

PHI 016: Philosophical Foundations of American Democracy

University of California, Davis, Fall, 2010

Professor David Copp
Department of Philosophy
office: room 2281, SSH phone: 530-554-1386
Teaching Assistant: Charles Lang

lectures: T, Th, 10:30 - 11:50, Haring 2016

discussion sections: T, 6:10 - 7:00 and 7:10 to 8:00, Velhmeyer 116

Course Description

This is a course in the philosophical underpinnings of democratic government and on the tensions between majority rule and civil liberties on the one hand and civil liberties and security on the other hand. To illustrate these problems, the last part of the course will focus on issues related to war and terrorism. Overall, the goal of the course is to investigate the cogency of arguments that can be given for

- (1) democracy (understood as majority rule),
- (2) restricting majority rule by constitutional protections for individual and minority rights,
- (3) violating majority rule or constitutional protections for individual and minority rights to ensure the security of the state in the face of internal or external threats of various kinds.

Required Texts

A. John Simmons, Political Philosophy. [PP]

Alexander Hamilton, James Madison, John Jay, The Federalist Papers. Ed. Clinton Rossiter. [FP]

John Stuart Mill, The Basic Writings. Intro. J.B. Schneewind. [BW]

Sanford Levinson, ed., Torture: A Collection. [TC]

Requirements

Completion of all assignments; regular attendance and participation; midterm examination, two short (3 page) essays, quizzes, and a final essay. Grades will be calculated as follows:

Final examination: 30% of final grade.

Midterm examination: 20% of final grade.

Essays: each 20% of final grade.

Quizzes: 10% of final grade.

The essays will be due before the beginning of the discussion sections on October 19 and November 23. The quizzes will be held weekly in the discussion sections.

Grading Policy

All assignments must be completed on time. There is no provision for make-up assignments or

for extra credit. No papers will be accepted after the due date. Rescheduling of examinations and assignments will be permitted only for reasons that I find to be compelling.

Plagiarism and Academic Dishonesty

Academic dishonesty is not tolerated. Plagiarism on any paper will result in an automatic failing grade for the course. Instances of plagiarism will be reported to the appropriate university office. Plagiarism is “the attempt to represent the work of another as the product of one’s own thought, whether the work is published or unpublished, or simply the work of a fellow student.”

PHI 016: Schedule of Topics, Readings, and Assignments (subject to change)

I: Background in the U.S. Constitution

ix/23: Introduction

ix/28: the Declaration of Independence and the U.S. Constitution (FP, 528-32, 542-58)

ix/30: The Federalist Papers, 1 (FP, 27-31), 10* (71-9), 39 (236-43), 47 (297-305), 51* (317-322), 54 (333-38), 57 (348), 68 (410-13)

II: Democracy and the Idea of a Legitimate State

x/5: Majority Rule, Minorities, and Constitutional Limits (PP, ch. 5)

x/7: Politics, Law and Morality – general issues. (PP, ch. 1)

x/12: Why Have States? (PP, ch. 2)

x/14: The Idea of a Legitimate State (PP, ch. 3 and 6)

III: The Rights of Persons and Constitutional Limits

x/19: John Stuart Mill, Utilitarianism, ch. 2 (BW, xi-xvi, 238-259, 290)

First short essay due.

x/21: John Stuart Mill, On Liberty, ch. 1 (BW, 3-16) – The Harm Principle

x/26: On Liberty, ch. 2 (BW, 17-56) – Freedom of Thought and Discussion

x/28: On Liberty, ch. 3 (BW, 57-76) – Individuality and Well-Being

xi/2: On Liberty, ch. 4 (BW, 77-96) – Problems with the Harm Principle

xi/4: On Liberty, Subjection of Women (BW, 106-119, 123-139) – Utilitarianism, Equality

xi/9: **Midterm Examination**

IV: Stability, Security, and Constitutional Limits

xi/11: No class – Veterans’ Day

xi/16: Terrorism and Torture: Sanford Levinson, “Contemplating Torture” and Henry Shue, “Torture” (TC, ch. 1 and 2)

xi/18: Michael Walzer, “Political Action: the Problem of Dirty Hands” (TC, ch. 3)

xi/23: Supreme Court of Israel Judgment on Interrogation Methods (TC, ch. 9)

Second short essay due.

xi/25: No Class – Thanksgiving Day

xi/30: Alan Dershowitz, “Tortured Reasoning” (TC, ch 14)

xii/2: Richard Posner, “Torture, Terrorism, and Interrogation” (TC, ch 16)

xii/8: **Final Examination**, 1:00 – 3:00 pm.