

## **Law 622. Jurisprudence Readings Seminar (Spring 2023)**

### **Tocqueville, Rousseau, and the Crisis of Democracy**

#### **Nelson Lund**

In recent years, loud voices from all points on the political spectrum have raised alarms about threats to what is often called “our democracy.” The diagnoses are as varied as the political views of the speakers, and so are the proposed cures. But some fundamental questions are seldom asked, let alone answered. What exactly is our democracy, and is it significantly different from other democracies? What exactly makes democracy, or our democracy, worth preserving? Are there things worth preserving from threats posed *by* our democracy? Without confronting such questions, we are not well positioned to evaluate either the diagnoses or the proposed cures with which we are bombarded on a daily basis.

Nearly two centuries ago, a Frenchman named Alexis de Tocqueville visited our country and published what is arguably the most penetrating and prescient analysis of American democracy ever written. This course will be devoted primarily to studying his *Democracy in America*, with an eye toward a better understanding of the issues at stake in the controversies of our own time. Tocqueville was heavily influenced by Jean-Jacques Rousseau, who is arguably the greatest modern theorist of democracy. We will use three of his works as an introduction, and perhaps a foil, to *Democracy in America*.

Learning outcomes: Students will exercise professional skills that should be expected of all members of the legal profession, including careful textual analysis, probing investigation of the prerequisites of a free society, and thoughtful evaluation of important public policy issues.

Starting with the week of January 23, everyone will email me a short paper about the readings for that week’s class, which will be due each week by noon on Wednesday. These required papers can be as short as a page or two and will not be graded, though well-done papers will count positively toward the 25% class participation component of the grade for the course. The principal purpose of the weekly papers is to help you get started in thinking about the reading for that week. They can be a summary of the reading assignment, or brief reflections on some puzzle or difficulty in the reading, or anything else that you find useful in preparing for class.

A seminar paper that analyzes one or more of the assigned readings will constitute 75% of the grade for the course.

We will use the following editions:

Jean Le Rond d'Alembert, *Preliminary Discourse to the Encyclopedia of Diderot*, trans. Richard N. Schwab (University of Chicago Press, 1995) ISBN 0-226-13476-8

Jean-Jacques Rousseau, *The Discourses and Other Early Political Writings*, ed. & trans. Victor Gourevitch (Cambridge Univ. Press, second edition, 2019), ISBN 978-1-107-15124-6)

Jean-Jacques Rousseau, *The Social Contract and other later political writings*, ed. & trans. Victor Gourevitch (Cambridge Univ. Press, second edition, 2019), ISBN 978-1-316-60544-8

Jean-Jacques Rousseau, *Politics and the Arts: Letter to M. d'Alembert on the Theatre*, trans. Allan Bloom (Cornell Univ. Press, 1968), ISBN 0-80104-9071-5

Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield & Delba Winthrop (Univ. of Chicago Press, 2000), ISBN 978-0226805368

### Assignments

Week 1 January 19	Translator's Introduction to d'Alembert's <i>Preliminary Discourse</i> (pp. ix-liv)
Week 2 January 26	Rousseau, <i>Discourse on the Sciences and Arts</i> , and Replies to Critics, pp. 1-112
Week 3 February 2	Rousseau, <i>Discourse on Political Economy</i> , pp. 3-38
Week 4 February 9	Rousseau, <i>Letter to d'Alembert on the Theatre</i>
Week 5 February 16	Tocqueville, <i>Democracy in America</i> , I.1.1-5, pp. 1-93
Week 6 February 23	Tocqueville, <i>Democracy in America</i> , I.1.6-8, pp. 93-164
Week 7 March 2	Tocqueville, <i>Democracy in America</i> , I.2.1.6, pp. 165-234
Week 8 March 9	Tocqueville, <i>Democracy in America</i> , I.2.7-9 pp. 235-301
Spring Break	
Week 9 March 23	Tocqueville, <i>Democracy in America</i> , 1.2.10, pp. 302-98

Week 10 March 30 Tocqueville, *Democracy in America*, II.1.1.1-21, pp. 399-478

Week 11 April 6 Tocqueville, *Democracy in America*, II.2-120, pp. 479-534

Week 12 April 13 Tocqueville, *Democracy in America*, II.3-26, pp. 535-638

Week 13 April 20 Tocqueville, *Democracy in America*, II.4.1-8, pp. 639-76

Francis Fukuyama, *The End of History?*, 16 *The National Interest* 3-18 (1989),

<https://www.jstor.org/stable/24027184>

[In order to download the article, you will need to log in through our library's account]