The will to live free of the control of the state (or of organized groups who have coopted state authority) is one of the most powerful and controversial motors of western history. This course explores the history of the ideal of personal freedom with an eye towards contemporary debates over the pros and cons of the regulatory state. The first part of the course explores the sociological and theological sources of the concept of freedom and introduces liberty's leading relatives or competitors: property, equality, community, and republicanism. Part Two consists of a series of case studies in the rise of modern liberty and libertarianism: the abolition of slavery, the struggle for religious freedom, and the twentieth-century American civil liberties movement. In the last part of the course, we take up debates over the role of libertarianism vs. the regulatory state in a variety of contexts: counter-terrorism, health care, the financial markets, and the Internet. Throughout, students are asked to consider two problems: (1) the tension between liberty or libertarianism as a general philosophy of life and the need for context-specific judgments about that philosophy; and (2) what points those opposing or favoring broadly libertarian visions are not hearing or fully comprehending. Readings are drawn from political philosophy, sociology, history, and law.

The basic objectives of the course are twofold: to familiarize students with the varieties of libertarianism and their histories, and to enable students to argue effectively about libertarianism on several different levels. Libertarianism has historical, political-theoretical, and policy dimensions (among others), and by the end of the course students should be able to assess and critique the claims made both for and against libertarianism on all three of these levels. The claims in question are often controversial, and they are a constant presence in political, legal, and social argument. The course should help students to engage in oral debate over these issues, and then also to write about them reflectively and with the benefit of historical perspective.

**Required Texts:**

There is one text required for purchase in this course:

All other readings will be made available via hyperlinks provided below in the schedule of topics and readings, or via the Stellar course site.

Course Format, Assignments, and Evaluation:

The class meets twice a week. The first twenty or so minutes of each meeting will consist of lecture-style introductions to the day’s topic. The remainder of each class will be devoted to group discussion of the assigned texts for that day. You may bring laptops or tablets to our class meetings solely for the purpose of taking notes and viewing digital versions of the assigned readings. In order to take full advantage of the opportunities this course offers for group learning and interaction, no other use of computers or digital devices (including web surfing, email, and social media) is permitted in the class.

Regular attendance and participation in class discussions are expected. Students will be asked to demonstrate their engagement with the texts primarily by way of participation in our group discussions, but also by means of two kinds of supplementary exercises. First, students will be asked on a few occasions to post brief responses to the readings on the Stellar web-site forum during the course of the semester (roughly one for each part of the course, for a total of three). These responses should consist of 200-300 words on a topic/question that will be posted on the Stellar Forum two weeks before the responses are due. Your responses should be thoughtful and thought-provoking. You are not expected to do any extra preparation for these posts. You will receive a composite grade for all three of your forum posts and that grade will form a portion of your overall final grade.

Second, we will hold two in-class debates during the course of the semester. The class will be divided into two teams and each side will be asked to prepare a “pro” or “con” position as represented by the readings for that day. The first debate will be held on March 11 (Rawls v. Nozick) and the second on April 29 (“Obamacare”). You will be evaluated on your debate performances as part of your overall class participation portion of the final grade.

Finally, the course assignments include two papers. The first is a paper of 8-10 pages on a topic relating to the history and political theory of liberty as an ideal (Part One of the course). That paper is due online by 8pm on March 16; I will post an essay prompt two weeks before the
due date. The second is a 10-12 page paper that more deeply explores one of the case studies or controversies we will study in Parts Two and Three of the course. The second paper is due by 4pm on Thursday, May 15; you are welcome and encouraged to show me a detailed outline with source notes or a rough draft by April 24.

Grades will be determined as follows:

- Paper #1 = 20%
- Paper #2 = 40%
- Stellar forum posts = 10%
- Class participation = 30%

Schedule of Topics and Reading Assignments:

Please note: the following list of topics and reading assignments can be considered stable for the most part but is likely to change in small ways as we progress throughout the semester. I will periodically post updated versions of the syllabus to our Stellar course site, with accompanying email announcements to the class participants.

Introduction

Feb. 4: Nuts and bolts (what this course is about).

Feb. 6: Some Contemporary Libertarian Controversies.

Readings:


Recommended:

Part One: Ideals of Freedom, Autonomy, and Civil Society

Feb. 11: Roots of modern freedom (I): the ancient and medieval periods.

Readings:

Recommended:

Feb. 13: Roots of modern freedom (II): the early modern period.

Readings:

Recommended:

Feb. 20: Revolutionary liberty (I).
Readings:


Recommended:


Feb. 25: Revolutionary liberty (II).

Readings:


Recommended:


Feb. 27: Modern valuations of liberty as the ultimate political and economic good (I).

Readings:


Recommended:
March 4: Modern valuations of liberty as the ultimate political and social good (II).

Readings:


b) Milton and Rose Friedman, selections from Free to Choose (1980), in Justice, 49-60.


Recommended:


b) Milton Friedman, Capitalism and Freedom (Chicago, IL: University of Chicago Press, 1982).


March 6: Complementary or contradictory ideals (I)? Property.

Reminder: First Forum Posts Due Today by 8pm.

Readings:


Recommended:


March 11: Complementary or contradictory ideals (II)? Equality and distributive justice.

**Note: Our first in-class debate will be held today.**

Readings:

Recommended:

March 13: Complementary or contradictory ideals (III)? Communitarianism and civic republicanism.

Readings:
a) Alasdair MacIntyre, selections from *After Virtue* (1981), in *Justice*, 315-328,
c) Michael Walzer, selections from *Spheres of Justice* (1983), in *Justice*, 335-342.

Recommended Reading:
First paper due online by March 16 at 8pm.

Part Two: Case Studies in the Rise of Modern Liberty/Libertarianism

Slavery and Abolition (Paradoxes of Property and Personal Freedom)

March 18: Chattel Slavery and the “Freedom Principle”

Readings:

Recommended readings:
   a) The 1705 Virginia Slave Code.

March 20: Antislavery and Liberty (I)

Readings:

April 1: Antislavery and Liberty (II)

Readings:
   a) The Emancipation Proclamation (1863).
   b) The Thirteenth and Fourteenth Amendments (1865, 1868).
Recommended:


**Second Forum Posts Due April 2 at 8pm.**

**Freedom of the Spirit: Belief, Conduct, and the First Amendment**

April 3: The First Amendment Religion Clauses and “Freedom of Conscience” (Guest Discussant: Jack Rakove, Stanford University)

Readings:


April 8: The Rise of Free Exercise in Modern America

Readings:

b) Reynolds v. United States (1878).

Recommended:


April 10: Religious Accommodation and Civil Rights Today

Readings:

c) Hobby Lobby v. Sebelius (10th Cir., June 27, 2013).

*From Civil Liberties to Civil Libertarianism*
April 15: The Creation of the Modern American Civil Liberties Movement

Readings:
1) The Bill of Rights (1791).
2) Abrams v. United States (1919).

Recommended:

April 17: The First Amendment (Guest Discussant: Harvey Silverglate, www.harveysilverglate.com)

Readings:

Recommended:

Part Three: Liberty and the Contemporary Administrative-Regulatory State

Counter-Terrorism and Health Care

April 24: The National Security Agency’s Phone Surveillance Program

Reminder: If you want to show me an outline or draft of your final paper, please do so by today.

Readings:

Recommended:

April 29: “Obamacare”

**Note: Our second in-class debate will be held today.**

Readings:

The Financial Markets

May 1: The Origins of the 2008 Financial Crisis

Readings:

Recommended Reading:


May 6: Efficient Markets and the Derivatives Debate

Readings:


Internet Freedom

May 8: The Power of Private Regulation

Readings:


May 13: Boundaries of the Internet

*Note: the first 10-15 minutes of today’s class will be devoted to completing the online course evaluations for this subject. Please remember to bring your laptops for this purpose.*

Readings:


May 15 (to be rescheduled): The Case of Aaron Swartz

Readings:

Recommended:


* Final papers due at 4pm May 15 on the Stellar course site. *