

Philosophy 520/Political Science 587
Liberalism and its Critics

Fall 2004

T 2:00-4:40, Lattimore 531

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Office hours: Tu 12-2

and by appointment

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American political philosophy underwent an enormous revival beginning in 1971 with the publication of John Rawls's *A Theory of Justice*, which articulated the philosophical foundations for liberalism in a new and vigorous manner. In 1993, in *Political Liberalism*, Rawls presented a major revision to his theory that dramatically affects the character of the liberalism he defends. Since the publication of Rawls's first book, four sometimes-overlapping strands of thought have surfaced that have challenged the basic tenets of liberalism: communitarianism (of both the left and right), multiculturalism, feminism, and deliberative democracy. In the course of this semester, we will examine these movements, with an eye to the larger moral, political, and methodological issues that lie behind these debates.

Required texts

James Bohman and William Rehg, *Deliberative Democracy* (MIT, 1997)

Amy Gutmann, ed. *Multiculturalism* (Princeton, 1994)

Alasdair MacIntyre, *After Virtue*, 2nd edition (Notre Dame, 1984)

Catharine MacKinnon, *Towards a Feminist Theory of the State* (Harvard, 1989)

Susan Moller Okin, *Is Multiculturalism Good for Women?* (Princeton, 1999)

John Rawls, *The Law of Peoples* (Harvard, 1999)

_____, *A Theory of Justice*, rev. ed. (Harvard, 1999)

_____, *Political Liberalism*, paper ed. (Columbia, 1995)

Course requirements

There are basically four requirements for this course:

1. *Participation*. This is a seminar. I will rarely, if ever, lecture. I expect each of you to come to class prepared to discuss the readings and to ask questions both of me and of the other participants in the seminar.

2. *Reaction papers*. Every week, I expect you to e-mail me a 1-2 pages on some aspect of the reading. You can write on anything you choose, big or small. I will not grade these papers and I do not expect them to be profound, but I do require that you turn them in. I want you to think about the readings and to articulate some thoughts about them. You can also use them to raise

questions you would like me or the seminar to address. Please turn them in by 9 a.m. every Tuesday.

3. *Leading discussion.* Once or twice during the term, I expect each of you to lead the class discussions. Your job is not to present a thesis about the work or to lecture the class, but to present questions and prompt discussion. (Don't worry; I will always assist you.) You should try to talk to me before class, either by calling me at home or by scheduling a meeting with me. (When you lead discussion, you do not need to turn in a reaction paper.)

Class participation, reaction papers, and leading discussion together are worth 15 percent of your grade.

4. *Paper.* The major assignment for this course will be a term paper of 18-25 pages. You can write on any topic you wish as long as it concerns the issues of this course. Please consult the bibliography for ideas.

The paper will be written in four stages:

(a) Before the end of October, you should schedule a meeting with me and present a 1-2 page proposal that outlines a thesis and the general outline of an argument. You might come talk to me soon about some ideas that you have, so I can help you explore them.

(b) A first draft of the paper is due November 16 at 4:00 p.m. I will read them, comment on them, and return them to you. Please turn in your proposal with the first draft. The first draft is worth 25 percent of your grade.

(c) Each student is also required to comment on a paper by another student in the class. So you will give a copy of your first draft to the person who has been designated to comment on your paper on November 16. Comments should be returned to the author by November 30, and you should also give me a copy of the comments. The comments are worth 10 percent of your grade.

(d) The final draft of the paper is due December 14 (though I would welcome them before that date and I should be able to offer extensions). Please turn in the first draft and both sets of comments with the completed paper. The final draft is worth 50 percent of your grade.

Schedule of readings

The schedule is (of course) tentative.

1. Sep 7. Introduction

2. Sept 14. Rawls's Liberalism 1

John Rawls, *A Theory of Justice*, sections 1-6, 10-14, 17, 22-29, 40 (pp 3-30, 47-78, 86-93, 109-60, 221-27)

3. Sep 21. Rawls's Liberalism 2

Rawls, *Political Liberalism*, lectures I-III (pp 1-129)

4. Sep 28. Rawls's Liberalism 3
 Rawls, *Political Liberalism*, lectures IV, VI (pp 131-72, 212-54)
 Jürgen Habermas, "Reconciliation Through the Public Use of Reason: Remarks on John Rawls's Political Liberalism," *Journal of Philosophy* 92 (1995): 109-31.
 Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples*, 131-80
- 5 . Oct 5. Rawls on international justice
 Rawls, "The Law of Peoples," in *The Law of Peoples*, 3-128.
6. Oct 12. MacIntyre's Communitarianism 1
 Alasdair MacIntyre, *After Virtue*, chs. 1-9 (1-120)
7. Oct 19. MacIntyre's Communitarianism 2 (109)
 MacIntyre, *After Virtue*, chs. 14-18 (146-255)
8. Oct 26. Taylor's Multiculturalism
 Charles Taylor, "The Politics of Recognition," in Gutmann, *Multiculturalism*, 25-73
 Michael Walzer, "Comment," in Gutmann, *Multiculturalism*, 99-103
 Jürgen Habermas, "Struggles for Recognition in the Democratic Constitutional State," in Gutmann, *Multiculturalism*, 107-48
 K. Anthony Appiah, "Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction," in Gutmann, *Multiculturalism*, 149-63
 • Paper topic due
9. Nov 2. Women and Multiculturalism
 Susan Moller Okin, "Is Multiculturalism Bad for Women?" in Okin, *Is Multiculturalism Bad for Women?*, 7-24.
 Responses by Katha Pollitt, Will Kymlicka, Bonnie Honig, Azizah al-Hibri, Yael Tamir, Sander Gilman, Abdullah An-Na'im, Robert Post, Bhiku Parekh, Saskia Sassen, Homi Bhabha, Cass Sunstein, Joseph Raz, Janet Halley, and Martha Nussbaum, in Okin, *Is Multiculturalism Bad for Women?*, 27-114.
10. Nov 9. MacKinnon's Radical Feminism 1 (89)
 Catharine MacKinnon, *Towards a Feminist Theory of the State*, chapters 5-8 (pp 81-170)
11. Nov. 16. • First drafts due (No class)
12. Nov 23. MacKinnon's Radical Feminism 2 (78)
 MacKinnon, *Towards a Feminist Theory of the State*, chapters 9-13 (pp 171-249)

13. Nov 30. Deliberative Democracy 1

John Elster, "The Market and the Forum: Three Varieties of Political Theory" in Bohman and Rehg, 3-34

Jürgen Habermas, "Popular Sovereignty as Procedure," in Bohman and Rehg, 35-66

Joshua Cohen, "Deliberative Democracy and Democratic Legitimacy," in Bohman and Rehg, 67-92.

• Comments due

14. Dec 7. Deliberative Democracy 2

David Estlund, "Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority," in Bohman and Rehg, 173-204

Jack Knight and James Johnson, "What Sort of Equality Does Deliberative Democracy Require?," in Bohman and Rehg, 279-320

Henry Richardson, "Democratic Intentions," in Bohman and Rehg, 349-82

15. Dec 14. • Final draft of papers due, 5 p.m.

Annotated bibliography

The bibliography is intended to give us a sense of the works in the Anglo-American tradition in the past 30 years that are of some importance to political philosophy. The annotations are my own, and therefore contain my biases.

- Ackerman, Bruce. *Social Justice and the Liberal State*. New Haven: Yale University Press, 1980. [A defense of liberalism using dialogue as a model.]
- Audi, Robert. *Religious Commitment and Secular Reason*. Cambridge: Cambridge University Press, 2000. [Audi's defense of the exclusion of religion from the public sphere, it is careful and well-argued.]
- Barber, Benjamin. *Strong Democracy*. Berkeley: University of California Press, 1984. [A communitarian plan for participatory politics.]
- Bellah, Robert, et al. *Habits of the Heart*. New York: Harper & Row, 1985. [A sociological study of Americans that argues that our individualism has pulled us away from our moral roots.]
- Berlin, Isaiah. *Four Essays on Liberty*. Oxford: Oxford University Press, 1969. [This volume includes Berlin's classic, "Two Concepts of Liberty" and it serves as a good introduction to the thought of a still-underappreciated thinker.]
- Bloom, Allan. *The Closing of the American Mind*. New York: Basic Books, 1987. [A best seller that was little understood by the people who bought it, this book is really Straussian form of Aristotelianism that attacks liberalism because it goes against nature.]
- Daniels, Norman, editor. *Reading Rawls*. New York: Basic Books, 1974; reprint, Stanford: Stanford University press, 1989). [An collection of the best of the early responses to *A Theory of Justice*, the most important of which I have noted on the reading list.]
- Dees, Richard. *Trust and Toleration*. London: Routledge, 2004. [OK, hopeless self-promotion, but if you want to know my general views on these issues, this is the best place.]
- Dworkin, Ronald. *Taking Rights Seriously*. Cambridge: Harvard University Press, 1977. [A defense of the liberal view of rights, especially against utilitarianism.]
- _____. *Law's Empire*. Cambridge: Harvard University Press, 1986. [A development of Dworkin's theory of rights and legal deliberation.]
- _____. *Freedom's Law*. Cambridge: Harvard University Press, 1996. [Dworkin's book on constitutional law that contends that judges must make decisions in light of moral philosophy and not simply use a narrow reading of the law.]
- _____. *Sovereign Virtue*. Cambridge: Harvard University Press, 2000. [Dworkin's latest book on the foundations of equality.]
- Estlund, David and Nussbaum, Martha, editors. *Sex, Preference, and Family*. New York: Oxford University Press, 1997. [A very good collection on family politics, gender, and homosexuality. See particularly the essays by Okin, Rosenblum, Minow, Macedo, Galston, and Paul Weithman.]
- Fraser, Nancy. *Unruly Practices*. Minneapolis: University of Minnesota Press, 1989. [A nice collection of essays by a Continentally-inspired feminist.]
- Galston, William. *Liberal Purposes*. Cambridge: Cambridge University Press, 1991. [A defense of liberalism based on a conception of human good. Galston went on to work for the Clinton administration.]
- Gauthier, David. *Morals by Agreement*. Oxford: Clarendon Press, 1986. [The most important work in bargaining theory as applied to morality and politics.]

- Gilligan, Carol. *In a Different Voice*. Cambridge: Harvard University Press, 1982. [The classic book in which Gilligan finds a “different voice” of morality in the reasoning of women.]
- Gutmann, Amy and Thompson, Dennis. *Democracy and Disagreement*. Cambridge: Harvard University Press, 1996. [One of the best recent attempts to defend a model of deliberative democracy.]
- Herzog, Don. *Happy Slaves*. Chicago: University of Chicago Press, 1989. [An entertaining historical and conceptual critique of consent theory that ultimately vindicates it.]
- Heyd, David, editor. *Toleration: An Elusive Virtue*. Princeton: Princeton University Press, 1996. [The best collection of essays on toleration and its paradoxes.]
- Holmes, Stephen. *Passions and Constraints*. Chicago: University of Chicago Press, 1995. [A witty collection of essays from one of the most acerbic and insightful defenders of liberalism.]
- Ignatieff, Michael. *Blood and Belonging*. New York: Farrar, Straus, and Giroux, 1993. [Not theoretically deep, this book looks at six ethnic conflicts in the world in an interesting and insightful manner that serves as an excellent background for any discussion of ethnic conflicts.]
- _____. *The Lesser Evil: Political Ethics in an Age of Terror*. Princeton: Princeton University Press, 2004. [A subtle account of how democracies should respond to the challenges that terrorism can create, it pleases neither the “realists” nor the “absolutists,” but it does provide a useful way to start thinking about these issues.]
- Jaggar, Alison. *Feminist Politics and Human Nature*. Totowa, NJ: Rowman and Allanheld, 1983. [An important work in analytical feminism.]
- Kymlicka, Will. *Liberalism, Community, and Culture*. Oxford: Clarendon Press, 1989. [A good look at how liberals should think about community and cultures, with very nice discussions of the problems of Native American cultures.]
- _____. *Multicultural Citizenship*. Oxford: Clarendon Press, 1995. [Kymlicka’s latest look at the problems of minority cultures in a liberal society.]
- _____, editor. *The Rights of Minority Cultures*. Oxford: Oxford University Press, 1995. [An excellent collection of essays by prominent scholars on Kymlicka’s favorite issue.]
- Lloyd, Genevieve. *The Man of Reason*. Minneapolis: University of Minnesota Press, 1984.
- Macedo, Stephen. *Liberal Virtues*. Oxford: Clarendon Press, 1990. [Probably the best book that attempts to articulate what virtues liberals should advocate.]
- _____. *Diversity and Distrust*. Cambridge: Harvard University Press, 2000. [A defense of the “moderate hegemony” of liberalism.]
- MacIntyre, Alasdair. *Whose Justice? Which Rationality?* Notre Dame: University of Notre Dame Press, 1988. [MacIntyre tries to make good on the promissory notes of *After Virtue*, but the account is unsatisfactory, both historically and conceptually.]
- _____. *Dependent Rational Animals*. Chicago: Open Court, 1999. [MacIntyre’s latest, but not especially successful, attempt to think about the virtues for humans.]
- Minow, Martha. *Making All the Difference*. Ithaca: Cornell University Press, 1990. [An interesting and insightful view of the paradoxes and problems of taking account of differences in politics.]
- Nagel, Thomas. *Equality and Partiality*. New York: Oxford University Press, 1992. [Nagel’s often insightful and often confused foray into political thought, with special emphasis on the extent to which the demands of the less fortunate can have on the wealthy.]

- Neuhaus, Richard John. *The Naked Public Square*. Grand Rapids, MI: Eerdmans, 1984. [Now classic statement of the view that public life in America has suffered because it has been stripped of religious language.]
- Nozick, Robert. *Anarchy, State, and Utopia*. New York: Basic Books, 1974. [The most important defense of libertarianism published, it is amusing, witty, entertaining, and aggravating.]
- Nussbaum, Martha. *Sex and Social Justice*. Oxford: Oxford University Press, 1999. [A collection of essays, but some of the best work in liberal feminism around.]
- Okin, Susan Moller. *Justice, Gender, and the Family*. New York: Basic Books, 1989. [Feminist analyses of Rawls, Nozick, MacIntyre, and Walzer, along with a devastating attack on the institution of marriage in our society. Alas, it is now dated.]
- Pateman, Carole. *The Sexual Contract*. Stanford: Stanford University Press, 1988. [A classic of feminist thought, it looks at the traditional “contract” between men and women.]
- Petit, Philip. *Republicanism*. Oxford: Oxford University Press, 1997. [A smart account of freedom as non-domination that offers a third way between the usual positive and negative varieties.]
- Raz, Joseph. *The Morality of Freedom*. Oxford: Clarendon Press, 1986. [A careful and outstanding, if rather dry, perfectionist defense of liberalism.]
- Rorty, Richard. *Contingency, Irony, and Solidarity*. Cambridge: Cambridge University Press, 1989. [A pragmatist look at politics and a defense of liberalism. Witty, literate, and perhaps too much.]
- Rosenblum, Nancy, ed. *Liberalism and the Moral Life*. Cambridge: Harvard University Press, 1989. [An excellent collection, with noteworthy essays by Judith Shklar, Susan Moller Okin, Benjamin Barber, Amy Gutmann, William Galston, Steven Lukes, Seyla Benhabib and others. On the liberal-communitarian debate, the essays by Charles Taylor and Stephen Holmes are excellent.]
- _____. *Obligations of Citizenship and Demands of Faith*. Princeton: Princeton University Press, 200. [Essays on church-state separation, with notable ones by Michael McConnell, Amy Gutmann, and Alan Wolfe.]
- Sandel, Michael. *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press, 1982. [A now-classic critique of *A Theory of Justice* from a communitarian point of view, it is also highly flawed.]
- _____. *Democracy's Discontent*. Cambridge: Harvard University Press, 1996. [Sandel attempts to spell out his positive view of political philosophy with an account of the development of American democracy; the book is historically dubious and theoretically unsatisfying.]
- _____, editor. *Liberalism and its Critics*. New York: New York University Press, 1984. [Still the best collection of essays on the liberal-communitarian debate. On the liberal side, it contains Isaiah Berlin's classic “Two Concepts of Liberty” and Dworkin's “Liberalism” as well as excerpts from Rawls and Nozick. On the communitarian side, it contains some interesting pieces by Hannah Arendt, Peter Berger, and Michael Oakeshott, as well as excerpts from Taylor, Sandel, and MacIntyre.]
- Scanlon, T.M. *What We Owe to Each Other*. Cambridge: Harvard University Press, 1998. [Scanlon's magnum opus, it describes a contractarian theory of morality that ends of mirroring many of Rawls's results, and I find it ultimately unsatisfying.]
- Sen, Amartya. *Development as Freedom*. New York: Random House, 1999. [An innovative and promising theory of freedom that focuses on the capacities of persons. From the most interesting Nobel Prize winner in Economics.]

- Shklar, Judith. *Ordinary Vices*. Cambridge: Harvard University Press, 1984. [A highly-literate, beautifully-written series of meditations on the vices that liberals must battle.]
- Taylor, Charles. *Philosophy and the Human Sciences*. Philosophical Papers, Vol. 2. Cambridge: Cambridge University Press, 1985. [A collection of Taylor's best essays.]
- _____. *Sources of the Self*. Cambridge: Harvard University Press, 1989. [Taylor's grandest work on the conflicting sensibilities of modern life.]
- Walzer, Michael. *Spheres of Justice*. New York: Basic Books 1983. [Walzer defends a view of justice in which each sphere of human life has its own rules. Widely attacked for its relativist implications, it contains many deep insights because it pays attention to the demands of particular practices.]
- _____. *On Toleration*. New Haven: Yale University Press, 1997. [Walzer's latest, it adds little new to his view, but he does provide a useful typology of the different degrees of toleration.]
- Young, Iris. *Justice and the Politics of Difference*. Princeton: Princeton University Press, 1990. [A feminist argument that justice requires that each group has a voice in the political decisions that affect it.]