Fall 2014

Democratic Theory

Lecturer: János Kis

This is an advanced course in the normative theory of democracy. Normative political theories ask the question, whether the claim of a state to a right to rule can be justified. The anarchist response is, No, there is no such a thing as a justified right to rule. Opponents of the anarchist thesis hold that the claim of states to a right to rule can be justified, and so states can have legitimate authority, at least under certain conditions. Democratic theory insists that the democratic nature of political rule is part of the necessary conditions of the legitimacy of political authority. This course is dedicated to the examination of this claim. We will address the problem of what the claim to a right to rule amounts to, what must be true in order for it to be justified, what role democracy plays in the justification, and what conception of democracy can fulfil its justificatory role.

There are two types of normative democratic theory. The first identifies the virtues of democracy with its capacity better to promote some independent aims (such advancing collective well-being, securing justice, protecting human rights, or simply maintaining a peaceful and orderly succession in office). The second starts out from the proposition that democracy as a procedure of taking and carrying out collective decisions has some inherent moral virtue.

The course will consider both types of arguments. We will also examine certain alleged paradoxes of democracy: the paradox of voting, the paradox of recognizing the authority of mistaken official decisions, and the paradox of constitutional review as an anti-majoritarian device.

The classes will be divided in lectures (to be given on Thursdays) and seminars (to be held on Tuesdays). Each seminar will prepare the discussion of the week’s lecture topic. (With the exception of the first week, when there will be two lectures and no seminar.) Seminar participants may make 20-30 minute-long oral presentations on one of the topics discussed in class, which counts towards the participation component of their grade. Handouts including the main claims of the presentation should be electronically distributed no later than Monday 8pm. Participants will be asked to write a term essay on one of the major topics of the course. The deadline for submitting the term essays is the last meeting of the class.

Grading will be based on:

Participation (including the presentation) 50%
Term essay 50%

Goals of the course

The main aim of the course is to introduce students into the contemporary debates on democracy in normative political theory. The nature of the argument of the two main traditions – philosophical and social choice theoretical – will be clarified. Unconventional approaches to
certain issues in democratic theory (such as the substance and requirements of political equality and the place of constitutional adjudication in democratic politics will be explored.

Expected learning outcomes

The course will contribute to improving analytical skills, enhancing the sensitivity for and the capacity to make normative arguments, the ability to identify, reconstruct and criticize theoretical positions.

Readings are either mandatory (M) or optional (O).

1. Introduction: Democracy in Political Theory

A. Buchanan: “Political Legitimacy and Democracy.” In *Ethics* 112 (2002) 689-719. (O)

2. Democracy’s Value: Instrumental and/or Intrinsic


3. Popular Sovereignty


5. Classical Conceptions of Democracy II: The Utilitarian Theory


6. The Minimalist Reaction

7. The Competitive Theory of Democracy


8. Voter Participation


9. Preference Aggregation


10. Disagreement and Collective Deliberation


11. Democratic Equality and Majority Rule


12. Constitutionalism and Judicial Review