

Political and Legal Philosophy (PHIL 318)

Introduction

Time & Place: Tuesdays and Thursdays 11:30 AM-12:45 PM, DeMille Hall 148

Instructor Information:

Dr. Lucia Rafanelli

Email: rafanelli@chapman.edu

Office Hours: Thursdays 2-4 PM or by appointment, Becket Building (1st floor)

Catalog Description: An examination of significant moral issues in politics, society and law, illuminated by contemporary and historical writers. Topics include punishment; defending a guilty client; moral rights, theories about the just society, liberty, war and terrorism. (Offered every year.) 3 credits. No pre-requisites. Must have sophomore standing to enroll.

Course Content: In this class, we'll explore some of the central questions in political philosophy, including:

-When are we obligated to obey the state, and why? Are there any circumstances under which disobeying the state is morally justified? If and when it is, what means are people justified in using when they disobey? Must they be non-violent, for example?

-How should the resources and opportunities available in a political society be distributed? What kinds of distributions are just, or fair?

-How do our political arrangements affect people's personal characters, and vice versa? What's the relationship between the law and more "informal" social norms, such as those governing family life?

-Do political officials have different moral responsibilities than ordinary citizens? To what extent are ordinary citizens responsible for the actions of their political leaders?

In this class, you will develop your ability to carefully read and critically analyze philosophical texts, and to make cogent philosophical arguments of your own (both orally and in writing). Ultimately, this class aims to empower you to use the ideas and texts central to political philosophy to address moral questions that you face in your everyday life as a citizen.

Content Warning: We will be discussing serious and controversial issues in this class. It is very important that we make our classroom a place where everyone can feel comfortable and speak freely.

You should feel free to disagree with each other and with me about the topics we discuss. And you should feel free to express your disagreement *as long as you do it respectfully*.

Required Texts: Most readings for this course will be available online or on Blackboard. If there's a link listed next to a reading on the syllabus, you should use that link to access the reading online.

If a reading is from one of these texts, you should consult your own copies, which are required materials for the class:

- John Rawls, *A Theory of Justice: Revised Edition* (Cambridge, MA: Belknap Press of the Harvard University Press, 1999)

- Frederick Douglass, *My Bondage and My Freedom* (New Haven, CT: Yale University Press, 2014)

All other readings will be available on Blackboard.

Teaching Methods: Class meetings will typically combine both lecture and discussion. You should come to class having done the readings for that day, and ready to talk about them.

It is **very important** that you complete the readings for each session before that session, and that you bring the readings with you. We will often discuss and close-read specific passages, so you'll want to have the texts in front of you.

You're also encouraged to ask questions in class. If there's something you're curious about or don't understand, don't be shy about bringing it up. We're all in this together—trying to understand our readings and what they can tell us about our world—and discussing your question may very well help others as well as yourself.

The class is divided into four units: Political Obligation, Distributive Justice, The Relationship between the “Political” and the “Personal,” and Political Responsibility. At the end of each unit, we'll have an in-class debate about a question central to that unit's topic. I'll distribute the debate question and assign everyone sides in advance of class. These debates are a great opportunity to practice respectful dialogue with your peers and try out making philosophical arguments of your own.

One session of class will be devoted to a “philosophical writing workshop.” Writing in philosophy is different than writing in some other disciplines (the goals, style, and methods used in philosophy papers are different than those used in other disciplines). And even those of us with experience writing in philosophy can benefit from reflecting on what good philosophical writing requires. Hence our philosophical writing workshop. The purpose of this session will be to familiarize—or re-familiarize—you with what makes a good philosophy paper good.

Assignments and Evaluation: Your course grade will be made up of the following components:

- Class Participation – 10% of your grade
- Reading Responses* (for full credit, you must submit 4 over the course of the semester) – 10% of your grade
- Paper 1 (1,000 words) – 25% of your grade
- Paper 2 (1,000 words) – 25% of your grade
- Final Exam – 30% of your grade

You will get a letter grade for each of the five grade components listed above (Class Participation, Reading Responses, Paper 1, Paper 2, and Final Exam), corresponding to a four-point scale. (A = 4, A- = 3.667, B+ = 3.333, B = 3, B- = 2.667, etc.). Your overall course grade will be computed using the same four-point scale.

Late work will incur a grading penalty of minus 1/3 of a letter grade for each 24-hour period (or part thereof) it's late (e.g., if you turn in an "A" quality paper 24 hours late, you'll get an "A-"; if you turn it in 48 hours late, you'll get a "B+").

*On Blackboard, you should see an assignment called "Reading Responses" containing short-answer questions about each week's reading. You are free to choose which weeks' prompts you want to answer, and which specific prompt you want to answer in a given week. Over the course of the semester, you should turn in *four* reading responses of about 250 words each. For full credit on this grade component, you must answer one prompt from four different weeks. (That is, don't answer two prompts from the same week. Pick four weeks, and answer one prompt in each of those weeks.) I will not evaluate individual reading responses for a letter grade; as long as you turn in 4 responses from 4 weeks over the course of the semester, and I can tell you put a reasonable effort into them, you will get full credit for this component. **Reading responses are due on the Sunday of the week you choose to complete them.**

Academic Integrity Statement

Chapman University is a community of scholars that emphasizes the mutual responsibility of all members to seek knowledge honestly and in good faith. Students are responsible for doing their own work and academic dishonesty of any kind will be subject to sanction by the instructor/administrator and referral to the university Academic Integrity Committee, which may impose additional sanctions including expulsion. Please review the full description of Chapman University's policy on [Academic Integrity](#).

Students with Disabilities Policy

In compliance with ADA guidelines, students who have any condition, either permanent or temporary, that might affect their ability to perform in this class are encouraged to contact the Office of Disability Services. If you will need to utilize your approved accommodations in this class, please follow the proper notification procedure for informing your professor(s). This notification process must occur more than a week before any accommodation can be utilized. Please contact [Disability Services](#) at (714) 516-4520 if you have questions regarding this procedure or for information or to make an appointment to discuss and/or request potential accommodations based on documentation of your disability. Once formal approval of your need for an accommodation has been granted, you are encouraged to talk with your professor(s) about your accommodation options. The granting of any accommodation will not be retroactive and cannot jeopardize the academic standards or integrity of the course.

Equity and Diversity Policy

Chapman University is committed to ensuring equality and valuing diversity. Students and professors are reminded to show respect at all times as outlined in Chapman's Harassment and Discrimination Policy. Please review the full description of [Harassment and Discrimination Policy](#). Any violations of this policy should be discussed with the professor, the Dean of Students and/or otherwise reported in accordance with this policy.

Student Support and Mental Health

Over the course of the semester, you may experience a range of challenges that interfere with your learning, such as problems with friend, family, and or significant other relationships; substance use; concerns about personal adequacy; feeling overwhelmed; or feeling sad or anxious without knowing why. These mental health concerns or stressful events may diminish your academic performance and/or reduce your ability to participate in daily activities. You can learn more about the resources available through Chapman University's Student Psychological Counseling Services here: <https://www.chapman.edu/students/health-and-safety/psychological-counseling/>.

Fostering a community of care that supports the success of students is essential to the values of Chapman University. Occasionally, you may come across a student whose personal behavior concerns or worries you, either for the student's well-being or yours. In these instances, you are encouraged to contact the Chapman University Student Concern Intervention Team who can respond to these concerns and offer assistance: <https://www.chapman.edu/students/health-and-safety/student-concern/index.aspx>. While it is preferred that you include your contact information so this team can follow up with you, you can submit a report anonymously. 24-hour emergency help is also available through Public Safety at 714-997-6763

Timeline and Reading Schedule

(subject to change)

Session 1: Tue. 1/29

Welcome to political philosophy!

Political Obligation: Obedience and Disobedience

We often assume that we ought to obey the law. But is this right? And why is it right (or wrong)? Why and under what circumstances are we obligated to obey the state? Is disobedience ever justified? If so, when, and what means are people justified in using when they disobey the law? If people justifiably disobey the law, should they still be punished for their disobedience?

Session 2, Thu. 1/31: The Basis of Political Obligation

- Thomas Hobbes, *Leviathan*, available at http://lf-oll.s3.amazonaws.com/titles/869/Hobbes_0161_EBk_v6.0.pdf

-OPTIONAL: Part I: Ch. VI (pp. 44-52); Ch. X-XI (pp. 65-76)

- Part I: Ch. XIII-XVI (pp. 86-110)

Session 3, Tue. 2/5: The Basis of Political Obligation

No class this day; we'll cover this material on 2/7

- Thomas Hobbes, *Leviathan*, available at http://lf-oll.s3.amazonaws.com/titles/869/Hobbes_0161_EBk_v6.0.pdf

-Part II: Ch. XVII-XXI (pp. 111-42, skip the paragraphs on scripture: middle of p. 132 to top of p. 134)

Session 4, Thu. 2/7: The Basis of Political Obligation

- Thomas Hobbes, *Leviathan*, available at http://lf-oll.s3.amazonaws.com/titles/869/Hobbes_0161_EBk_v6.0.pdf

-Part II: Ch. XXVI (pp. 166-8 only, read through the end of the paragraph numbered "5"); Ch. XXVIII (p. 191 only, read the first two paragraphs); Ch. XXIX-XXX (pp. 197-215)

Session 5, Tue. 2/12: The Basis of Political Obligation

- John Locke, *Second Treatise of Civil Government*, available at http://lf-oll.s3.amazonaws.com/titles/222/Locke_0057_EBk_v6.0.pdf

-Start at “Of Civil-government: Book Ii,” and read Ch. I-V (pp. 95-117); Ch. VII-IX (128-50)

Session 6, Thu. 2/14: The Basis of Political Obligation

- John Locke, *Second Treatise of Civil Government*, available at http://lf-oll.s3.amazonaws.com/titles/222/Locke_0057_EBk_v6.0.pdf

-In “Of Civil-government: Book Ii,” read Ch. X-XIV (pp. 150-67)

Session 7, Tue. 2/19: The Basis of Political Obligation

- John Locke, *Second Treatise of Civil Government*, available at available at http://lf-oll.s3.amazonaws.com/titles/222/Locke_0057_EBk_v6.0.pdf

-In “Of Civil-government: Book Ii,” read Ch. XV-XIX (pp. 170-200)

Session 8, Thu. 2/21: The Case for Non-violent Disobedience

- Martin Luther King, Jr., “Letter from a Birmingham Jail,” available at <http://libproxy.chapman.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,uid&db=prh&AN=21212445&site=eds-live> (Chapman login required)
- M. K. Gandhi, “Hind Swaraj,” in *Gandhi: ‘Hind Swaraj’ and Other Writings*, Anthony J. Parel, ed. (Cambridge: Cambridge University Press, 2009),

-Ch. IV (pp. 25-8); XIV (pp. 70-2); XVI-XVII (pp. 77-97)

Session 9, Tue. 2/26: Beyond Civil Disobedience? The Case for More Radical Resistance

- John Rawls, *A Theory of Justice*

-Sections 55 (pp. 319-23); 57 (pp. 326-31); 59 (pp. 335-43)

- Tommie Shelby, “Justice, Deviance, and the Dark Ghetto,” *Philosophy & Public Affairs* 35, 2 (2007): 126-60
- OPTIONAL: John Rawls, *A Theory of Justice*, pp. 62-3 on the definition of “fair equality of opportunity”

Session 10, Thu. 2/28: Beyond Civil Disobedience? The Case for More Radical Resistance

- Malcolm X, “The Black Revolution,” in *Malcolm X Speaks: Selected Speeches and Statements*, George Breitman, ed. (New York: Grove Press, 1965), pp. 45-57
- Malcolm X, “Appeal to African Heads of State,” in *Malcolm X Speaks: Selected Speeches and Statements*, George Breitman, ed. (New York: Grove Press, 1965), pp. 72-87

Session 11, Tue. 3/5: The Case for Violent Resistance

- Frantz Fanon, *The Wretched of the Earth*, Richard Philcox trans. (New York: Grove Press, 2004), Ch. 1 (pp. 1-62)

In-class debate: topic and position assignments to be distributed before class

Philosophical Writing Workshop

Session 12, Thu. 3/7: The Basics of Philosophical Writing

- The Pink Guide to Philosophy: <https://sites.google.com/a/wellesley.edu/pinkguidetophilosophy/>
- Jim Pryor Guidelines on Writing a Philosophy Paper: <http://www.jimpryor.net/teaching/guidelines/writing.html>

Distributive Justice

How should the various resources and opportunities (e.g., money, access to certain jobs or educational institutions, social status) available in a political society be distributed? Are some distributions more just than others? What role should the state play in influencing how resources and opportunities are distributed?

Session 13, Tue. 3/12: Rawls’ Theory of Justice

- John Rawls, *A Theory of Justice*
 - Ch. 1, sections 1-4 (pp. 3-19)
 - Ch. 2, sections 10-14 (pp. 47-78)

Session 14, Thu. 3/14: Rawls' Theory of Justice

- John Rawls, *A Theory of Justice*

-Ch. 2, sections 15-18 (pp. 78-97)

-Ch. 3, sections 22 (pp. 109-112); 24-26 (pp. 118-39); 29 (pp. 153-60)

First Paper Due Saturday, March 16th (by 11:59 PM)

Session 15, Tue. 3/26: Rawls' Theory of Justice

- John Rawls, *A Theory of Justice*

-Ch. 4, section 31 (pp. 171-6)

-Ch. 5, sections 41 (pp. 228-34); 43 (pp. 242-51); final statement of the 2 principles (p. 266); section 48 (pp. 273-7)

- John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed., (Cambridge, MA: The Belknap Press of Harvard University Press, 2001)

-pp. 42-5 (revised statement of the two principles); pp. 135-40 (the idea of property-owning democracy)

Session 16, Thu. 3/28: Criticizing Rawls from the Right

- Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974)

-pp. 26-35, 149-64, 167-82, and 232-38

Session 17, Tue. 4/2: Criticizing Rawls from the Left

- G. A. Cohen, "Where the Action Is: On the Site of Distributive Justice," *Philosophy & Public Affairs* 26, 1 (1997): 3-30

Session 18, Thu. 4/4: Democratic Equality

- Elizabeth S. Anderson, "What is the Point of Equality?" *Ethics* 109, 2 (1999): 287-337

In-class debate: topic and position assignments to be distributed before class

The Relationship between the “Political” and the “Personal”

We often speak as if there is a clear distinction between the “political” (or “public”) and the “personal” (or “private”) realms. However, they are linked in many ways. Political institutions can influence the personal characters of the people subject to them, and citizens’ personal characters can in turn influence the nature of the political institutions they help constitute. Political institutions may reflect a society’s prominent social hierarchies (such as those that establish racial or gender inequality) even if they aren’t officially codified in law. And reforming social relations (like those prominent in family life) may be one of the most effective ways to prompt change in political institutions. In the coming weeks, we’ll explore these interconnections between the “political” and the “personal,” and ask what they can tell us about how we should organize our political and social life.

Session 19, Tue. 4/9: Political Society and Personal Character

- Jean-Jacques Rousseau, *A Discourse on the Origin of Inequality*, available at http://lf-oll.s3.amazonaws.com/titles/638/Rousseau_0132_EBk_v6.0.pdf

-Preface and First Part (pp. 159-82)

Session 20, Thu. 4/11: Political Society and Personal Character

- Jean-Jacques Rousseau, *A Discourse on the Origin of Inequality* (1754), available at http://lf-oll.s3.amazonaws.com/titles/638/Rousseau_0132_EBk_v6.0.pdf

-Second Part (pp. 183-202)

Session 21, Tue. 4/16: Political Society and Personal Character

- Jean-Jacques Rousseau, *A Discourse on the Origin of Inequality* (1754), available at http://lf-oll.s3.amazonaws.com/titles/638/Rousseau_0132_EBk_v6.0.pdf

-Appendix (pp. 202-207)

- Rousseau’s notes, excerpt from *Rousseau: The Discourses and other early political writings*, Victor Gourevitch, ed., (Cambridge: Cambridge University Press, 1997), pp. 218-22

Session 22, Thu. 4/18: Political Society and Personal Character

- Mary Wollstonecraft, *A Vindication of the Rights of Woman*, available online via the Liberty Fund at http://lf-oll.s3.amazonaws.com/titles/126/Wollstonecraft_0730_EBk_v6.0.pdf

-Ch. II (pp. 20-34); Ch. IV (pp. 45-64)

Session 23, Tue. 4/23: Political Society and Personal Character

- Frederick Douglass, *My Bondage and My Freedom*
-Ch. 5-8 (pp. 65-104)

Session 24, Thu. 4/25: Political Society and Personal Character

- Frederick Douglass, *My Bondage and My Freedom*
-Ch. 11-12 (pp. 122-139); 17-18 (pp. 187-215)

Second Paper Due Saturday April 27th (by 11:59 PM)

Session 25, Tue. 4/30: Political Society and Personal Character

- Frederick Douglass, *My Bondage and My Freedom*
-Ch. 20-2 (pp. 242-285)

Session 26 Thu. 5/2: The Law and Informal Social Hierarchies

- Catharine A. MacKinnon, *Toward A Feminist Theory of the State* (Cambridge, MA: Harvard University Press, 1989), Ch. 8 (pp. 157-70)

In-class debate: topic and position assignments to be distributed before class

Political Responsibility

Do people who take on public office acquire special moral responsibilities the rest of us don't have? What should they do if their special responsibilities as office-holders conflict with the responsibilities they have in their capacities as ordinary people? To what degree are ordinary citizens in a democratic society responsible for the actions of their political leaders? Are individuals responsible for the effects of social practices they contribute to (such as global trade), even if their respective contributions are small? If individuals are responsible for the effects of such practices, how ought they to discharge this responsibility?

Session 27, Tue. 5/7: Responsibility and Complicity

- Max Weber, *Politics as a Vocation* H.H. Gerth and C. Wright Mills, trans. (Philadelphia, PA: Fortress Press, 1965), pp. 44-55 (Start at "Now then, what relations do ethics and politics actually have?" on the bottom of p. 44.)
- Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy & Public Affairs* 2, 2 (1973): 160-80

Session 28, Thu. 5/9: Responsibility and Complicity

• Iris Marion Young, “Responsibility and Global Justice: A Social Connection Model,” *Social Philosophy and Policy* 23, 1 (2006): 102-30

In-class debate: topic and position assignments to be distributed before class

Final Exam Wednesday, May 15th 10:45 AM – 1:15 PM

Student Learning Outcomes

Philosophy Program Learning Outcomes (PLO’s)

PLO1: Writing: Ability to state and support a thesis, apply knowledge of critical reasoning, accurately interpret philosophic sources, and clearly communicate a balanced account in writing.

PLO2: Critical Reasoning: Ability to construct and analyze complex arguments, and distinguish good reasoning from bad.

PLO 4: Ethical Reasoning: Ability to reason logically, effectively, and respectfully about ethical matters.

GE Outcomes

7SI/Social Inquiry: Employs theories of how people frame and analyze social and/or historical phenomena.

7VI/Values/Ethics Inquiry: Articulates how values and ethics inform human understanding, structures, and behavior.

7CC/Citizenship, Community, Service: Engages in the theoretical and/or applied aspects of political, civic or social engagement in group affiliations.