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Curriculum Units by Fellows of the National Initiative
2019 Volume III: American Democracy and the Promise of Justice

Introduction

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The demand for democracy in America was born of an acute sense of the injustice of British rule in the American colonies. This history has inevitably tied American democracy to the people's expectations about justice, so that when they experience injustice they routinely demand reforms of the democratic system to create, as the preamble to the United States Constitution says, "a more perfect union."

A premise of the seminar that informs all the units in one way or another, is that people usually have a much keener sense of what they regard as unjust than they do of what justice requires. The example of the constitution makes the point. The founders articulated grievances in the Declaration of Independence and devised a political system to address them, yet within a few short years they found it necessary to replace it with a new one. That new constitution contained innovations and compromises intended to hold a disparate union together, yet seven decades later the country was riven by a civil war that ushered in far-reaching constitutional amendments that would themselves soon come under attack.

This American experience is not unusual. Victims of South African apartheid could give compelling chapter-and-verse accounts of its injustices, but they had much less well-developed notions of what a just South Africa would be like. Three decades later, many of them are alienated and disappointed by the persisting racial inequality and endemic corruption that plagues the country, and they are demanding fundamental reforms. A comparable story can be told about the collapse of the USSR and subsequent evolution of its successor states. People have much clearer ideas of what is unfair and unacceptable than what would be fair and acceptable. And because all democratic systems are imperfect, there is invariably room – and demand – for reform.

The curriculum units developed in this seminar held at Yale in the spring and summer of 2019 explore the evolving relations between American democracy and the demands of justice since the Founding, through the writing of the Constitution; battles over slavery culminating in the Civil War; Reconstruction, its failure, and Jim Crow; the Progressive era; the New Deal, the Great Society; the Civil Rights and Voting Rights acts; and debates about democratic reform since the 1970s. The central focus of all the units the U.S., but they are informed by insights from the seminar about other democratic systems, particularly in Britain and Western Europe, to see how they manage the tensions between demands for justice and democratic government.

The units deal with the tensions and accommodations between demands for democracy and the promise of justice in a number of different arenas of American life – historical and contemporary. Two of the units explore similarities, differences, and interactions between the U.S. and Navajo tribal law. Two deal principally with urban contexts, one focused on bussing and the other on restrictive covenants and other forms of de jure

segregation in housing. One compares democracy with other systems of governance, to help students understand their effect on the distribution of benefits and burdens within society.

A number of the units deal with injustice as it relates to fights for civil rights for African Americans and other vulnerable minorities over the course of U.S. history and in our contemporary politics. Three deal with the Civil Rights Act of 1964 and the Voting Rights Act of 1965, two setting them in the context of earlier struggles for racial justice in U.S. history and one exploring the implications for the subsequent struggle for transgender rights. Another unit focuses on the changing ideologies defended by – and the evolving relationship between – Martin Luther King Jr and Malcolm X, with particular attention to their convergence during the early 1960s.

Most of the units are focused on classes taught to middle and high school students, but several are aimed at primary school students—even including first graders. Some might assume that this is difficult material to teach to such young students, but the teachers have devised ingenious ways to present material to them, including use of various games developed by game theorists to help students experience, and so come to understand, what fairness and unfairness mean to people in their everyday lives, and to whom they should be looking in thinking about rectifying the injustices they see around them.

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