Course Title: Law and Democracy  
Course Code: PHI506  
Recommended Study Year: -  
No. of Credits/Term: 3  
Mode of Tuition: Lecture and Tutorial  
Class Contact Hours: 2 hours lecture per week, 1 hour tutorial per week  
Category in Major Programme: Value Philosophy  
Prerequisite(s): -  
Co-requisite(s): -  
Exclusion(s): -  
Exemption Requirement(s): -

Brief Course Description
Democracy cannot exist apart from the legal and political institutions that both serve to sustain and constrain the course of democratic governance. This course will examine these various institutions and the concept of the rule of law on which (as some thinkers have argued) democracy’s efficacy depends. Topics here will include both rationales for and critiques of democracy as well as a careful examination of the rule of law and democracy’s institutional foundations.

Aims
Class sessions will provide an overview of the principles of the rule of law and the idea of democracy as well as the problems that are encountered in the real world. This course also seeks to provide instruction in and development of legal philosophy.

Learning Outcomes
This course is aimed at providing to students the analytical as well as critical skills, inherent in acquiring an awareness of the principles of the rule of law and the idea of democracy in the wider context of both historical and contemporary settings. In addition the course seeks to ground students in some of the foundational principles of legal philosophy.

Indicative Content
1. The origins of the rule of law  
2. Rule by the many  
3. Rules, coercion and legitimacy  
4. Philosophical rationales for democratic governance  
5. A majoritarian conception of the rule of law  
6. Disobedience and the rule of law  
7. Democracy and distribution

Teaching Method
Lectures and discussion sections.

Measurement of Learning Outcomes
After completion of the course students ought to possess a basic understanding of democracy, its philosophical justifications and its institutional efficacy.

Students also ought to show their ability of confronting a range of both philosophical as well as practical issues in an analytical and critical fashion via presentation base upon assigned readings.
The realization of these skill sets ought to facilitate a wider and better perspective of governance.

By composing a term-end paper students in this course also ought to demonstrate a better appreciation of the challenges which democratic institutions of power tend to confront, in the contemporary world and from an historical perspective.

Essays or assignment throughout the term will be expected to demonstrate students’ ability of constructing arguments, analytic skills and philosophical thought upon the topic.

**Assessment**

50% Continuous Assessment
50% Final Examination

**Required Readings**

Law and democracy / edited by Tom D. Campbell and Adrienne Stone
Democracy and the Rule of Law (Cambridge Studies in the Theory of Democracy) by José María Maravall (Editor)

**Supplementary Readings**

Democracy in America / Alexis de Tocqueville; edited by J. P. Mayer; translation by George Lawrence
Democracy and its critics / Robert A. Dahl
Democratic theory: the philosophical foundations / James L. Hyland
The fragility of freedom: Tocqueville on religion, democracy, and the American future / Joshua Mitchell
The Idea of democracy / edited by David Copp, Jean Hampton, and John E. Roemer
Ideals and ideologies: a reader / [compiled by] Terence Ball, Richard Dagger
In defense of anarchism / Robert Paul Wolff
Law, pragmatism, and democracy / Richard A. Posner
Liberal democracy and its critics: perspectives in contemporary political thought / edited by April Carter and Geoffrey Stokes
The political order of a free people / F. A. Hayek
Representative democracy and its limits / Paul Hirst