

The Social Contract: Rhetoric and Founding Law

LJST 33, Spring 2011

Tuesday & Thursday, 10-11:20

Chapin Hall, Room 119

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This course investigates seminal writings belonging to the “social contract” tradition — a branch of political theory which describes the formation of political communities through individuals’ mutual consent — from the English seventeenth century, where the tradition’s modern roots are to be found, through its eighteenth-century incarnations in Enlightenment and related thought, to the present era, where interest in this mode of thought has had a revival of sorts over the past 35 years. Much ink has been spilled during those years over the many apparent practical problems of contract theories as aids or means to just government, and we will attempt, over the course of the semester, to address these familiar problems in new ways. The particular approach to these writings which the course seeks to interrogate and develop will be chiefly concerned with their *textuality*, i.e., the way in which these writings, *as* writings, communicate what they do: such an approach will give great attention to vocabulary, practices of quotation, the situation of the author(s) and his/her/their audience, considerations of genre and the division of knowledge, and “performative” language (language which acts in some way in addition to or instead of, communication) — any of these approaches may cast light on, augment or even sabotage the social contract project, which has for so long been a staple idea of liberal political thought. Our ultimate goal will be to evaluate this mode of reading as a tool for making progress in contract theory, and to use that tool to generate fresh thinking on some very old political problems.

Required texts:

at Amherst Books:

Thomas Hobbes, *Leviathan* (Hackett, ed. Curley)

John Locke, *Two Treatises of Government* and *A Letter Concerning Toleration*

(Yale, ed. Shapiro)

_____, *An Essay Concerning Human Understanding*

(Hackett, abridged and ed. Winkler)

Robert Nozick, *Anarchy, State, and Utopia* (Basic)

John Rawls, *A Theory of Justice* (Belknap)

Jean-Jacques Rousseau, *On the Social Contract* (Hackett, trans. Cress)

(These texts are also on reserve in Frost)

course packet (available for purchase from Ms. Megan Estes-Ryan in the LJST department office beginning Tuesday, Feb. 8; before then, please access all packet readings on the e-reserves page)

Course requirements:

(i) On prearranged days, different pairs of students will be responsible for initiating and guiding class discussion — we will pair everyone off, establish a schedule and give guidelines for these exercises during the first few sessions.

(ii) Shorter first paper (5-7 pgs.); this will concentrate on close textual analysis of some piece of a primary text we have been reading.

(iii) Longer final paper (15-20 pgs.); this will be a larger effort incorporating a research component (primary and/or secondary sources beyond the syllabus). It may build on the work of the first paper if you wish, or it may address fresh concerns.

Attendance: Deriving the greatest benefits from this course involves class participation to some extent — while you are not graded on such participation, you will find that regularly asking questions and becoming a part of the discussions will improve your experience in the class, in your papers, etc.. Keeping this in mind, you are allowed miss five sessions without penalty; each subsequent absence will result in a deduction of 2 points (of 100) from your final course grade. (Extraordinary circumstances aside, the five absences are intended to include illness, etc., so you should pace yourself)

If you do miss class, please make yourself responsible for catching up through classmates on what we did during that session. Generally, you will have the option of checking this course's web site (via the LJST department's site), where you can read/download most announcements, hand-outs, etc. (please be sure to examine all areas when looking for materials you may have missed). Occasionally, I may also post additional announcements or other items not mentioned in class, so it's a good idea to check the course site once or twice a week even if you have been attending consistently.

Grading:

Partnered discussion-leading: 15%

First paper: 30%

Final paper: 55%

Syllabus:

(p) - in course packet

(e) - on electronic reserve (see course site)

Jan. 25: Intro

Jan. 27: J. L. Austin, *How to Do Things with Words*, Lectures 1-5, 11 (p/e)

Feb. 1: Paul de Man, "The Resistance to Theory" (p/e)

Feb. 3: V. N. Voloshinov, *Marxism and the Philosophy of Language*, Part 1, ch. 1-3 (p/e)

Feb. 8: Thomas Hobbes, *Leviathan*, author's introduction and ch. 1-9, 12-16

Feb. 10: *Leviathan*, ch. 17-21, 26, 29-31

- Feb. 15: *Leviathan*, ch. 32-38
- Feb. 17: William Connolly, "Hobbes: The Politics of Divine Containment" (p)
- Feb. 22: James Martel, "Hobbes's Use of Rhetoric," "Public and Private Reading" (p)
- Feb. 24: Sheldon Wolin, *Hobbes and the Epic Tradition of Political Theory* (p)
 Davide Panagia, "Delicate Discriminations: Thomas Hobbes's Science of Politics" (p)
- March 1: Henry Parker, *Observations upon Some of His Majesties Late Answers and Expresses* (p)
- March 3: John Locke, *Second Treatise of Government*, ch. 1-9
- March 8: *Second Treatise of Government*, ch. 10-19
- March 10: Hobbes, *Elements of Law*, ch. 6, 13 (p)
 Locke, *An Essay Concerning Human Understanding*, bk. 3
- Spring break!
- March 22: Theodore Redpath, "John Locke and the Rhetoric of the *Second Treatise*" (p)
 Linda Zerilli, "'Philosophy's Gaudy Dress': Rhetoric and Fantasy in the Lockean Social Contract" (p)
FIRST PAPER DUE
- March 24: Thomas Arnold, *Thoughts and Deeds: Language and the Practice of Political Theory* (selections) (p)
- March 29: Jean-Jacques Rousseau, *On the Social Contract*
- March 31: *Declaration of Independence* (U.S.) (e)
 Hannah Arendt, *On Revolution* (selection) (p)
- April 5: Ludwig Wittgenstein, *Philosophical Investigations*, Part I, §§1-123 (p)
 Richard Eldridge, "Wittgenstein and the Conversation of Justice" (p)
- April 7: John Rawls, *A Theory of Justice*, ch. 1-2
- April 12: *A Theory of Justice*, ch. 3
- April 14: *A Theory of Justice*, ch. 4
 Davide Panagia, "The Beautiful and the Sublime in Rawls and Rancière" (selection) (p)
- April 19: Ethan MacAdam, "John Rawls at the Ends of Politics" (e)
- April 21: Robert Nozick, *Anarchy, State, and Utopia*, ch. 1-4
- April 26: Anita Allen, "Social Contract Theory in American Case Law" (e)
Barnes v. Tools & Machinery Builders, Inc. (e)
- April 28: Elaine Scarry, "War and the Social Contract: Nuclear Policy, Distribution, and the Right to Bear Arms" (e)
- May 3: Ronald Dworkin, "What is Equality?: Part 2: Equality of Resources" (e)
- May 5: TBD
FINAL PAPER DUE

A note about “e-texts”: The above editions of the required texts for this course are recommended; however, you are free to obtain these texts in any manner you can, whether in other print editions (including library copies) or, if necessary, in some digital format. Please note, however, that you should be cautious about casually downloading texts from the internet; this is because an “e-text” is no good to you if it derives from a source which is no good, and any mistakes that an e-text’s editor(s) make may also become your mistakes (i.e., if you use that text in preparing a paper, exam, etc.). You should note that while free-of-charge internet texts often present problems, texts downloaded through the proprietary databases to which Frost subscribes are usually very adequate, and indeed, often simply reproduce authoritative print editions; please consult with myself or with Frost’s reference librarians if you have doubts about the scholarly integrity of an e-text you wish to use.