

Political Authority and Disobedience

PHIL 456H/PHIL 580H

Spring 2018

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Office Hours: Thursdays, 1:00 – 3:00 PM

I will be in my office and available during office hours, but you can make appointments to see me at other times. My preference is that we make appointments by email, and have substantive discussions face-to-face.

Course Description

“The defining mark of the state is authority, the right to rule. The primary obligation of man is autonomy, the refusal to be ruled. It would seem, then, that there can be no resolution of the conflict between the autonomy of the individual and the putative authority of the state.”

- Robert Paul Wolff, *In Defense of Anarchism*

The apparent conflict between moral autonomy and state authority will serve as an entry point into a more general issue of legal authority. To put it roughly, we will seek to understand the sense in, and circumstances under, which law generates moral reasons to comply with its demands *because it is law*. Relatedly, we will investigate the justification of disobedience to official authority. These issues are long-standing. It has long been clear to philosophers that there is a tension in viewing individuals as free and equal, and yet as subject to being told what to do by another. The dangers of concentrated state authority have also been evident. But, we will focus on the theory of the past 50 years, a period of renewed and sustained interest in the conceptual and normative questions at issue.

Learning Objectives

The student will:

- Be familiar with some of the central philosophical work on authority, political obligation, and civil disobedience
- Develop and be capable of articulating cogent views on several of the questions outlined in the course description
- Demonstrate an ability to write effectively, coherently, and analytically, and with a high degree of argumentative sophistication (C)
- Demonstrate an ability to revise and improve writing in both form and content (C)

- Develop an ability to read and critically consider difficult texts
- Improve ability to reason through and intelligently discuss complex issues
- Demonstrate an understanding of the human experience through the study of philosophy (H)

Readings

Students are expected to show up to class prepared to discuss, and answer questions concerning, the assigned reading. This is a seminar, so there will be a focus on student to student and instructor to student dialogue. There will also be group work that presupposes knowledge of the readings. Successful participation in class, then, requires familiarity with the readings for the course.

The required texts for purchase are:

Robert Paul Wolff, *In Defense of Anarchism* (UC Press) ANY EDITION

Anna Stilz, *Liberal Loyalty: Freedom, Obligation, & the State* (Princeton, 2009)

Zeynep Tufekci, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (Yale, 2017)

In addition to these texts, many of the readings will be available on electronic reserves (marked “[ER]” on the schedule) through Blackboard.

Requirements:

Grade Breakdown

	<u>Undergraduate Students:</u>	<u>Graduate Students:</u>
Participation:	25%	20%
Precis:	30%	20%
Paper	45%	40%
Presentation	0%	20%

Précis: For each week after the first, each student must write a short précis, which concisely summarizes an argument from the assigned reading, and offers some form of independent reflective consideration of that argument. The précis should be no longer than three pages, and should typically be between one and two. Students have the discretion to choose an argument from any of the assigned reading for the week, but the summary should be considerate of the readings as a whole (i.e., it should be cognizant of the argument’s place/role in the readings). The reflective consideration can take the form of a criticism, analysis that moves beyond what is

explicitly in the text, a comparison of views, noticing surprising/unexpected corollaries, indicating the importance of the argument for the overall position, and the like – i.e., strategies which move us to intelligently think through the argument. In doing any of these, the précis should make an argument. Submit the précis to me as a paper copy (double-sided preferred) at the end of each for which the reading is assigned (précis may be used during group work).

Paper: Undergraduate students will be required to write a 10 to 15 page paper. Graduate students will be required to write a 15 – 25 page paper. Students have the option of either developing their own topic or selecting one of the topics distributed by me. The writing of the paper will occur in stages, and students should expect to invest considerable effort over the course of several weeks into writing the paper.

Stage One (Topic Selection): One week after possible topics have been distributed, hand in a piece of paper indicating which of the topics you are going to write on. If you are writing on your own topic, you should discuss it with me.

Stage Two (Polished Draft): Several weeks after the assignment is distributed, you will hand in a polished complete draft of your paper. The better the draft, the more likely it is I will be able to provide you with comments that will assist you in producing a good final version. I will return this draft with comments. Failure to turn in a draft, or an inadequate one, will result in a significant penalty on the final paper grade.

Stage Three (Revision): After the draft is returned with comments, you will have at least two weeks to revise your paper.

In general, papers will be assessed on the basis of: (1) accuracy and completeness in portraying the material in question, and (2) the development of a well-reasoned, original assessment of that material.

Students are required to maintain a digital backup of all submitted work until the end of the semester. All drafts should be submitted to Turnitin on Blackboard.

Participation: Students will be assessed on their contributions in class. The grade will be based on the frequency with which students provide valuable verbal contributions to the class. Such contributions include informed responses to instructor questions, participation in classroom discussions, raising relevant and cogent questions, raising such questions in response to student presentations, responding to questions posed by presenters, and actively participating in group work. Attentively attending class is insufficient for a good participation grade.

Presentation: Graduate students are required to give an in class presentation on one of the assigned readings. Students can identify a reading of interest to them, or I can assign a one. In either case, presentation assignments should be completed by the third week of classes. The presentation will be twenty to thirty minutes long, and should include: (1) an exposition of some

portion of the reading, properly contextualized within the reading as a whole, (2) a critical assessment, and (3) questions to initiate discussion. The precise format of the presentation is within the presenter’s discretion, but we can discuss it in advance. Presenters do not have to submit a precis the week of their presentation.

Course Policies

Attendance: Attendance in class is mandatory. Students should arrive promptly at the beginning of class with the assigned reading for the day in hand. Students are permitted (1) unexcused absence without penalty. Each additional unexcused absence will result in the student’s final grade being reduced by one-third a letter grade (e.g. a B becomes a B-).

Late Papers: Papers turned in late will be penalized one-third a letter grade per day of lateness, including weekend days.

Academic Honesty: Plagiarism and other forms of academic misconduct will be dealt with harshly in accordance with Harpur College policies. The **Student Academic Honesty Code** can be found at: <http://bulletin.binghamton.edu/integrity.htm>.

Schedule of Readings

The following plan is subject to revision - I will inform the class of any changes as we go. At each meeting, we will discuss the reading(s) listed to the right of the date. Readings with “[ER]” next to them are available under “Content” on Blackboard.

Date:	Reading:
Jan. 16	Introduction to the course
Jan. 23	<ol style="list-style-type: none"> 1. Robert Paul Wolff, <i>In Defense of Anarchism</i> 2. Robert Ladenson, “In Defense of a Hobbesian Conception of Law” <i>Philosophy & Public Affairs</i> (1980), 134-159 [ER]
Feb. 30	<ol style="list-style-type: none"> 1. Joseph Raz, “Authority and Justification” <i>Philosophy & Public Affairs</i> (1985), 3-25 [ER] 2. Heidi Hurd, “The Indefensibility of Practical Authority” in <i>Moral Combat</i> (1999), 62-94 [ER] 3. Raz, “The Problem of Authority: Revisiting the Service Conception” <i>Minnesota Law Review</i> (2006), 1003-1044 [ER]
Feb. 6	<ol style="list-style-type: none"> 1. A. John Simmons, selections from <i>Moral Principles and Political Obligations</i> (1979), 29-38, 101-142 [ER] 2. Simmons, “Tacit Consent and Political Obligation” <i>Philosophy and Public Affairs</i> (1975) 274-291 [ER] 3. Simmons, “Philosophical Anarchism” in <i>Justification and Legitimacy</i>, 101-121 [ER]
Feb. 13	<ol style="list-style-type: none"> 1. Jeremy Waldron, “Special Ties and Natural Duties” <i>Philosophy & Public Affairs</i>

	<p>(1993) [ER]</p> <ol style="list-style-type: none"> Pauline Kleingeld, “Kantian Patriotism” <i>Philosophy & Public Affairs</i> (2000), 313-341 [ER] George Klosko, selection from <i>The Principle of Fairness and Political Obligation</i> (1991), 33-72 [ER]
Feb. 20	<ol style="list-style-type: none"> Christopher Heath Wellman, “Toward a Liberal Theory of Political Obligation” <i>Ethics</i> (2001), 735-759 [ER] Wellman, selections from <i>Is There a Duty to Obey the Law?</i> (2005), 30-53 [ER] Ronald Dworkin, “Integrity” from <i>Law’s Empire</i> (1986), 176-216 [ER]
Feb. 27	<ol style="list-style-type: none"> Waldron, “Legislation, Authority, and Voting” in <i>Law and Disagreement</i> (1999), 88-118 [ER] Thomas Christiano, “The Authority of Democracy” in <i>The Constitution of Equality</i> (2008), 231-259 [ER] David Estlund, “Political Authority and the Tyranny of Non-Consent” <i>Philosophical Issues</i> (2005), 351-367 [ER]
Mar. 13	<ol style="list-style-type: none"> Estlund, “Original Authority and the Democracy/Jury Analogy” in <i>Democratic Authority</i> (2009), 136-158 [ER] Anna Stilz, <i>Liberal Loyalty</i>, 1-84
Mar. 20	<ol style="list-style-type: none"> Stilz, <i>Liberal Loyalty</i>, 85-110, 173-212 Niko Kolodny, “Rule Over None II: Social Equality and the Justification of Democracy” <i>Philosophy & Public Affairs</i> (2014) [ER] <p>Paper Topics Distributed</p>
Mar. 27	<ol style="list-style-type: none"> John Rawls, selections from <i>Theory of Justice</i> [ER] Peter Singer, selections from <i>Democracy and Disobedience</i> (1975) [ER] Kent Greenawalt, “Justifying Nonviolent Disobedience” in <i>Civil Disobedience in Focus</i> (1991) [ER] <p>Select Paper Topic</p>
Apr. 10	<ol style="list-style-type: none"> David Lefkowitz, “On a Moral Right to Civil Disobedience” <i>Ethics</i> (2007), 202-233 [ER] Kimberley Brownlee, selections from <i>Conscience and Conviction: The Case for Civil Disobedience</i> (2012) [ER] Bhiku Parekh, selections from <i>Gandhi’s Political Philosophy</i> (1991) Zeynep Tufekci, <i>Twitter and Teargas</i>, ix – 48
Apr. 17	<ol style="list-style-type: none"> Peter Kolchin, selections from <i>American Slavery 1619-1877</i> (1995) [ER] Martin Luther King, Jr., “Letter from Birmingham Jail” David Lyons, “Political Responsibility and Resistance to Civil Government” from <i>Confronting Injustice: Moral History and Political Theory</i> (2013) [ER] Bernard Boxill, “The Responsibility of the Oppressed to Resist Their Own Oppression” <i>Journal of Social Philosophy</i> (2010), 1-12 [ER] Tufekci, <i>Twitter and Teargas</i>, 49-82
Apr. 24	<ol style="list-style-type: none"> Candice Delmas, “Political Resistance: A Matter of Fairness” <i>Law and Philosophy</i> (2014) [ER] Seana Shiffrin, “The Moral Neglect of Negligence” <i>Oxford Studies in Political Philosophy</i> (2017) [ER] Tufekci, <i>Twitter and Teargas</i>, 83-131 <p>Paper Draft Due</p>
May 1	<ol style="list-style-type: none"> Tufekci, <i>Twitter and Teargas</i>, 132-277 <p>Paper Draft Returned with Comments</p>

TERM PAPER DUE BY 5 PM, MAY 15 – PAPER COPY MUST BE SUBMITTED WITH FIRST DRAFT AND MY COMMENTS