

PT 328. Dilemmas of Popular Sovereignty

(joint course by Bard College Berlin and Hertie School of Governance)

Instructors: Ewa Atanassow (BCB), Christine Landfried (Hertie), Ira Katznelson (Columbia)

Guests: Claus Offe (Hertie), Ulrich Preuß (Hertie), Christopher McCrudden (Queens University Belfast)

Course Times: Wed 17:30-19 @ BCB and Fri 10:00-11:40 @ Hertie (Friedrichstraße 180 | 10117, Berlin)

Email: e.atanassow@berlin.bard.edu (Ewa Atanassow, Coordinator)

Office Hours: Set by individual instructors

Description

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 contemporary and historical 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.

Readings

Required Texts

- * 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
- * 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
- * On-line reader

Additional Readings on Reserve in the Library

- * Carl Schmitt, *The Crisis of Parliamentary Democracy*, (MIT Press 1988)
- * Damian Chalmers, Gareth Davies, Giorgio Monti, *European Union Law: Texts and Materials* (Cambridge, 3rd.ed. 2014, 4th printing 2016), ISBN 978-1107664340
- * Jeffrey L.Dunoff, Joel P.Trachtman (eds.), *Ruling the World? Constitutionalism, International Law, and Global Governance* (Cambridge UP, 2009), ASIN: B002SEKZ38
- * 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.

Library and Book Purchase Policies

Students are expected to have at their disposal a hard copy of all required texts. A limited number of the required books are available on loan from the library. Students on financial aid have a priority in requesting library books.

Requirements

Attendance and Participation

Careful preparation, regular attendance and active participation are essential to the success of this course. Preparing for class means reading thoughtfully and engaging with the course materials, for instance, by taking notes while reading and thinking through the argument in a particular reading assignment, or by looking over in advance the description of an exhibition we will visit. To aid your preparatory effort, this syllabus includes short blurbs and study questions for the course readings. **Please note: coming late or leaving in the middle of the sessions will count as absence. Absences beyond two reduce your seminar grade one letter.**

Grading and Assignments

Assessment will be based on seminar participation including protocol writing (20%), two 750-word long response papers (30%), a proposal for a final essay topic (10%) and a substantial final essay of up to 3000 words (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 response papers (ca. 750 words each), 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 they would like to tackle in the 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 question of the final essay. The deadline for the essay is **May 18, 2018**.

Composition of Final Grade:

seminar participation	20%
two response papers x 15 %	30%
proposal for a final essay question	10%
final essay	40%

Policy on Late Submission of Papers

Please note the following policy the Student Handbook on the submission of essays: essays that are up to 24 hours late will be downgraded one full grade (from B+ to C+, for example). Instructors are not obliged to accept essays that are more than 24 hours late. Where an instructor agrees to accept a late essay, it must be submitted within four weeks of the deadline and cannot receive a grade of higher than C. Thereafter, the student will receive a failing grade for the assignment.

Deadlines at a glance

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

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

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

Sessions and Readings

Week	Date and Location	Content and Readings
1	31.01., 17:30 @ BCB	Introductory: Why Popular Sovereignty?
	03.02., 10:00 @ BCB	Morgan, <i>Inventing the People</i> , pp. 13-15
2	08.02., 18:30 @ Hertie	Opening Keynote by Ira Katznelson (Columbia/Cambridge)
	09.02., 10:00 @ Hertie	Dilemmas of Popular Sovereignty
3	13.02., 17:30 @ BCB	Case study I: Popular Sovereignty in 17th Century Britain
	16.02., 10:00 @ Hertie	Morgan, <i>Inventing the People</i> , chs. 3-5 (pp. 55-121)
4	20.02., 17:30 @ BCB	Hobbes, <i>On the Citizen</i> , chs. 1, 5, 6, 7, 10, 12, 13 (pp. 21-31, 69-74, 115-126, 131-152)
	23.02., 10:00 @ Hertie	Locke, <i>Second Treatise on Government</i> , chs. 2, 5, 7-10, 18, 19 (pp. 269-278, 285-302, 318-355, 398-428)
5	27.02., 17:30 @ BCB	Sovereignty and Representation - Guest: Ulrich Preuß
	02.03., 10:00 @ Hertie	Readings TBA

Case study II: Popular Sovereignty and the American Union

6	06.03., 17:30 @ BCB	Morgan, <i>Inventing the People</i> , ch. 6, 10-11, (pp. 122-148, 239-287)
	09.03., 10:00 @ Hertie	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.
7	13.03., 17:30 @ BCB	American Declaration of Independence, in: Carey, <i>The Federalist</i> , pp. 495-499 Carey, <i>The Federalist</i> # 1, 10, 27, 39-40, 46, 51, 85 (pp. 1-4, 42-49, 132-135, 193-206, 242-248, 265-271, 452-458)
	16.03., 10:00 @ Hertie	Tocqueville, <i>Democracy in America</i> , vol. 1 part 1 ch.4; part 2 ch. 1,7 (pp. 91-97, 278-279, 402-426)
	20.03., 17:30 @ BCB	Tocqueville, <i>Democracy in America</i> , vol. 1 part 2 ch. 10 , (pp. 515-522, 582-627)
8	23.03., 10:00 @ Hertie	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

SPRING BREAK

	03.04., 17:30 @ BCB	<u>Case study III: Popular Sovereignty and the European Union</u> 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.
9	06.04., 10:00 @ Hertie	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.
	10.04., 17:30 @ BCB	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.
10	13.04., 10:00 @ Hertie	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.
	17.04., 17:30 @ BCB	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).
11		

	20.04., 10:00 @ Hertie	Claus Offe, "Referendum vs. Institutionalized Deliberation: What Democratic Theorists Can Learn from the 2016 Brexit Decision," in: <i>Daedalus</i> , Summer 2017.
12	27.04., 10:00 @ Hertie	Rogers Brubaker, "Why populism?" In: <i>Theory and Society</i> 46 (2017), 357-385. 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.
	27.04., 12:30 @ Hertie	Keynote by Claus Offe (Hertie School of Governance)
	01.05., 17:30 @ BCB	Federal Holiday
13	04.05., 10:00 @ Hertie	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. Emmanuel Macron, "Initiative for Europe," Paris 26 September 2017.
14	07.05., 18:00 @ Hertie	Concluding Keynote by Christopher McCrudden (Queens University Belfast/Michigan Law School)
	09.05., 17:30 @ BCB	Wrap up

Final Essays due 23:59 on Friday May 18