

Political Science 180FS: The Nature of Freedom in Political Organizations

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COURSE OVERVIEW

In his essay on the “Origin of Government,” David Hume famously argued that “in all governments, there is a perpetual struggle, open or secret, between Authority and Liberty.” At the root of this struggle is the tension between the need for social order and the coercive powers of the formal and informal institutions that create and maintain that order. In this course, we examine this tension using the tools of political economy. We begin by exploring informal forms of social order. We then consider formal political power, and focus on an institution that is intended to regulate the struggle between authority and liberty in many societies: The constitution. What is the purpose of constitutions, and how should they be designed? What consequences do constitutions have for economic and political performance? We conclude by examining constitutional enforcement: Why are some constitutions effective, while others fail?

By the end of the semester, you will have developed a deeper understanding of the challenge of social order, and of the formal and informal institutions that can help to generate it. You will also have gained a new analytical perspective and skills that will allow you to think about social, economic, and political interactions from a more nuanced and critical vantage point.

REQUIRED READINGS

The readings for this class consist largely of book chapters and papers. Except for a few, they are available electronically (including the Sakai site for this course). We will read multiple chapters from the following books, and these are not available electronically. You can purchase these books through various online sellers, or get access to a copy in the library. If you plan to use the library copy, organize this early on.

- **Peter Leeson. 2009. The Invisible Hook: The Hidden Economics of Pirates. Princeton: Princeton University Press.**
- **Steven Levitsky and Daniel Ziblatt. 2018. How Democracies Die. New York: Broadway Books.**

The reading assignments listed on the syllabus below are preliminary. I reserve the right to add or exchange readings along the way, depending on the directions that our class discussions take.

GRADES AND EVALUATION

This is a seminar. This means that class will be conducted in a colloquium style. Because of this format, it is essential that every student has completed the assigned reading before class and is ready to participate in discussion. For weeks with multiple readings, I will let you know prior to each class period which readings you must complete for each day. Obviously, you should not miss class unless there are exceptional circumstances that keep you from being there.

Your grade will be based on the following:

Two Midterm Exams (45 percent of your course grade): The first exam will be on October 5 in class; it is worth 20 percent of your grade. The second exam will be on the last day of class, December 7; it is worth 25 percent of your grade. If you miss one or both of the midterm exams, and have not made alternative arrangements prior to the exam with me, you will be given a make-up exam during the regularly scheduled final exam period for this class on Sunday, December 18 at 2pm. Please plan accordingly.

Short Paper (20 percent of your course grade): Your short paper is due on Monday 11/7. In this paper (approximately 3-4 pages, 12 pt. font, regular margins, double-spaced), you must develop one argument that engages the material we have completed. Do not simply summarize the reading, but advance a particular argument, explain it clearly, and defend it using the readings as evidence. I will provide you with written comments and a grade on your paper. If you so choose, you may rewrite the paper, and turn in a final version for a final grade (11/21). A note of caution: Writing well is hard. You need to practice – and that includes rewriting and editing. Take the time to do it, and do it early and often. It is one of the most important things you can learn in college.

Final video group project (15 percent): See below for information on the final project, which you will complete in a group of 3-4 students. Video presentations will take place during the last week of classes (December 5).

Class Participation and homework (20 percent of your course grade): While I will lecture for some time during each class period, there will be lots of opportunity for open discussion/debate and questions. You should come to class prepared to participate. *Note: If you attend class regularly, but do not actively participate on a regular basis, you will receive an 85 for participation. Your participation grade will go up as you are more actively engaged in class. It will go down if you are conspicuously absent.*

Course grades will be determined according to the following grading scale: **A:** 93-100 **A-:** 90-92 **B+:** 88-89 **B:** 83-87 **B-:** 80-82 **C+:** 78-79 **C:** 73-77 **C-:** 70-72 **D+:** 68-69 **D:** 63-67 **D-:** 60-62 **F:** 0-59

FINAL VIDEO PROJECT

The assignment is to produce a short video (approximately 3-5 minutes) that uses a contemporary or historical event/issue/phenomenon as an example to explain a concept or argument related to this class. Your video must incorporate the following: 1) Description of the event/phenomenon/issue, 2) Description of the concept(s) or argument you are illustrating, 3) An explanation of how 2) helps to explain 1). To ensure that you've chosen an appropriate topic, you are required to submit an

“abstract” that summarizes your video topic and identifies the members of your group. This abstract should (1) briefly describe the event/phenomenon that you want to examine, and (2) identify the theoretical concept(s)/argument you plan to illustrate. You must submit your abstract by November 14. Videos are due on Monday 12/5, and will be screened in class. Videos must be turned in electronically on the Sakai Dropbox site for this class.

ACADEMIC DISHONESTY

Students and faculty at Duke are governed by the **Duke Community Standard**, and academic dishonesty will not be tolerated. If I suspect that a student has attempted to represent someone else’s work as their own, or to cheat in any other manner on an exam or a written assignment, I will refer the case to the Office of Student Conduct in accordance with university policy. If a violation of the academic integrity policy is found to have occurred, the minimum penalty will be a zero (0) on the assignment/exam in question. If you have any questions about plagiarism and proper citation methods, please consult the **Duke Tutorial on Plagiarism**.

STUDENTS WITH CHALLENGES

Students with challenges who require individualized testing or other accommodations should identify themselves and express their needs during the first week of the semester. Where the challenge is not immediately apparent, verification will be required.

APPROXIMATE SEMESTER SCHEDULE

1. Section I: The need for social order, and its origins

Week 1 (8/29-8/31):

Reading:

- Hobbes, Leviathan, Introduction, Chapters 11, 13, 14, 15, 17, and 18

Week 2 (9/5-9/7):

Reading:

- Hume, Essays, “Of the Original Contract”
- Hume, Essays, “Of the Origin of Government”
- Hume, Treatise of Human Nature, Book III, Part II, Section II “Of the Origin of Justice and Property”
- Hume, Treatise of Human Nature, Book III, Part II, Section VII “Of the Origin of Government”

Week 3 (9/12-9/14):

Reading:

- Peter Leeson, *The Invisible Hook*, Princeton: Princeton University Press. Chapters 1-3.
- David Skarbek. 2016. "Covenants without the Sword? Comparing Prison Governance Globally." *American Political Science Review* 110: 845-862.

Week 4 (9/19-9/21):

Reading:

- Mancur Olson. 1993. "Dictatorship, Democracy, and Development" *American Political Science Review* 87: 567-576.

Week 5 (9/26-9/28):

Reading:

- Elinor Ostrom. *Governing the Commons*, Cambridge: Cambridge University Press. Chapters 1 and 3.

Week 6 (10/3-10/5 – No class on 10/3. Exam on 10/5):

Reading:

- I will be available for pre-exam questions/office hours via ZOOM at the following times:
 - Sunday 10/2 from 8:30am to 10am.
 - Tuesday 10/4 from 2pm to 3:30pm.
- Midterm Exam on Wednesday.

2. Organized Political Power and Constitutionalism

Week 7 (10/10-10/12 - No class on 10/10 FALL BREAK):

Reading:

- Randall Calvert. 1992. "Leadership and Its Basis in Problems of Social Coordination." *International Political Science Review* 13: 7-24.

Week 8 (10/17-10/19):

Reading:

- Jon Elster. 1988. "Introduction." In J. Elster and R. Slagstad (eds.). Constitutionalism and Democracy. Cambridge: Cambridge University Press.
- Hanna Lerner. 2011. "The Paradigms of Democratic Constitutions." Chapter 1. Making Constitutions in Deeply Divided Societies. New York: Cambridge University Press.
- F. A. Hayek. 1960. "The American Contribution: Constitutionalism." Chapter 12. The Constitution of Liberty. Chicago: University of Chicago Press.

Week 9 (10/24-10/26):

Reading:

- James Buchanan and Gordon Tullock, The Calculus of Consent, Ann Arbor: University of Michigan Press. Chapter 6.
- Georg Vanberg. 2021. "A Square Peg in a Round Hole: Democracy, Constitutionalism, and Citizen Sovereignty." The Georgetown Journal of Law and Public Policy. 18: 655-668.
- Ryan Doerfler and Samuel Moyn. "The Constitution is Broken and Should Not Be Reclaimed." The New York Times, 8/19/22.

Week 10 (10/31-11/2):

Reading:

- Douglass North and Barry Weingast. "Constitutions and Commitment: The Evolution of Institutions Governing Public Choice in Seventeenth-Century England." The Journal of Economic History. 49: 803-832.
- Daron Acemoglu, Simon Johnson, and James Robinson. 2005. "Institutions as a fundamental cause of long-run growth." Handbook of economic growth. 1:385-472.

Week 11 (11/7-11/9):

Reading:

- Short paper due on Monday, 11/7.
- *Constitution of the United States*
- Thurgood Marshall. 1987. "Reflections on the Bicentennial of the United States Constitution." Harvard Law Review 101: 1-5.
- Frederick Douglass. 1852. "What to the Slave is the Fourth of July?"

- Sanford Levinson. 2006. "How the United States Constitution Contributes to the Democratic Deficit in America." *Drake Law Review* (55): 859-885.

Week 12 (11/14-11/16):

Reading:

- Video project abstract due on Monday, 11/14.
- Jennifer Widner. 2008. "Constitution-writing in Post-Conflict Settings: An Overview." *William and Mary Law Review* 49: 1513-1537.
- Jon Elster. 1995. "Forces and Mechanisms in the Constitution-Making Process," *Duke Law Journal* 45: 364-396. PAGES 373-393 ONLY.

3. Constitutional Enforcement and Decline

Week 13 (11/21-11/23) - No class on 11/23 – THANKSGIVING):

- Short paper rewrite due on Monday 11/21

Reading:

- Barry Weingast. 2016. "Capitalism, Democracy, and Countermajoritarian Institutions." *Supreme Court Economic Review* 23: 255-77.

Week 14 (11/28-11/30):

- Steven Levitsky and Daniel Ziblatt. 2018. How Democracies Die. Chapters 4, 5, and 6. New York: Broadway Books.

Week 15 (12/5-12/7): Exam

- Student video presentations 12/5
- In-class exam on Wednesday 12/7