

PHIL 535/635: Political Philosophy

Wednesdays 4:00 – 6:45 P.M.

HUM 217

Instructor: Avery Kolers

Office: Humanities room 314

Office hours: T/Th 11:00 – 12:30 and by appt.

Phone: 852-0453

email: akolers@louisville.edu

web: <https://blackboard.louisville.edu>

Be safe leaving campus after class!

Be visible and walk/ride with friends.

TARC schedules (ride free with UofL ID):

<http://www.ridetarc.org/SearchByRoute.asp>

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Campus Police Escort Service (up to four blocks off campus): 852-6111

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Texts:

All books are available in the local bookstores, except Rousseau, which I decided on too late to order. You may also like to try the online used market (www.abebooks.com and Amazon are best, in my experience) or www.chegg.com, an online textbook rental company.

- Hannah **Arendt**, *Eichmann in Jerusalem* (New York: Penguin, 1994)
- Thomas **Christiano**, *Philosophy & Democracy* (New York: Oxford University Press, 2005)
- Christopher **Kutz**, *Complicity: Ethics and Law for a Collective Age* (New York: Cambridge University Press, 2000)
- Jean-Jacques **Rousseau**, *Of the Social Contract* (multiple editions; I will be using Hackett; you can get it for free through Ekstrom Library on PastMasters)
- **Articles available in full text on Blackboard (Online)**

Purpose & Aims of the Course

This is a course in political philosophy. Historically, political philosophy has focused on only two core questions: the *problem of authority* is how to justify obedience to political rule; what we might call the *problem of the ideal* is how to articulate the ideal political order. These two questions may be thought to be identical – you might think, after all, that articulating an ideal is all there is to justifying an authority; or you might deny that unjust authority could be owed obedience. This is a common assumption of the moderns, since the moderns reject utopias and presuppose that social institutions are profane, mutable, and conventional; they seek to portray “men as they are and institutions as they might be”; thus the only way to justify any *particular* set of institutions is to show that that particular set is choiceworthy for you and me, here and now. And what could be choiceworthy other than justice?

In 1971 John Rawls published *A Theory of Justice*, a work that almost immediately became the orienting pole of political philosophy. For Rawls in *Theory* the problem of authority is not very interesting, since he assumes that the state is not voluntary and so the question of whether we ought to have a state at all is empty. The interesting questions emerge from his portrayal of the ideal and the underlying theories of society and of the person. Key questions have to do with the nature of liberty and equality, the criteria of fairness in a choice situation, the role of secondary associations within the

just society, the types of economic arrangements compatible with justice, and so on. For at least a decade, and more like a generation, most political philosophers were teasing out unnoticed implications of Rawls's theory, applying Rawls's methodology to any and every moral problem, correcting perceived errors in Rawls's theory, or arguing against Rawls. Quite literally and with remarkably few exceptions, analytic political philosophy circa 1972-1995 became a series of footnotes to *A Theory of Justice*.

In the past fifteen years, the consensus has shattered. Justice remains the central question, but there is no longer anything like the shared understanding of how to think about justice that oriented so many people for a generation after Rawls. Moreover, the number of subjects has also exploded, and not all these subjects are fruitfully discussed using a Rawlsian methodology. The problem of authority has returned – including in Rawls's later work – to some prominence, particularly as libertarians and Hobbesians have grown in number and influence. Related to this is the problem of the justification of democracy, representation, majoritarianism, constitutionalism, and global governance. This last issue is part of a larger move toward justice beyond borders (international or global justice), interacting with just war theory and theories of secession, genocide, humanitarian intervention and terrorism. Closely related to cross-national justice are issues of justice arising from human ethno-cultural, gender, linguistic, and intellectual diversity. Intersections among political philosophy, economics, geography, ecology, law, and other disciplines have been mapped. And since “the personal is political,” political philosophy sometimes even extends to the daily lives of family members.

Politics, roughly, occurs any time power relations exist between persons; in other words, wherever two or more people do anything. And political philosophy is the philosophical consideration of politics, with special emphasis on normative and conceptual questions arising there. Insofar as there remains any essence of political philosophy, that is pretty much it.

It is therefore impossible to do justice to the expectations of students in an upper-level course by surveying contemporary political philosophy – we would not be able to get deep enough into any one thing. So I have chosen two big, related topics on which to focus. They are *democracy* and *responsibility*. My reasons for choosing them are as follows. First, each is a major problem in its own right, both a lively site of current philosophical work and of immediate interest to nonphilosophers. Second, each is of particular concern in our current society. And third, each topic is deceptively simple: we like to think it is obvious that democracy is the best and perhaps uniquely justifiable form of government, and yet we have a hard time understanding what is valuable about it and why it should be special – or even what, exactly, it is; we like to think we know how to ascribe responsibility for collective wrongdoing but we do not.

The course is divided into two sections. The **first** is about democracy, including the following main questions:

- What, if anything, justifies democracy?
- What is the range of problems that should be decided democratically? To what degree if any should majorities be prevented from enacting their will?
- By what mechanisms should democracy be implemented?

The **second** is on responsibility, extending to include the following main questions:

- Who is morally responsible for state and other collective wrongdoing?
- How, if at all, should individuals act when caught up in such wrongdoing?
- How, if at all, ought legal institutions and moral practices to hold people responsible for

collective crimes?

The two parts are of course linked by the plausible hypothesis that when a democratic state acts in some way, its populace (or at least its electorate? The winning majority?) is in some sense responsible for the actions of the government.

This seminar is designed to introduce you to a wide range of work and to organize it coherently so as to raise and answer significant moral and political questions. It is intended that through this work you will achieve an understanding of some important areas of political philosophy that are typically missed in the (especially undergraduate) curriculum—areas that are crucial to understanding some of the fundamental institutions and practices of our daily lives. There will be significant room for independent work. Through papers and other assignments, you will be encouraged to develop your own ideas and/or do independent research on specific problems that you find particularly interesting.

By the conclusion of this course, then, it is intended that you will have nurtured the following skills (among others):

- Understanding of the nature of democratic governance and individual responsibility, and links between the two
- Ability to evaluate claims about value and values in society
- Ability to recognize a “potential you” in the perpetrators, victims, heroes, and bystanders of major moral catastrophes as well as achievements, better to understand such persons, the structures that produce and result from their behaviors, and the moral properties they bear
- Ability to read complex texts and, in doing so, to identify, comprehend, and evaluate key theses
- Ability to formulate and examine arguments regarding complex and abstract phenomena
- Ability to determine the role and value of abstraction, analogy, and (sometimes bizarre) examples in the development of arguments that apply to concrete phenomena
- Ability to write expository and critical essays

Requirements	UG	G-535	G-635
Participation:	10	10	10
Discussion Leaders	20	40	35
Paper Draft:	10	10	15
Democracy paper:	30	n/a	n/a
Responsibility Paper:	30	n/a	n/a
Term Paper:	<u>n/a</u>	<u>40</u>	<u>40</u>
Total:	100	100	100

Participation: We only have 13 substantive meetings. I expect you to attend every time. If you cannot attend, please let me know in advance. I will expect a good reason. You are all intelligent adults, but you cannot expect to gain a full understanding of this material in the absence of discussion with your peers. Therefore I will deduct one point of participation credit for each unexcused absence, up to 5; more than 5 absences will be sufficient for a failing grade. Remaining participation grades will be based on your contribution to discussions and participation in any miscellaneous class activities.

NOTE: I reserve the right to give pop quizzes if it appears that a critical mass of people is not reading, and these pop quizzes will be part of your participation grade.

Discussion Leaders: Each week we should have several students who have prepared to either

Explicate, Critique, Defend, or Collaboratively Evaluate paper(s) on the syllabus for that day. Three of these tasks (E, C, CE) involve written work, one (D) does not. On your days you should expect to play a major role in the discussion, including potentially starting us off for the day, though you do not technically have to *lead* discussion.

Democracy Paper and *Responsibility Paper*: For **undergraduates only** – though grads who have not had 3 philosophy classes (3xx or above) before this one may also talk to me about doing these two papers in place of the term paper. Each paper is in the range of 7-10 pages. Outside research is optional; more important is what you do with what you have. Each paper must articulate and defend a clear, significant philosophical thesis in the range of topics covered in the respective half of the course. I will hand out paper guidelines and some topic suggestions well in advance. [See also *Paper draft* below.]

Term paper: This is a major research paper [g-5's: **12-16 pages**, g-6's, **15-20 pages**] that takes up a particular issue relevant to the course. You must articulate and evaluate a clear, controversial philosophical thesis. Your topic may, but need not, be something we discuss in-depth during the semester. I will hand out paper guidelines and some topic/reading suggestions early in the semester.

Paper draft: The draft is due 2 weeks before the final paper (undergrads: Responsibility paper; grads: term paper) is due, and **you must resubmit the draft with the final paper**. Of the points based on the final, 5 are for improvement from draft to final.

Evaluation

This course uses the +/- grading system for both graduates and undergraduates. Letter grades will be assigned based on the following percentages:

A+	97-100	A	92.1-96.9	A-	89.5-92
B+	87.5-89.4	B	82.1-87.4	B-	79.5-82
C+	77.5-79.4	C	72.1-77.4	C-	69.5-72
D+	67.5-69.4	D	59.5-67.4	F	0-59.4

Handing in Assignments

Each assignment is due on a specific day; except as indicated in the schedule below, assignments are due by the end of class on the relevant day. Late assignments will be penalized one grade per school day, **starting at 6:46 p.m. of the due date**. I am not flexible on this policy. In general, the only acceptable reason for failure to complete or submit an assignment on time is physical impossibility or a death in the family. Even in these cases, if at all possible you must communicate with me in advance about your situation. In such dire (and rare!) circumstances, lateness will be excused.

You may hand in assignments on paper or by e-mail attachment. If you submit your paper electronically please use MS Word (.doc or .docx) or Rich Text Format (.rtf) only. If I can't open the document I have not received it. Also, I have a spam filter so **please email me from your U of L account or Blackboard**. Also, **always cc yourself or at least ensure that mail is copied to your "sent" folder and that you don't delete it until after your grade comes back**. If there is any confusion about whether or when you sent your paper I will assume that my records are right unless you have the original email with the date stamp attached to prove that I did receive it. However you choose to hand in your assignments, please minimize the amount of extra paper you use, and avoid any adornments. If you cannot hand in your paper in class, leave it in the plastic file folder on my office door – though assignments remain your responsibility until I have them in my hands or on my computer.

Academic Integrity

According to the University of Louisville's *Code of Student Conduct*, Section 5 ("Academic Dishonesty"), "Academic dishonesty is prohibited at the University of Louisville. It is a serious offense because it diminishes the quality of scholarship, makes accurate evaluation of student progress impossible, and defrauds those in society who must ultimately depend upon the knowledge and integrity of the institution and its students and faculty."

It is your responsibility to know this code and comply with its requirements. If I discover violations of this policy I will pursue the required disciplinary channels. If you have any questions about how to comply with this policy, ask me *in advance*.

Schedule of classes and topics

Date	Topic	Reading	Assignment/Notes
Part I: Democracy			
8/26	Introduction	"Introduction" in Christiano	
9/2	Rousseau	Read <i>Of the Social Contract</i>	
9/9	Deliberation	Cohen and Young in Christiano	
9/16	Intrinsic arguments	Christiano, Estlund, and Phillips in Christiano	
9/23	Instrumental arguments	Dworkin (5), Elster, and Barry in Christiano	
9/30	Constitutionalism	Dworkin (10), Walzer, and Lindblom in Christiano	
10/7	Representation	Pitkin (online); Runciman (online)	
Part II: Responsibility			
10/14	Criminal states	Arendt, 7, 8, 15, epilogue, and postscript. (Rest of book optional/recommended.) MacIntyre (online)	Democracy paper due (undergrads only) <u>Tomorrow (10/15) is last day to withdraw</u>
10/21	Individual and group	Blum (online) & Young (online)	
10/28		Scheffler, (online); Kutz, chap. 1	

11/4	Individual accountability	Kutz, chap. 2	
11/11		Handout on Kutz, chap. 3; Kutz, chap. 4	
11/18		Kutz, chaps. 5-6	Paper drafts due by Friday 11/20
11/25	Thanksgiving	Break	No Class
12/2	Complicity, Conspiracy, and Shareholder Liability	Kutz, chaps. 7-8	
12/9			Responsibility paper due (undergrads only)
Saturday 12/12			Term papers due (grads only)