

20 Sept 2018

Fundamentals of Political Philosophy Seminar POL518/PHI529, Fall 2018.

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After some reflection on what it is feasible to cover, and discussion in the first session on 18 Sept, it seems best to concentrate on what was initially conceived as just the first part of the seminar. This means that the topic will be the ontology of the political and social world. The seminar will cover six themes, each involving two weeks, and below is a list of topics and readings (these will be expanded). All readings will be put on Blackboard under Course materials. Basic readings are already there, together with the ms of a forthcoming book of my own, which covers these topics.

The seminar meets each Tues at 3.30pm in Marx Hall 301, *including Thanksgiving week*.

1. The nature and function of the polity Weeks 1 and 2

How should we approach the question as to what the state is? A plausible counterfactual genealogy of the state, modeled on Hart's method in approaching law, or the economist's in explaining money. This looks at how far conventions, norms, laws and a state—entities that are fit to be described as such in our own words—would likely to emerge in an unplanned fashion under plausible conditions. The genealogy offered give us a picture of the natural function or role of the state.

Readings: Lewis Convention, Ch 2, §4

Hart The Concept of Law, Ch 5

Shapiro, Scott Hart and the Rule of Recognition

2. The state as an agent Weeks 3 and 4

What exactly does agency involve? How far can and should this state be organized as a group agent? This will focus on the generally theory of corporate agency, linking it with Hobbes and other modern theorists. One argument will be that the rule of law, properly understood, requires the state to be organized as an agent.

Readings: Dennett 'Intentional Systems'

Hobbes Leviathan, Ch 16

Pettit Group Agents are not Fictions

Runciman The State as a Corporation

Ciepley Is the US Government a Corporation?

3. The state as a modular body, operating under a mixed constitution Weeks 5 and 6

Modularity in individual agents. How far can and should the state be modularized, and yet be a unified agent? This will engage with the traditional discussion of the mixed constitution, mainly associated with the separation and sharing of powers.

Readings: Selections from Bodin

Hobbes Leviathan 17-18

Franklin Sovereignty and the Mixed Constitution

Lieberman The Mixed Constitution

Ackerman Mixing Presidential and Parliamentary Systems

4. The possible relations between state and people Weeks 7 and 8

What room is there for the people within the polity, under an agential or non-agential, modular or non-modular organization? Different concepts of the people. The roles they can be allowed to play, individually or as a body. This will address the main issue between the absolutist tradition and its opponents but also discuss the constitutional paradoxes often cited in legal theory.

Readings: Locke Second Treatise Ch's 7-11, and 19

Zurn Legitimacy (on constitutional paradoxes)

Simpson The Impossibility of Republican Freedom

Lovett and Pettit Reply to Simpson

5. The range of activity open the state Weeks 9 and 10

What should the range of the state's activities be, consistently with its function? This will naturally direct us to the tradition of natural-rights restrictions on the state. The sessions will focus on concepts of rights, the variety among those concepts, the idea of natural rights as constraints on how a state can act (and ultimately on what justice can require of the state)

Readings: Wenar Rights

Feinberg The Value of Rights

Dworkin Taking Rights Seriously

Nozick Anarchy, State and Utopia Ch 3

6. The state and the economy Weeks 11 and 12

The best test case in which to look at the range of the state's activity is provided by the economy. An economy requires a definition of norms of property and other market rules; a specification of the powers of players, in particular corporate players under those rules; and the construction of money and, more widely, a financial system. What is the role of the state on these fronts? Should it be minimal, as in a natural-rights, libertarian vision? Or does the very function of the state require it to be more than that?

Readings: Waldron Ownership and Property

Pettit The Conversable, Responsible Corporation

Haldane Who Owns a Company?

Pettit Taking Back the Economy