papers x 15 %	30%
final essay including a proposal	50%

#### Deadlines at a glance:

The schedule for protocol writing and the response papers will be set up by **Friday, 16 February**.

Proposal for final essay: **Saturday, 5 May**

Final Essay deadline: **Friday, 18 May**

#### Late submission of assignments:

Late assignments will be downgraded by 10% for each day (e.g. submission two days after the deadline would result in 20% grade deduction).

Attendance: Students are expected to be present and prepared for every class session. Active participation during lectures and seminar discussions is essential. If unavoidable circumstances arise which prevent attendance or preparation, the instructor should be informed by email with as much advance notice as possible. Please note that students cannot miss more than two sessions. For further information please consult the Examination Rules §9.

Academic Integrity: The Hertie School of Governance is committed to the standards of good academic and ethical conduct. Any violation of these standards shall be subject to disciplinary action. Plagiarism, deceitful actions as well as free-riding in group work are not tolerated. See Examination Rules §15.

### 4. General Readings

\* Edmund Morgan, *Inventing the People* (W. W. Norton & Company; 1989) ISBN: 978-0393306231

- \* Hobbes, *On the Citizen* (Cambridge University Press, 1998), ISBN: 978-0521437806
- \* Locke, *Two Treatises on Government* (Cambridge University Press, 1988), ISBN: 978-0521357302
- \* George W. Carey, *The Federalist* (The Gideon Edition), Edited with an Introduction, Reader's Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). [http://lf-oll.s3.amazonaws.com/titles/788/0084\\_LFeBk.pdf](http://lf-oll.s3.amazonaws.com/titles/788/0084_LFeBk.pdf)
- \* Alexis de Tocqueville, *Democracy in America* (Indiana: Liberty Fund 2014), ISBN 978-0865978409 [http://lf-oll.s3.amazonaws.com/titles/2285/Tocqueville\\_1532.01\\_LFeBk.pdf](http://lf-oll.s3.amazonaws.com/titles/2285/Tocqueville_1532.01_LFeBk.pdf)
- \* Damian Chalmers, Gareth Davies, Giorgio Monti, *European Union Law: Texts and Materials* (Cambridge, 3rd.ed. 2014, 4th printing 2016), ISBN 978-1107664340
- \* Dieter Grimm, *The Constitution of European Democracy* (Oxford 2017) ISBN: 978-0198805120
- \* Jürgen Habermas, *The Lure of Technocracy* (Cambridge 2015), ISBN: 978-0745686820
- \* Claus Offe und Ulrich K.Preuss, *Citizens in Europe: Essays on Democracy, Constitutionalism and European Integration* (Ecpr 2016), ISBN: 978-1785521423
- \* Jean Cohen, *Globalization and Sovereignty* (Cambridge University Press, 2012) ISBN 978-0521148450
- \* Luuk van Middlelaar, *The Passage to Europe: How a Continent became a Union* (Yale University Press 2014), ISBN: 978-0300205336
- \* Jan-Werner Müller, *What is populism?* (London: Penguin, 2017) ISBN: 978-0141987378.

## 5. Sessions Overview

Session	Session Date	Session Title
1	09.02.2018	Dilemmas of Popular Sovereignty: course overview
2	16.02.2018	<u>Case study I</u> : popular sovereignty in 17th century Britain
3	23.02.2018	Theories of popular sovereignty: Hobbes vs Locke
4	02.03.2018	Sovereignty and Representation
5	09.03.2018	<u>Case study II</u> : Popular Sovereignty and the American Union
6	16.03.2018	"We, the People": debating the constitution
7	23.03.2018	"One Nation Indivisible"?
<b>Mid-term Exam Week: 26-29 March 2018 – no class</b>		
8	06.04.2018	<u>Case study III</u> : Popular Sovereignty and the European Union
9	13.04.2018	Dilemmas of Brexit – a policy outlook
10	20.04.2018	Dilemmas of Brexit – a civic perspective
11	27.04.2018	'Illiberal democracy'? Popular Sovereignty and Populism
12	04.05.2018	Crisis of popular sovereignty in Europe?

## 6. Special Events

- 08.02.2018, 18:30    **Opening Keynote: Ira Katznelson**
- 27.04.2018, 12:30    **Keynote: Claus Offe**
- 07.05.2018, 18:00    **Concluding Keynote: Christopher McCrudden**

These events are an integral part of the course. Although not mandatory, they are highly recommended for Hertie students.

## 7. Course Sessions and Readings

### Session 1: 09.02.2018

#### Dilemmas of Popular Sovereignty: course overview

<b>Aim</b>	Discuss the February 8 keynote by Ira Katznelson by way of introducing the aim and procedures for the course
<b>Required Readings</b>	Morgan, <i>Inventing the People</i> , pp. 13-15
<b>Additional Readings</b>	

### Session 2: 16.02.2018

#### Case study I: Popular Sovereignty in 17th Century Britain

<b>Aim</b>	Familiarize ourselves with the historical context and political dilemmas that originated the modern idea of popular sovereignty.
<b>Required Readings</b>	Morgan, <i>Inventing the People</i> , chs. 3-5 (pp. 55-121)
<b>Additional Readings</b>	

### Session 3: 23.02.2018

#### Modern Theories of Popular Sovereignty: Hobbes vs Locke

<b>Aim</b>	Engage directly with two 17 <sup>th</sup> century thinkers whose vision of humanity, statehood, and citizenship have shaped the Western understanding and global history of popular sovereignty.
<b>Required Readings</b>	Hobbes, <i>On the Citizen</i> , chs. 1, 5, 6, 7, 10, 12, 13 (pp. 21-31, 69-74, 115-126, 131-152) Locke, <i>Second Treatise on Government</i> , chs. 2, 5, 7-10, 18, 19 (pp. 269-278, 285-302, 318-355, 398-428)
<b>Additional Readings</b>	

### Session 4: 02.03.2018

#### Sovereignty and Representation? (Guest Ulrich Preuß)

<b>Aim</b>	Discuss dilemmas of representation in the context of 17 <sup>th</sup> century doctrine of parliamentary sovereignty
<b>Required Readings</b>	TBA
<b>Additional Readings</b>	Schmitt, <i>The Crisis of Parliamentary Democracy</i> , pp. 18-32.

**Session 5: 09.03.2018****Case study II: Popular Sovereignty and the American Union**

<b>Aim</b>	Acquire familiarity with the historical context and political dilemmas that precipitated the American Revolution.
<b>Required Readings</b>	Morgan, <i>Inventing the People</i> , ch. 6, 10-11, (pp. 122-148, 239-287) Morgan, "The Problem of Popular Sovereignty", in 'Aspects of American Liberty: Philosophical, Historical and Political,' <i>The American Philosophical Society</i> , v. 118 (1977), 95-114.
<b>Additional Readings</b>	

**Session 6: 16.03.2018****"We, the People"**

<b>Aim</b>	Discuss two classic expositions of the American political system and its dilemmas
<b>Required Readings</b>	American Declaration of Independence, in: Carey, <i>The Federalist</i> , Appendix 1, pp. 495-499 Carey, <i>The Federalist</i> # <b>1, 10, 27, 39-40, 46, 51, 54, 85</b> (pp. 1-4, 42-49, 132-135, 193-206, 242-248, 265-271, 452-458) Tocqueville, <i>Democracy in America</i> , <b>vol. 1 part 1 ch. 4; part 2 ch. 1, 7</b> (pp. 91-97, 278-279, 402-426)
<b>Additional Readings</b>	Carey, <i>The Federalist</i> , Glossary, The Constitution of the United States and Amendments (pp. 459-494, 526-552).

**Session 7: 23.03.2018****One Nation Indivisible?**

<b>Aim</b>	Is the US one people or many peoples, and why does this matter today?
<b>Required Readings</b>	Tocqueville, <i>Democracy in America</i> , <b>vol. 1 part 2 ch. 10</b> (pp. 515-522, 582-627) Andrew Kilberg, "The Original Meaning of Popular Sovereignty" <i>Virginia Law Review</i> , Vol. 100, No. 5 (September 2014), pp. 1061-1109 Bernard Yack, "Sovereignty and Nationalism," <i>Political Theory</i> , Vol. 29, No. 4 (Aug., 2001), pp. 517-536
<b>Additional Readings</b>	

**Mid-term Exam Week: 26-29 March 2018 – no class**

**Session 8: 06.04. 2018****Case study III: Popular Sovereignty and the European Union**

<b>Aim</b>	We start with a debate on the "dilemmas of popular sovereignty" with regard to a supranational organization like the EU.
<b>Required Readings</b>	Dieter Grimm, "Sovereignty in Europe," in: <i>ibid.</i> , <i>The Constitution of European Democracy</i> , Oxford University Press 2017, chapter 3, pp. 39-55. Jürgen Habermas, "European Citizens and European Peoples: The Problem of Transnationalizing Democracy," in: <i>ibid.</i> , <i>The Lure of Technocracy</i> , Cambridge: Polity Press 2015, chapter 2, pp. 29-45.
<b>Additional Readings</b>	Students can get an overview of the history and the institutions of the EU via Damian Chalmers, Gareth Davies, Giorgio Monti (eds.), <i>European Union Law</i> , Cambridge: Cambridge University Press, 3 <sup>rd</sup> . ed. 2016, chapters 1 and 2, pp. 1-105 and Luuk van Middlelaar, <i>The Passage to Europe: How a Continent became a Union</i> , New Haven and London: Yale University Press 2014.

**Session 9: 13.04.2018****EU and Brexit: a policy outlook**

<b>Aim</b>	We discuss the event of Brexit on the basis of primary sources.
<b>Required Readings</b>	European Council, Guidelines following the United Kingdom's notification under Article 50 TEU", Brussels, 29 April 2017. Government of the United Kingdom, "The United Kingdom's exit from and new partnership with the European Union. Presented to Parliament by the Prime Minister by Command of her Majesty", London: February 2017. The Supreme Court, Judgment R (on the application of Miller and another) v Secretary of State for Exiting the European Union, Judgement of 24 January 2017.
<b>Additional Readings</b>	Henrik Enderlein, "What should happen? What is likely to happen? Notes on Brexit," Policy Paper 30 June 2016. Joseph Weiler, Editorial: "The Case for a Kinder, Gentler Brexit," in: <i>European Journal of International Law</i> , 6 February 2017.

**Session 10: 20.04.2018****EU and Brexit: a civic perspective**

<b>Aim</b>	We discuss what Brexit means for the citizens and for popular sovereignty in Europe.
<b>Required Readings</b>	Claus Offe, "Referendum vs. Institutionalized Deliberation: What Democratic Theorists Can Learn from the 2016 Brexit Decision," in:

	<p><i>Daedalus</i>, Summer 2017.</p> <p>Claus Offe, Ulrich K. Preuß, <i>Citizens in Europe: Essays on Democracy, Constitutionalization and Integration</i>, Colchester: ECPR Press 2016, chapter 8 (pp. 163-176) and chapter 14 (pp. 283-300).</p>
<b>Additional Readings</b>	<p>Richard Bellamy, Dario Castiglione, "Democracy by Delegation? Who represents whom and how in European Governance," in: <i>Government and Opposition</i> 46(2011), pp. 101-125.</p>

### Session 11: 27.04.2018

#### 'Illiberal Democracy'? Popular Sovereignty and Populism (Guest: Claus Offe)

<b>Aim</b>	<p>In this special session we will consider the possible reasons behind the current rise in popularity of illiberal models in Europe and beyond.</p>
<b>Required Readings</b>	<p>Rogers Brubaker, "Why populism?" In: <i>Theory and Society</i> 46 (2017), 357-385.</p> <p>Laurent Pech, Kim Lane Scheppele, "Illiberalism Within: Rule of Law Backsliding in the EU," in: <i>Cambridge Yearbook of European Legal Studies</i> 19 (2017), pp. 3-47.</p>
<b>Additional Readings</b>	<p>Jan-Werner Müller, <i>What is populism?</i> London: Penguin 2017.</p>

### Session 12: 04.05.2018

#### Crisis of popular sovereignty in Europe?

<b>Aim</b>	<p>Why is Brexit a "crisis of sovereignty" in Europe? What does Macron mean by "European sovereignty"? And finally: how does globalization affect popular sovereignty?</p>
<b>Required Readings</b>	<p>Mattias Kumm, "The Cosmopolitan Turn in Constitutionalism: An integrated conception of Public Law," in: <i>Indiana Journal of Global Legal Studies</i> 20(2013), pp. 605-628.</p> <p>Emmanuel Macron, "Initiative for Europe," Paris 26 September 2017.</p>
<b>Additional Readings</b>	<p>Jean Cohen, <i>Globalization and Sovereignty. Rethinking Legality, Legitimacy, and Constitutionalism</i>, Cambridge: Cambridge University Press 2012, chapter 1, pp. 21-79.</p>

**Final Exam Week: 14-18 May 2018 – no class**