This course examines the American political system from the point of view of democratic theory. While we will cover the usual range of topics for an introductory course, particular attention will be devoted to understanding whether, or in what ways, the practice of American politics conforms to conventional understandings of democracy. The course thus stresses theoretical understanding and critical appraisal rather than description. No conventional textbook will be used: instead, students will be asked to read a series of more challenging books (and some shorter pieces) on individual topics. Course requirements include a substantial paper.

How do courts decide cases involving civil liberties and civil rights? What rationales support the different interpretations of constitutional rights? How has the doctrine of incorporation affected our understanding of constitutional rights? Why is the concept of neutrality so important in current jurisprudence? How does the court balance formal assumptions and attention to particular situations? The purpose of this seminar is to help answer these and other questions about the law and politics of basic constitutional rights, including freedom of expression, due process, and equal protection. Course assignments include a critique of a law review article, an essay addressing an issue in civil liberties jurisprudence, and a hypothetical case.