Course Description: Security vs. Freedom

Against the background of the September 11, 2001 terrorist attacks on America, the purpose of this course will be to examine Tocqueville’s concern in his great work, *Democracy in America*, that a democratic people's love and need for material well-being and security makes them susceptible to a particular form of democratic despotism, “an immense and tutelary power, which takes upon itself alone to secure their gratifications and to watch over their fate. That power is absolute.” In light of Tocqueville’s concern we should ask whether Americans today have willingly accepted and supported the exchange of their rights and freedoms for a national security state able to guarantee the material well-being he identified as a defining characteristic of American democratic life. This course will try to answer this question with the help of writings by Tocqueville, Schmitt, Agamben, and others, and through readings that include *The Patriot Act* and the Constitution of the United States. Lincoln's abridgement of Americans' rights and freedoms during the Civil War will be used as a case study.

Course and Learning Objectives

The goal of this course is to teach students how to carefully read and interpret texts, identify key concepts on which theoretical arguments are based, and how to use these arguments and concepts to develop critical analyses and understandings of democratic societies and their politics. Students will be taught to think about the complex matter of what counts as politics in modern democratic societies. These objectives will contribute to teaching students how to formulate concepts and arguments of their own in their written work (term papers) and in oral presentations (class participation and class presentations).

Course Requirements and Grading

There are three requirements for this course:

1. Every student is expected to participate in class on a regular basis, posing questions, answering questions, contesting or arguing on behalf of the views of other students in the course and, certainly, challenging the views of the instructor. Since POS 419Z is a “seminar” format, meaning the class is of modest size and allows for on-going discussion among the members of the class, student participation is facilitated. Class participation is valued at 25% of the final grade. Obviously, in order to participate students must attend class. Attendance will be taken each class.
2. All students are required to make three oral presentations on the reading material, and one of the three presentations must be on some aspect of “The Patriot Act.” Students will be given at least one full week advanced notice to prepare a presentation. Presentations should be no more than 15-20 minutes long. Though this may seem like a long time for a presentation, once student presenters thoroughly read and study a text to prepare a presentation they will see that the time allotted is not generous. Oral presentations are valued at 25% of the final grade. Student presentations should do the following three things:

**First**, presentations should summarize the arguments in the reading assignment for that day.

**Second**, presentations should relate the argument in the reading to class discussions we have had earlier in the semester. This helps to establish continuity in our discussions and in the course as a whole;

**Third**, presentations should pose critical questions about the reading material or from the standpoint of the reading material.

**Best presentations (grade of A) -- will include all three of the above.**

3. Finally, students will write up their three presentations to equal a paper of 15 plus pages, the goal of which will be to meet the criteria laid out above for defining excellence of oral presentation. Term papers are valued at 50% of the final grade. Final term papers are due on the Wednesday following the last day of scheduled classes (May 10). This deadline should be easy to meet as oral presentations will enable students to develop rough drafts of each section of the three sections of their papers. No late papers are accepted. Term papers are to be submitted by email attachment to mschoolman@albany.edu. This course fulfills the 400 level writing intensive requirement for the major in Political Science and the upper-level University General Education writing requirement.

Here is the single most important question you that should guide your work in this course and that you should be able to answer on May 10 when the course concludes:

“What constitutional freedoms are you willing to give up in exchange for the benefits of national security? Freedom of speech? Freedom of the press? Freedom of Assembly? Freedom of Religion? None of these? All of these?”
**Classroom Etiquette**

Students are permitted to bring beverages to class. Food is not permitted. Cell phones are to be turned off upon entering class. Students who use computers for note taking are not permitted to use their computers for any other application during class time. Each time students violate this rule 5 points will be subtracted from their final grade. Students must arrive to class on time and be seated by 9:20. Students unable to arrive at class on time should consider another course, as the material missed in lecture cannot be made up and late arrivals disturb the class.

**Course Readings**

With the exception of one text to be purchased listed just below, required texts are available in our class Dropbox or Online (links below). As lectures will analyze readings and students can only follow these analyses with the readings in front of them, for Dropbox reading assignments it is recommended students print hard copies of reading material to bring to class or have laptops on which readings are downloaded and can be referred to in class.

**Available in Dropbox:**

https://www.dropbox.com/sh/z8fctwotl17mlmg/AABC8QTCjEqBQcKyi5a09OCva?dl=0

Tocqueville, *Democracy in America*, selected chapters from Volume II.
Georgio Agamben, *State of Exception*
Carl Schmitt, *Political Theology*
*Controversial Provisions of The Patriot Act of 2001*
   Section 203(b, c, d); Section 206; Section 212; Section 213;
   Section 214; Section 215; Section 218; Section 220; Section 805
Kateb, *Lincoln’s Political Thought* (chs. 5 & 6)
* to be added to Dropbox by instructor

**Online:**

“The NSA Is Building the Country’s Biggest Spy Center (Watch What You Say)” (find link below)

“United States of Secrets” (find link below)

**To Be Purchased:**

Glenn Greenwald, *No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State*
Weekly Reading Assignments

Jan. 23. Monday. Course Introduction


Jan. 27 (F). Tocqueville, Democracy in America, Book II, chs. 1-5.

Jan. 30 (M). Tocqueville, Democracy in America, Book II, chs. 6-8, 10-11, 13-14, 16.


Feb. 3 (F). Tocqueville, Democracy in America, Book IV, 5-8.

Feb. 6 (M) Agamben, State of Exception, ch. 1. Class Presentation:

Feb. 8 (W). Agamben, State of Exception, ch. 2. Class Presentation:

Feb. 10 (F). Agamben, State of Exception, ch. 3. Class Presentation:

Feb. 13 (M). Agamben, State of Exception, ch. 4. Class Presentation:

Feb 15 (W). Agamben, State of Exception, ch. 5. Class Presentation:

Feb. 17 (F). Agamben, State of Exception, ch. 6. Class Presentation:

Feb. 20 (M). Schmitt, Political Theology, Preface 1934 & ch. 1. Class Presentation:

Feb. 22 (W). Schmitt, Political Theology, ch. 2. Class Presentation:

Feb. 24 (F). No Class.

Feb. 27 (M). Schmitt, Political Theology, ch. 3. Class Presentation:

Mar. 1 (W). Schmitt, Political Theology, ch. 4. Class Presentation:

Mar. 3 (F). Review, Tocqueville, Agamben, Schmitt

Mar. 6 (M) Snowden, the film and discussion
   Wired, https://www.wired.com/2012/03/ff_nsadatacentre/

Mar. 8 (W). Snowden, the film and discussion

Mar. 10 (F) Snowden, the film and discussion
March 13-15-17  Spring Break

Mar. 20 (M) Discussion of “United States of Secrets,” part 1 (students watch before class).  Class Presentation:  
http://www.pbs.org/wgbh/frontline/film/united-states-of-secrets/

Mar. 22 (W). Discussion of “United States of Secrets,” part 2 (students watch before class).  Class Presentation:  

Mar. 24 (F). Final Discussion of “United States of Secrets”

Mar. 27 (M). Glenn Greenwald, No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State, Introduction and ch. 1. Class Presentation:

Mar. 29 (W). Glenn Greenwald, No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State, ch. 2. Class Presentation:

Mar. 31 (F). Glenn Greenwald, No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State, ch. 3. Class Presentation:

April 3. (M). Glenn Greenwald, No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State, ch. 4. Class Presentation:

April 5 (W). Glenn Greenwald, No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State, ch. 5. Class Presentation:

April 7 (F). Glenn Greenwald, No Place to Hide: Edward Snowden, the NSA, and the US Surveillance State, Epilogue. Class Presentation:

April 10 (M). Lincoln’s Suspension of Civil Liberties during the Civil War  
Kateb, “Lincoln and the Constitution” Class Presentation:

April 12 (W). Passover, No Class

April 14 (F). Lincoln’s Suspension of Civil Liberties during the Civil War  
Kateb, “Lincoln’s Doctrine of Military Necessity in the Civil War”  
Class Presentation:

April 17 (M). Easter, No Class
April 19(W). Controversial Provisions of The Patriot Act
Section 203(b) and 203(c) and 203(d) Class Presentations (10 minutes):
(more than one student may present on Act sections)

April 21 (F). Controversial Provisions of The Patriot Act
Section 206 Class Presentations (10 minutes):
(more than one student may present on Act sections)

April 24 (M). Controversial Provisions of The Patriot Act
Section 212 Class Presentations (10 minutes):
(more than one student may present on Act sections)

April 26 (W). Controversial Provisions of The Patriot Act
Section 213 Class Presentations (10 minutes):
(more than one student may present on Act sections)

April 28 (F). Controversial Provisions of The Patriot Act
Section 214 Class Presentations (10 minutes):
(more than one student may present on Act sections)

May 1 (M). Controversial Provisions of The Patriot Act
Section 215 Class Presentation (10 minutes):
(more than one student may present on Act sections)

May 3 (W). Controversial Provisions of The Patriot Act
Section 218 Class Presentations (10 minutes):
(more than one student may present on Act sections)

May 5 (F). Controversial Provisions of The Patriot Act
Section 220 Class Presentations (10 minutes):
(more than one student may present on Act sections)

May 8 (M). Controversial Provisions of The Patriot Act
Section 805 Class Presentations (10 minutes):
(more than one student may present on Act sections)

May 10 (W). Final Class Discussion
University Policy Guidelines for Missed Examinations
From the Office for Undergraduate Education
Undergraduate Academic Policy Reminders
(www.albany.edu/undergraduateeducation/policy_reminders.html#attendance)

Absences from Examinations: Students are expected to attend all examinations, except for a compelling reason. A student who learns that he or she will miss a quiz, examination, or other evaluation must notify the instructor as soon as the conflict is noted. In cases where documentation is called for, appropriate documentation must be provided to the instructor or to the Office of the Vice Provost for Undergraduate Education as soon as possible (see section below on Documentation and the Role of Undergraduate Education). All documentation must be presented before the end of the semester in question. Unless faculty have received a letter from the Office for Undergraduate Education stating that we have received appropriate documentation, you should ask to see original copies of medical excuses; do not accept photocopies.

Faculty Obligation to Provide Opportunities to Make Up Missed Work

i. If the cause of the absence is documented hospitalization, a death in the immediate family, a personal emergency, or a religious observance, the instructor must administer a makeup exam or offer an alternative mutually agreeable to the instructor and student.

ii. If the cause of the absence is a major academic conference at which the student has significant participation, a varsity athletic contest (excluding practice sessions and intra-squad games), a field trip in another course, or some other compelling reason, the student must notify the instructor involved well in advance. The instructor is expected to provide, if at all possible, an alternative by which the student will not be penalized as a result of the absence. Any conflicts between student and faculty in agreeing on the alternative may be presented for resolution to the chair of the department in which the course is offered. The resolution proposed by the chair is advisory, leaving the final decision to the faculty member.

Fraudulent excuses for missed examinations are considered violations of academic integrity and are grounds for academic and disciplinary penalties.

Documentation and the Role of Undergraduate Education: Instructors may, at their discretion, require or waive documentation of absences. Although we (the Office for Undergraduate Education) require students to discuss missed examinations and other penalized absences directly with instructors, we do, in some cases, serve as a central repository for any required documentation. For example, occasionally events such as hospitalization or a death in the family cause students to request that the Office for Undergraduate Education write a letter of excuse. This is most commonly done when a student faces an unexpected absence from the University and asks us to contact all course instructors simultaneously. It also allows students to maintain confidentiality regarding circumstances associated with personal or family emergencies. In these cases, the Office for Undergraduate Education will send a letter requesting that special consideration be given to the student, after proof is provided by the student in the form of documentation from, or phone consultation with, credible professionals or others. Although the Office for Undergraduate Education provides this service, we strongly encourage faculty to use their best judgment when students have appropriate documentation for legitimate absences and not to rely on our office when it is not necessary. It should be made clear that while the preceding paragraphs describe circumstances under which faculty are required or expected to provide opportunities to make up missed work, the burdens of promptly contacting the instructor and providing appropriate documentation rest with the student.