

## Philosophy of Right

**Head of Workshop:** Andrew Haas (Office Hours: Wed., 16:30-18:30 or by appointment).

**Schedule:** Rm TBA, Module 3; Wednesdays, 13:40—16:30pm; 13 Jan—16 March 2016.

### **Assessment:**

30% class participation.

30% written paper (Due: 16 March, 16:30pm; 3-5 pages).

40% final oral exam (Questions to be determined and distributed two weeks prior to the exam).

### Syllabus

- Week 1:                    On the Possibility of Politics: Freedom and Equality, Right and Law  
Plato, *Republic*, VII, 301; VIII, 540-557.  
Rousseau, *On the Social Contract*, “On Democracy.”
- Week 2:                    The Impossibility of Politics  
Derrida, *Rogues*, Part One.  
Derrida, “*Différance*.”
- Week 3:                    History and Justice  
Hegel, *Philosophy of Right* (Introduction, and selections).
- Week 4:                    Law, Justice, Force  
Kant, *Groundwork of the Metaphysics of Morals* (selections).  
Kant, *Metaphysics of Morals*, AA 6: (esp. 231-33).
- Week 5:                    On the Metaphysical Origin of Politics and Ethics  
Aristotle, *Nicomachean Ethics* (selections).  
Aristotle, *Metaphysics* (selections).
- Week 6:                    The Political Animal: Reason and Responsibility  
Aristotle, *Politics*, Bk. VI (esp. 1301a, 1317a).
- Week 7:                    The Ontology of Freedom  
Nancy, *The Experience of Freedom* (esp. Chapt. 7).
- Week 8:                    Guilty Innocent, Accessory: On Responsibility and Implication  
Schmitt, *On Guilt and Kinds of Guilt*.  
Schmitt, *Political Theology* (selections).
- Week 9:                    The Problem of the Political: Friend, Foe, Stranger  
Schmitt, *The Concept of the Political*.  
Shakespeare, *Macbeth*. Banquo: “Who’s there?”  
   Macbeth: “A friend.” (Act. II, Sc. I)  
Camus, *The Stranger*.
- Week 10:                    Concluding Discussion

**Further Suggested Reading:**

Derrida, *The Force of Law*  
Derrida, *The University without Condition*  
Foucault, *Discipline and Punish*  
Foucault, *Language, Counter-Memory, Practice*  
Heidegger, *On the Essence of Human Freedom*  
Kant, *Critique of Practical Reason*  
Kant, "Idea for a Universal History from a Cosmopolitan Point of View"  
Nietzsche, *Genealogy of Morals*  
Pascal, *Pensées*

**Some Secondary Sources on Hegel:**

Avineri, S. (1972). *Hegel's Theory of the Modern State*, Cambridge: Cambridge University Press.  
Bykova, M. (2009). "Spirit and Concrete Subjectivity in Hegel's Phenomenology of Spirit," *Blackwell Guide to Hegel's Phenomenology of Spirit*. London: Blackwell.  
Bykova, M. (2013). "Struggle for Recognition" and the Thematization of Intersubjectivity, *Essays on Hegel's Philosophy of Subjective Spirit*. New York: SUNY Press.  
Cornell, D. (1991). *Hegel and Legal Theory*, London: Routledge.  
Franco, P. (1999). *Hegel's Philosophy of Freedom*. New Haven: Yale University Press.  
Hardimon, M. (1994). *Hegel's Social Philosophy*. Cambridge: Cambridge University Press.  
Hoesle, V. (1987). *Hegels System: Der Idealismus der Subjektivitaet und das Problem der Intersubjektivitaet*. Hamburg: Meiner Verlag.  
Honneth, A. (2010). *The Pathologies of Individual Freedom: Hegel's Social Theory*. Princeton: Princeton University Press.  
Houlgate, S. (2011). *A Companion to Hegel*. London: Wiley-Blackwell.  
James, D. (2013). *Rousseau and German Idealism*. Cambridge: Cambridge University Press.  
Neuhouser, F. (2000). *Foundations of Hegel's Social Theory: Actualizing Freedom*. Cambridge: Harvard University Press.  
Patten, A. (1999). *Hegel's Idea of Freedom*. Oxford: Oxford University Press.  
Pelczynski, Z. (1971). *Hegel's Political Philosophy: Problems and Perspectives*. Cambridge: Cambridge University Press.  
Peperzak, A. (1987). *Philosophy and Politics*. The Haag: Nijhoff.  
Pippin, R. (2004). *Hegel on Ethics and Politics*. Cambridge: Cambridge University Press.  
Riedel, M. (1984). *The Hegelian Transformation of Political Philosophy*. Cambridge: Cambridge University Press.  
Stepelevich, L. (1983). *Hegel's Philosophy of Action*. Atlantic Highlands: Humanities Press.  
Stern, R. (2006). "Hegel's Doppelsatz: A Neutral Reading," *Journal of the History of Philosophy*, 44(2).  
Stern, R. (1993). *G. W. F. Hegel Critical Assessments*. London: Routledge.  
Taylor, C. (1975). *Hegel*. Cambridge: Cambridge University Press.  
Theunissen, M. (1991). "The Repressed Intersubjectivity in Hegel's Philosophy of Right," *Hegel and Legal Theory*. London: Routledge.  
Waldron, J. (1988). *The Right to Private Property*. Oxford: Clarendon Press.  
Williams, R. (1997). *Hegel's Ethics of Recognition*. Berkeley: University of California Press.  
Wood, A. (1990). *Hegel's Ethical Thought*. Cambridge: Cambridge University Press.

**Some Secondary Sources on Schmitt:**

Agamben, G. (2005). *State of Exception*. Chicago: University of Chicago Press.  
Balakrishnan, G. (2000). *The Enemy: An Intellectual Portrait of Carl Schmitt*. London: Verso.  
Bendersky, J.W. (1983). *Carl Schmitt: Theorist for the Reich*. Princeton: Princeton University Press.  
Caldwell, P. C. (1997). *Popular Sovereignty and the Crisis of German Constitutional Law*. Durham: Duke

- University Press, 1997.
- Cardozo Law Review* 21, nos. 5–6 (May 2000) [issue dedicated to Schmitt].
- Cristi, R. (1998). *Carl Schmitt and Authoritarian Liberalism*. Cardiff: University of Wales Press.
- Diner, D., ed. (1999). *Hans Kelsen and Carl Schmitt*. Tel Aviv: University of Tel Aviv.
- Dyzenhaus, D. (1997). *Legality and Legitimacy: Carl Schmitt, Hans Kelsen, and Hermann Heller*. Oxford: Clarendon.
- Dyzenhaus, D., ed. (1998). *Law as Politics: Carl Schmitt's Critique of Liberalism*. Durham: Duke University Press, 1998.
- Holmes, S. (1993). *The Anatomy of Antiliberalism*. Cambridge: Harvard University Press.
- Kennedy, E. (1987). "Carl Schmitt and the Frankfurt School." *Telos* 71, 37–66.
- Lilla, M. (1997). "The Enemy of Liberalism." *New York Review of Books* 44, No. 8.
- Meier, H. (1995). *Carl Schmitt and Leo Strauss*. Chicago: University of Chicago Press.
- Meier, H. (2003). *Carl Schmitt, Leo Strauss, and "The Concept of the Political."* Chicago: University of Chicago Press.
- Mouffe, Ch., ed. (1999). *The Challenge of Carl Schmitt*. London: Verso.
- Müller, J.W. (2002). *A Dangerous Mind: Carl Schmitt in Post-War European Thought*. New Haven: Yale University Press.
- Rasch, W. (2000). "Conflict as a vocation. Carl Schmitt and the possibilities of Politics," *Theory, Culture & Society*. No. 17: 1–32.
- Scheuerman, W. (1994). *Between the Norm and the Exception: The Frankfurt School and the Rule of Law*. Cambridge: MIT Press.
- Scheuerman, W. (1999). *Carl Schmitt: The End of Law*. Lanham: Rowman & Littlefield.
- Schwab, G. (1989). *The Challenge of the Exception: An Introduction to the Political Ideas of Carl Schmitt between 1921 and 1936*. New York: Greenwood Press.
- Wolin, R. (1990). "Carl Schmitt, Political Existentialism and the Total State," *Theory and Society*. Vol. 19, No. 2.
- Wolin, R. (1992). "Carl Schmitt, the Conservative Revolutionary: Habitus and the Aesthetics of Horror," *Political Theory*. Vol. 20, No. 3.

### **Some Secondary Sources on Derrida:**

- Caputo, J. (1997). *Deconstruction in a Nutshell*. New York: Fordham University Press.
- Caputo, J. (1999). *The Prayers and Tears of Jacques Derrida*. Bloomington: Indiana University Press, 1999.
- Cheah, P. (2009). *Derrida and the Time of the Political*. Durham: University of North Carolina Press.
- Cixous, H. (2001). *Veils*. Stanford: Stanford University Press.
- Cornell, D., ed., (1992). *Deconstruction and the Possibility of Justice*. New York: Routledge.
- Cutrofello, A. (2005). *Continental Philosophy*. London: Routledge.
- Descombes, V. (1980). *Modern French Philosophy*. Cambridge: Cambridge University Press.
- Gasché, R. (1994). *Inventions of Difference: On Jacques Derrida*. Cambridge: Harvard University Press.
- Gasché, R. (1999). *Of Minimal Things*. Stanford: Stanford University Press.
- Gasché, R. (1986). *The Tain of the Mirror*. Cambridge: Harvard University Press.
- Gutting, G. (2001). *French Philosophy in the Twentieth Century*. Cambridge: Cambridge University Press.
- Haddad, S. (2013). *Derrida and the Inheritance of Democracy*. Bloomington: Indiana University Press.
- Hägglund, M. (2008). *Radical Atheism: Derrida and the Time of Life*, Stanford: Stanford University Press.
- Krell, D. (2013). *Derrida and our Animal Others*. Bloomington: Indiana University Press.
- Lawlor, L. (2002). *Derrida and Husserl: The Basic Problem of Phenomenology*. Bloomington: Indiana University Press.
- Lawlor, L. (2007). *This is not Sufficient: An Essay on Animality and Human Nature in Derrida*. New York: Columbia University Press.

- Mitchell, W.J.T., and Davidson, A., eds. (2007). *The Late Derrida*. Chicago: University of Chicago Press.
- Naas, M. (2008). *Derrida From Now On*. New York: Fordham University Press.
- Naas, M. (2003). *Taking on the Tradition: Jacques Derrida and the Legacies of Deconstruction*. Stanford: Stanford University Press.
- Royle, N. (2000). *Deconstruction: A User's Guide*. London: Palgrave Macmillan.
- Saghafi, K. (2010). *Apparitions—Of Derrida's Other*. New York: Fordham University Press.
- Sallis, J., ed. (1987). *Deconstruction and Philosophy*. Chicago: University of Chicago Press.
- Schrift, A. (2006). *Twentieth Century French Philosophy*. Oxford: Blackwell Publishing.
- Wood, D., ed. (1994). *Derrida: A Critical Reader*. Cambridge, MA: Blackwell.
- Wood, D., ed. (1993). *Of Derrida, Heidegger, and Spirit*. Evanston: Northwestern University Press.
- Wood, D., ed. (1988). *Derrida and Différance*. Evanston: Northwestern University Press.

**Some General Internet Resources in Philosophy:**

- HSE library website: <http://library.hse.ru/>
- Oxford University Library: <http://solo.bodleian.ox.ac.uk/>
- Internet Encyclopedia of Philosophy: <http://www.iep.utm.edu/>
- Stanford Encyclopedia of Philosophy: <http://plato.stanford.edu/>
- UCD Philosophy Subject Guide: <http://libguides.ucd.ie/philosophy>

**Course Methods:**

Lectures and discussions, presentations and exams, will be used to teach students how to read, write, argue and think philosophically with regards to course-content.

**Objectives and Competencies:**

Students will learn how to avoid the following errors:

1. Confusing argument with *debate*, taking a strong, oppositional position on a topic and then trying to win points.
2. Mistaking *assertion* for argument—for even the most powerful rhetoric remains unconvincing, if not supported by clear evidence and logical reasoning.
3. Assuming that merely *describing* an issue or question is as good as arguing for a position.
4. Thinking in *simple* black-and-white terms, neglecting the nuances of argument.
5. Citing an *authority* with almost blind reverence, and *ignoring* other points of view.
6. Taking *opinion* for argument, writing papers that are *subjective*.
7. Constructing a *weakly-supported* or *poorly-reasoned* argument because it is, after all, their opinion, and they have a right to it.
8. Believing mere *comparing-and-contrasting* is an argument.
9. Relying on *structures* learned in school or university, which may not suit arguments or academic requirements in philosophy.
10. Not going from *facts* to an argument for the interpretation of the facts.

Thus, we will learn how to prepare a philosophy presentation with an original thesis, and a strongly-supported and well-reasoned argument based on textual evidence—*not* observation, data, information, opinion, examples, belief, experience or feeling. Students will learn how to be as accurate and as complete as possible (two major criteria).

**Students Learn How to:**

1. Do philosophical research.
2. From this research (reading, thinking), come to establish evidence.
3. From evidence, or its absence, make inferences.
4. Testing the validity of inferences, come to philosophical intuitions.

5. Taking those intuitions and develop a thesis.
6. Consider the thesis' validity, and use evidence and reason to construct arguments.
7. Test the arguments to determine how convincing they are, and challenge the arguments of others by employing critical analysis.

The process is not linear; rather, as students learn to craft arguments, they will be encouraged to return to the evidence, draw new inferences and form new insights that, in turn, affect the arguments that we are making. If the goal of philosophical argument is knowledge, we need to begin with the assumption—like Socrates—that we do not know. We need to understand that our own premises and biases are not fact, that what we learned at school or university, from this expert or that authority, is not necessarily correct. We thus challenge our premises and biases. In this way, we can hope to discover and to challenge the premises and biases of others. In short, students will learn to be open to experiencing some shift in understanding, to being convinced by others, and so to arguing in such a way that others experience it and are convinced as well.

One way to facilitate this shift is to think in a way that moves back-and-forth between evidence and argument—while maintaining a clear and logical progression. Thus, students will learn to:

1. Know the difference between reliable and unreliable interpretations;
2. Be persistent to observe objectively and thoroughly, and to collect textual evidence;
3. See patterns or relationships in what we have observed or discovered in our reading;
4. Infer and assume carefully;
5. Form conclusions (and provisional conclusions) while keeping an open mind;
6. Create original and convincing arguments, understanding that these arguments are not the last word, but part of an ongoing debate in a scholarly process.

Students will learn how to construct a presentation and paper. Although there are many methods, we will concentrate on “the movement from thesis to analysis to synthesis” in order to:

1. Introduce the work in a way that catches the reader's attention. A startling claim or a question that ends in a (hypo)thesis. (1/10 of the text.)
2. Gather and analyze the textual evidence: “See the trees for the forest.” Apply the criteria of “accuracy and completeness.” Analyze texts and logical reasoning; find ambiguities, questions, problems. Examine secondary sources. Consider translations. (4/5 of the text.)
3. Evaluate the evidence: immanent critique means “giving them enough rope to hang themselves.” Synthesize our arguments into a whole: “See the forest for the trees.” Use logical reasoning to make it convincing. Draw out and clarify the implications. Conclude that the hypothesis has been proven, but that questions remain. (1/10 of the text.)