Course Description

This course is a seminar in contemporary political philosophy. The aim is to explore some key political ideas and topics with attention to their implications for law. We will focus on the concepts of equality and citizenship.

Equality is widely held to be a fundamental value in liberal democratic societies but what is equality, equality of what, and equality for whom? Is equality about ensuring a fair distribution of goods or a certain kind of relationship or standing that people have to each other? How should we conceive of racial and gender equality? Is economic inequality objectionable in itself or only under certain circumstances such as when it gives some an unacceptable degree of power over others or undermines the fairness of basic social and political institutions? How should we think about equality across borders?

How should we conceive of citizenship - as a formal political and legal status, entitlement to a set of rights, active participation in self-governance, an identity, or something else entirely? Can we prioritize the interests of fellow citizens over the rest of humanity? Is equal citizenship compatible with group-differentiated rights, such as exemptions or accommodations for religious and cultural minority groups? What might postnational and cosmopolitan models of membership look like?

We will read texts by Bernard Williams, T.M. Scanlon, John Rawls, Michael Walzer, Ronald Dworkin, Elizabeth Anderson, Martha Nussbaum, Catharine MacKinnon, Kimberle Crenshaw, Linda Bosniak, Samuel Scheffler, David Miller, Judith Shklar, Rogers Smith, Will Kymlicka, and Yasmin Soysal. Students will be expected to engage in close readings of these texts, participate in seminar discussion, and write a final paper.

Prerequisites and Enrollment

This is a graduate seminar offered as part of JSP Program at Berkeley Law. The course presupposes no prior coursework in political theory or philosophy, but those unaccustomed to reading theoretical texts should allot sufficient time to complete the readings. Enrollment is open to JSP, JD, JSD, and LLM students as well as PhD students in the Political Science, Philosophy, and other departments. Students from other departments are required to obtain permission from Prof. Song and complete a form provided by the Law School Registrar.

Readings

Most of the readings will be made available on bCourse. Please purchase the following books from a vendor of your choice or borrow them from the campus library:

John Rawls, *A Theory of Justice* (1971, 2005, original ed – the cover photo has ripples on a pond)
Michael Walzer, *Spheres of Justice* (1983)

For every week, I have listed some additional reading, which is optional and intended for those who want to delve deeper into the themes of that week.
Requirements

- **Reading and participation:** Complete each week’s reading and come to class prepared to discuss it. Some of the texts are quite dense and will require time and energy to digest. Please remember quality is just as, if not more, important than quantity when it comes to participation.

- **Attention and engagement:** Not only do I want you to attend class but I also want your attention and engagement in every class. To minimize distractions and maximize engagement, the use of laptops is discouraged. You may bring tablets (iPad, Kindle) to class in order to refer to the readings, or if you have access to a printer, please print out the readings. I encourage you to purchase a notebook to take notes in class. I will sometimes provide handouts of particularly dense readings. If you absolutely must use a laptop, please speak with Prof. Song.

- **Reflection papers (no more than 500 words each):** You are required to write two reflection papers. Choose one week from the first half of the course on “Equality” and one week from the second half of the course on “Citizenship.” You might develop a question or a series of questions that emerge from your reading, provide observations about what you think is important or surprising, and/or identify points of connection or disagreement with the readings for that week or from previous weeks. The aim is to provide a carefully thought-out reaction to the readings. Post your paper on bCourse by 5pm Monday. Everyone is encouraged to read one another’s reflection papers before class. I will ask students who’ve written reflection papers for a particular week to lead off class discussion.

- **Seminar paper:** 15-20 page paper (double-spaced, 12-pt Times New Roman font, 1-inch margins) due on May 6. You must submit a short paper sketch by April 16. Your paper should consider some question(s) and author(s) we discuss in the course, but it need not be limited to those questions and authors. I will provide a list of possible topics in the middle of the semester. You are welcome to develop your own topic. All of the papers should demonstrate clear thinking, close attention to argument, reflection on distinctions between concepts and cases, and illustration of theoretical points through real-world examples and/or imaginative hypotheticals.

Schedule and Readings

**Jan 8. Introductions, course overview, and kicking off discussion of the idea of equality**
Bernard Williams, “The Idea of Equality” (1962), *In the Beginning was the Deed*, 97-114

Further (optional) reading:

**EQUALITY**

**Jan 15. Rawls’ liberal egalitarian theory of justice**

Further reading:
Normal Daniels ed., *Reading Rawls* (1975)
Jan 22. A pluralistic approach to equality: Walzer’s complex equality
Michael Walzer, Spheres of Justice, chs. 1-4, 12

Further reading:
Ronald Dworkin, “To Each His Own” (review of Walzer), New York Review of Books (1983)
David Miller and Michael Walzer, Pluralism, Justice, and Equality (1995)

Jan 29. Equality and individual responsibility

Further reading:

Feb 5. Race and equality

Further reading:
Melvin Rogers, “Keeping the Faith” (review of Ta-Nehisi Coates), Boston Review (2017)
Tommie Shelby, We Who Are Dark: The Philosophical Foundations of Black Solidarity (2005)

Feb 12. Gender and equality
Carol Gilligan, “Moral Orientation and Moral Development” (1987), excerpt
Martha Nussbaum, “Human Capabilities, Female Human Beings” (1995), excerpt

Further reading:

Feb 19. Equality across borders; Does a commitment to equality require open borders?

Further reading:
Sarah Song, “Political Theories of Migration,” Annual Review of Political Science (2018)
CITIZENSHIP

Feb 26. What is citizenship? Why does it matter?

Further reading:
Peter Schuck & Rogers Smith, Citizenship without Consent (1985), ch. 1, 4-5
Schuck & Smith, “Trump is half-right. Congress can end birthright citizenship.” Washington Post, Oct 31, 2018

Further reading:
Ayelet Shachar, Birthright Lottery: Citizenship and Global Inequality (2009)

Mar 5. Acquiring citizenship: jus soli, jus sanguinis, and consent
Peter Schuck & Rogers Smith, Citizenship without Consent (1985), ch. 1, 4-5
Schuck & Smith, “Trump is half-right. Congress can end birthright citizenship.” Washington Post, Oct 31, 2018

Further reading:
Judith Shklar, American Citizenship: The Quest for Inclusion (1991)

Mar 12. The substance and worth of citizenship: Does citizenship make a difference?
Linda Bosniak, “The Difference that Alienage Makes,” The Citizen and the Alien (2006), ch. 3 (pp.37-76)
Peter Spiro, “Take It or Leave It American,” Beyond Citizenship (2008)

Further reading:
Yael Tamir, Liberal Nationalism (1993)

Mar 19. Citizenship and national identity: Do you have special obligations to your fellow citizens that you don’t have to the rest of humanity?
David Miller, On Nationality (1995), chs. 2-3 (pp. 17-80)

Further reading:
Yael Tamir, Liberal Nationalism (1993)
Mar 26: No class – spring break

Apr 2: No class – makeup TBD (makeup will be devoted to discussing your paper ideas)
Please work on your paper sketch

Apr 9. Multicultural citizenship: Is equal citizenship compatible with group-differentiated rights?
Will Kymlicka, Multicultural Citizenship (1995), chs. 1-2, 5-6
Susan Okin, Is Multiculturalism Bad for Women? (1999), pp. 9-34

Further reading:
Sarah Song, Justice, Gender, and the Politics of Multiculturalism (2007)
Iris Marion Young, Justice and the Politics of Difference (1990)

*April 16 - Paper sketch due
Draft a short paper sketch (no more than 500 words--“sketch” implies half-baked ideas are ok!). Before class on April 16, upload to bCourse under the Assignments tab in the folder titled “Paper Sketches.”

Apr 16. Beyond citizenship?

Further reading:
Rainer Bauböck, Transnational Citizenship: Membership & Rights in International Migration (1994)
Seyla Benhabib, Another Cosmopolitanism (2006)

*May 6 - Final papers due
Please save your paper in Word format and upload to bCourse under the Assignments tab in the folder titled “Final Papers.”