

LIBERALISM AND ITS CRITICS

Over the past several decades liberal ideas and institutions have come under sustained criticism from political philosophers and public intellectuals. Some charge liberalism with ignoring the social and political nature of human beings and of promoting individual rights at the expense of shared community. Others worry that liberalism's concern with protecting privacy legitimates economic inequalities, preserves male dominance, or allows for the destruction of the natural world. In this course, we will weigh the validity of these and other criticisms of liberalism, and evaluate the desirability of the alternative social orders put forth by liberalism's critics. Particular focus will be placed on the proper scope of individual rights in a liberal society and the role of groups in a liberal polity. We will engage the debate over liberalism not only at the philosophical or theoretical level but also at the level of specific public policy questions such as motorcycle helmet laws and nuisance laws, pornography and abortion, and children's rights and student rights.

Students will be evaluated on the basis of class participation (40%), a 1500-1800 word essay due on September 22 at 9am (10%), a 4000 word dialogue paper due at the beginning of class on October 27 (25%), and a final essay due on December 13 at 10am (25%). To pass the class you must receive a passing grade on each of the three papers as well as in class participation. The class participation grade includes not only participation in class discussion but also various short response papers, in-class writing, and preparation of written questions, all of which are assignments designed to promote class discussion. The course is discussion based and thus it is vitally important that you read closely for each class session. Students who miss a class, whether excused or unexcused, must write a 600 word response paper analyzing the reading that was assigned for the day they miss. Your participation grade in the course will be lowered by 1/3 for every 600 word response paper you do not turn in within a week of your return to class. More than two unexcused absences will result in a full grade deduction from your final course grade; each additional unexcused absence will result in an additional deduction of one full grade from your final grade. A persistent pattern of lateness for class may also result in a grade deduction.

Required texts are available for purchase at the Willamette Bookstore. Other chapters and articles will be available electronically. The books to be purchased are:

Isaiah Berlin, *The First and the Last* (New York Review Books, 1999)

Mary Ann Glendon, *Rights Talk* (Free Press, 1991)

Catharine MacKinnon, *Only Words* (Harvard University Press, 1993)

John Stuart Mill, *On Liberty* (1858; Penguin ed. 1982; intro. by Gertrude Himmelfarb)

Susan Moller Okin, *Justice, Gender, and the Family* (Basic Books, 1989)

Nancy Rosenblum, *Membership and Morals* (Princeton University Press, 1998)

Michael Sandel, *Democracy's Discontent* (Harvard University Press, 1996)

I. LIBERALISM ARTICULATED (weeks 1-4)

Week 1

Session 1 (August 30): What is Liberalism?

Session 2 (Sept. 1): The Case Against Cruelty,
Judith N. Shklar, "The Liberalism of Fear," from *Ordinary Vices* (Harvard University Press, 1984), 7-44; and "A Life of Learning," from *Liberalism Without Illusions*, ed. Bernard Yack (University of Chicago Press, 1996), 263-79

Week 2

Session 3 (Sept. 6): The Case for Moral Pluralism
Isaiah Berlin, "The Pursuit of the Ideal," from *The Crooked Timber of Humanity* (Vintage, 1992), 1-19
Isaiah Berlin, *The First and the Last* (read entire book)

Session 4 (Sept. 8): The Case for Individual Liberty
John Stuart Mill, *On Liberty*, 68-118, 141-62

Week 3

Session 5 (Sept. 13): The Case against Socialism
Friedrich Hayek, "Equality, Value, and Merit," "Social Security," and "Why I Am Not a Conservative" from *The Constitution of Liberty* (University of Chicago Press, 1960), 85-102, 285-305, 397-411

Session 6 (Sept. 15): The Case for Equality
John Rawls, selections from *A Theory Of Justice* (Harvard University Press, 1971)

Week 4

Session 7 (Sept 20): Peer Response

Session 8 (Sept. 22): No class. First essay due.

II. LIBERALISM CRITIQUED (weeks 5-9)

Week 5

Session 1 (Sept. 27): A Feminist Critique
Okin, *Justice, Gender, and the Family*, 3-24, 89-109

Session 2 (Sept. 29): A Feminist Critique, Part II
Okin, *Justice, Gender, and the Family*, 110-186

Week 6

Session 3 (Oct. 4): A Radical Feminist Critique
MacKinnon, *Only Words*, 3-110

Session 4 (Oct. 6): A Liberal Response
Martha Nussbaum, selections from *Sex and Social Justice* (Oxford University Press, 1999)

Week 7

Session 5 (Oct. 11): A Civic Republican Critique

Sandel, *Democracy's Discontent*, 3-54, 274-315

Session 6 (Oct. 13): On Free Speech and the Separation of Church and State
Sandel, *Democracy's Discontent*, 55-90

Week 8

Session 7 (Oct. 18): A Critique of Privacy Law
Sandel, *Democracy's Discontent*, 91-119

Session 8 (October 20): A Liberal Rejoinder
Stephen Holmes, "The Liberal Idea" from *Passions and Constraint: On the Theory of Liberal Democracy* (University of Chicago Press, 1995)
Sandel, *Democracy's Discontent*, 318-51

Week 9

Session 9 (Oct. 25): Peer response

Session 10 (Oct. 27): Dialogue paper due

III. RIGHTS IN LIBERAL SOCIETY (weeks 10-11)

Weeks 10-11

Session 1 (Nov. 1): Glendon, *Rights Talk*, ix-xiii, 1-17, 47-75, 145-70

Session 2 (Nov. 3): Glendon, *Rights Talk*, 18-46

Session 3 (Nov. 8): Glendon, *Rights Talk*, 76-144, 171-83

Session 4 (Nov. 10): Hillary Rodham, "Children's Rights: A Legal Perspective" in *Children's Rights: Contemporary Perspectives*, eds. P. Vardin and I.N. Brody (Teachers College Press, 1979)

IV. GROUPS IN A LIBERAL SOCIETY (weeks 12-15)

Week 12

Session 1 (Nov. 15) The Problem of Groups
Rosenblum, *Membership and Morals*, 3-70

Session 2 (Nov. 17) Religious Association
Rosenblum, *Membership and Morals*, 73-111

Week 13

Session 3 (Nov. 22) Homeowners Associations
Rosenblum, *Membership and Morals*, 112-157

No class, Nov. 24: Thanksgiving

Week 14

Session 4 (Nov. 29) Compelled Association: *Roberts v. Jaycees*
Rosenblum, *Membership and Morals*, 158-76, 194-214

Session 5 (Dec. 1) Should the Boy Scouts Be Free to Discriminate Against Gays?
Boy Scouts of America v Dale 530 US 640 (2000)

Richard Epstein, "Free Association: The Incoherence of Antidiscrimination Laws,"
National Review, October 9, 2000, 38-40

Amy Gutmann, "The Value of Voluntary Groups," in *Identity in Democracy* (Princeton
University Press, 2003), 86-116.

Week 15

Session 6 (Dec. 6) Coerced Expression: The Case Of Student Fees

Rosenblum, 214-24

Board of Regents v Southworth 529 U.S. 217 (2000)

V. LIBERALISM IN AN ILLIBERAL WORLD (Week 15)

Session 1 (Dec. 8). Liberalism and Terrorism

Paul Berman, "Terror and Liberalism," *American Prospect* October 22, 2001, 18-23

Peter Bergen and Paul Cruickshank, "Clerical Error: The Dangers of Tolerance," *New
Republic*, August 8, 2005, 10-12.

Richard Bernstein, "What is Free Speech, and What is Terrorism?" *New York Times*,
August 14, 2005, sec. 4, p. 14.

Final paper due Tuesday, December 13, 10 am.