

Course Syllabus
Libertarianism
PHIL 494, Spring, 2014

Instructor: Dr. Matt Zwolinski
Office Hours: 9:15 – 11:45 (Tues/Thurs)
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Required Readings:

David Boaz, *Libertarianism: A Primer*
Friedrich Hayek, *Law, Legislation, and Liberty, Volume 1: Rules and Order*
Michael Huemer, *The Problem of Political Authority*
Robert Nozick, *Anarchy, State, and Utopia*
Murray Rothbard, *For a New Liberty*
Other readings on Electronic Reserve [ER]

Recommended Reading:

Will Kymlicka, *Contemporary Political Philosophy*

Core Requirements: This course fulfills the Core Curriculum requirement for a non-ethics, non-logic philosophy course

Content:

Libertarianism is a political philosophy distinguished by its commitment to individual liberty, free markets, strong rights of private property, and strictly limited government. Many people, especially on college campuses, have obtained a passing familiarity with libertarian ideas through the writings of the novelist/philosopher Ayn Rand, or through the political campaigns of former congressman Ron Paul. But few people go beyond this superficial level of understanding to explore the deep intellectual roots of libertarian thought.

The purpose of this course is to examine libertarianism as an *academic school of thought*, and especially as a branch of *academic political philosophy*. This means that our focus will be on relatively *recent* work on libertarianism, rather than on the *historical origins* of the doctrine; on *academic* rather than on *popular* writing; and on *philosophical* rather than *economic* or other approaches to libertarian ideas.

Our course of study will revolve around some of the most influential and important books on libertarian ideas, from “classics” such as Robert Nozick’s 1974 book, *Anarchy, State, and Utopia*, to cutting-edge developments such as Michael Huemer’s 2013 book, *The Problem of Political Authority*. We will examine questions such as: Is there a natural right to ownership of one’s body? Can private property in natural resources be justified? Is libertarianism incompatible with the ideal of distributive justice? What are the legitimate functions of the state – or does it have any legitimate functions at all? And is libertarianism a fundamentally conservative doctrine, or a liberal one?

A word of caution: this is an advanced-level, upper-division philosophy course. Our purpose is to think *critically* and *philosophically* about libertarian ideas. *Agreeing with* those ideas is neither necessary nor sufficient for success in this class. What *is* necessary is thoughtful and intelligent philosophical engagement with those ideas. And this will be much, much easier for students who have some prior background in philosophy. Prior coursework in ethics and/or political philosophy is not a formal pre-requisite for this course. But if you lack this experience, you should be prepared to do a fair bit of extra reading on your own (I will help direct you) to get up to speed.

Course Requirements:

Philosophical readings are dense and difficult. It will probably take longer than you expect to read them once, and it will probably be necessary to re-read most pieces at least once to come to an adequate understanding of the material. You should expect to spend at least **six hours per week outside of class** time reading and re-reading the material. If you do this, you will have a much easier time with the quizzes, and with the short writing assignments, which should probably take up at least an additional **five to six hours each** in preparation time.

- **Quizzes** – I will give 5-10 **unannounced, multiple-choice quizzes** over the course of the semester. The purpose of these quizzes is to test your completion and comprehension of the day's reading assignment, and to encourage attendance at class. Three things to note about them:
 - First, quizzes are given at the very beginning of class. You will not be allowed extra time to take them if you are late, and **you will not be allowed to make them up** if you miss them. So it is to your advantage to show up and be seated on time every day.
 - Second, you will receive a zero for any quiz that you miss, for any reason. However, at the end of the semester, I will **drop your two lowest quiz scores**. So missing a quiz will not destroy your grade. But you will have a better chance of excelling in the course if you show up regularly.
 - Finally, these quizzes are very difficult, so it is vital that you read the material carefully and in advance of class. Read the material actively, with pen (or computer) in hand to take notes. And feel free – encouraged, even – to come to office hours any time to discuss any difficulties you might be having with the readings or the quizzes.
- **Papers** – I will assign three writing projects over the course of the semester.
 - **Short Papers:** The first two will be relatively short – no less than two and no more than three pages (typed, double-spaced, 1 inch margins and normal fonts) in length. I will assign a topic for these papers which will involve two tasks: 1) reconstructing an argument or arguments from one or more of the readings we have covered in class, and 2) providing an original critical evaluation of that/those argument(s). These papers are short not to make life easy for you but in order to force you to think carefully about what is essential to an argument and what is not. I will grade these papers with an eye to *detail* and *conceptual rigor*. Expect to be challenged.
 - **Term Paper:** The third writing assignment will be longer – between **10 and 12 pages** (typed, double-spaced, 1 inch margins and normal fonts) in length. For this paper, you will be free to choose from among a list of topics that I will provide to you. Your paper must be both *argumentative* and *philosophical*. It will be argumentative in that the primary purpose of your paper is to defend some thesis regarding a controversy in the field (rather than merely to issue a “book report” about what so-and-so said about such-and-such). It will be *philosophical* in that both the question you try to answer and the methodology you use in answering it will fall squarely within the discipline of philosophy (rather than, say, sociology, psychology, or history). This paper will be due on the day of your scheduled final (**May 22nd**). As it will be submitted electronically via Turnitin.com (see below), you do not need to come in to campus for our final exam period.
 - **Topic Proposal:** You will be expected to clear your topic with me in advance, by submitting an approximately 1/2 page topic proposal no later than **April 3rd**. The point of the proposal is to describe a **researchable question** about ideas related to the material covered in this course. Your question should be one that is theoretically *interesting*, one that has *not already been conclusively answered*, and one to which you think you can make a *reasonable contribution* toward answering in a 10-12 page paper.
 - **Working Bibliography:** By **April 17th**, you must submit a working bibliography of at least 7 sources related to your topic. This bibliography should include all relevant citation information, properly formatted. It should also include a 1-2 sentence summary of each article on the list. At least 5 of your sources must be *philosophical*. Philosophical sources are sources written by professional philosophers, and published in philosophical journals or books from academic presses.
 - **Summary of Sources:** By **April 24th**, you must submit 1/2—3/4 page summaries of 3 of your philosophical sources (1 ½ – 2 ¼ pages total), setting out their topic, their thesis, and the basic structure of their argument, as well as any potential strengths and weaknesses that might be relevant for your own project.

- **Letter to a Friend:** On **May 8th**, you will be required to turn in a 3-4 page letter to a friend in which you engage that friend's interest with your research question, discuss the sources you have read, and partially explain your own answer to your question in reference to those sources. This letter will be given to another student in the class, and you in turn will receive a letter from one of your fellow students. You will have until **May 13th** to read the letter and write a **2-page peer evaluation**. Your grade will be determined by your success in submitting a completed letter on time, and on the quality of the feedback you provide to your fellow student.
- **Late papers:** Papers are due on Turnitin.com (see below) at the beginning of the class period on the day indicated on the schedule below. **Late papers will be penalized 5 percentage points per day**, without exception.
- **Participation** – Philosophy is best learned through active conversation with others. It is therefore important that you be a regular participant in classroom discussions. Ideally, you will be sufficiently engaged with the material to contribute to these discussions spontaneously and voluntarily. As an additional stimulus, however, I will call randomly on students to answer questions in class. If you cannot answer a question satisfactorily (due to lack of preparation or absence), your class participation grade will be affected. Students may ask at any time to be informed of their current class participation grade.

Your Grade

Each activity in this class is worth a certain number of points. Your grade will be determined based on a straight (un-curved) analysis of percentage of points earned vs. total points.

Quizzes 5-10 @ 5 points each	25-50
2 Short Papers @ 20 points each	40
Term Paper Topic Proposal:	5
Working Bibliography:	5
Summary of Sources:	5
Letter to Friend and Peer Review:	10
Term Paper:	40
Participation	10
Total Points:	140-165

A+	97 - 100%
A	93 - 96.9
A-	90 - 92.9
B+	87 - 89.9
B	83 - 86.9
B-	80 - 82.9
C+	77 - 79.9
C	73 - 76.9
C-	70 - 72.9
D+	67 - 67.9
D	63 - 66.9
D-	60 - 62.9

Learning Outcomes

By the end of this course...

- Students should be able to describe, in essay form, the features that distinguish libertarian political theory from other forms of political theory (e.g. conservatism and liberal egalitarianism).
- Students should be able to identify and discuss the different approaches to libertarian theory taken by the authors covered in the class, with special reference to issues of methodology, moral foundation, and political conclusions.
- Students should be able to critically evaluate some of the particular positions taken by libertarian theorists in essay form.

Respect

This is a course in ethics, broadly construed, and one of the fundamental ethical values we will study is *respect*. I will treat you with respect in this course, and expect you to do the same for me and your fellow students. What this means in practice is (at a minimum):

For me:

- I will arrive on time and prepared for each class meeting scheduled on the syllabus.
- I will take student questions seriously and attempt to address them as helpfully as I can within the constraints of class time.
- I will keep my scheduled office hours, or provide advance notice if this is not possible.
- I will return written assignments within a reasonable time and provide you with ample constructive criticism and an adequate explanation of your grade.
- I will treat you as an adult. Part of what this means is taking your philosophical opinions seriously. But taking your views seriously does not mean treating you with kid gloves. It means that I will assume that you have put some thought into your position and that I will hold you accountable for it, and challenge you when appropriate. I expect the same from you.
- I will respect your time and not give you “busy work.”

For you:

- You will respect the opinions of your classmates, and respond to them with seriousness, courtesy, and charity.
- You will show up to class on time.
- You will read the material assigned for class prior to the meeting at which we are scheduled to discuss it.
- You will take responsibility for turning in your written assignments on time.
- You will respect my time and the time of your fellow students by helping to make our time together as productive and conducive to learning as possible.

Integrity

Doing your own work is part of what it means to have respect for me, for your fellow students, and for yourself.

As above, my treating you with respect involves treating you like an adult. As an adult, you are responsible for knowing the University’s regulations concerning Academic Integrity. **“I didn’t know it was plagiarism” is not an excuse.** Any violation of the Code of Academic Integrity is grounds for failure from the class in addition to any further penalties deemed appropriate by the Academic Integrity Committee.

USD subscribes to a service called Turnitin.com. Turnitin.com is a web-based application that compares the content of submitted papers to the Turnitin.com database and checks for textual similarities. All required papers for this course may be subject to submission to Turnitin.com for textual similarity review and to verify originality. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting textual similarities and verifying originality. Each student is responsible for submitting his or her papers in such a way that no identifying information about the student is included. A student may not have anyone else submit papers on the student’s behalf to Turnitin.com. A student may request in writing that his or her papers not be submitted to Turnitin.com. However, if a student chooses this option, the student may be required to provide documentation in a form required by the faculty member to substantiate that the papers are the student’s original work.

KEY DATES AT A GLANCE

Feb 18	-	First writing assignment due
Mar 10-14	-	No classes (Spring break)
Mar 20	-	Second writing assignment due
Apr 3	-	Term Paper Topic Proposal due
Apr 15	-	Term Paper Working Bibliography due
Apr 17	-	No class (Easter break)
Apr 24	-	Term Paper Summary of Sources due
May 8	-	Term Paper Letter to a Friend due
May 13	-	Term Paper Peer Review due
May 22	-	Term Paper Final Draft due at 11:00 AM

Schedule of Readings for PHIL 494: Libertarianism Spring, 2014 Professor Matt Zwolinski

Introduction

1	Jan 28-30	<u>Introduction to Libertarianism</u> Required Reading: - David Boaz, <i>Libertarianism: A Primer</i> , chapter 1, “The Coming Libertarian Age,” and chapter 2, “The Roots of Libertarianism”
2	Feb 4-6	<u>Libertarianism, Applied</u> Required Reading: - Murray Rothbard, <i>For a New Liberty</i> , chapter 2, “Property and Exchange,” chapter 5, “Involuntary Servitude,” and chapter 13, “Conservation, Ecology, and Growth”
3	Feb 11-13	<u>Libertarian Economic Analysis</u> Required Reading: - Milton Friedman, <i>Free to Choose</i> , chapter 1, “The Power of the Market” [ER] - William Mitchell and Randy Simmons, “Pathological Politics: The Anatomy of Government Failure” [ER]

Natural Rights Libertarianism

4	Feb 18-20	<u>Nozick on Natural Rights and the State of Nature</u> First writing assignment due February 18th Required Reading: - John Locke, <i>The Second Treatise of Civil Government</i> , chapter 2, “The State of Nature,” and chapter 5, “Of Property” [ER] - Robert Nozick, <i>Anarchy, State, and Utopia</i> , chapter 1, “Why State of Nature Theory,” chapter 2, “The State of Nature,” and chapter 3, “Moral Constraints and the State”
5	Feb 25-27	<u>Nozick’s Justification of the Minimal State</u> Required Reading: - Robert Nozick, <i>Anarchy, State, and Utopia</i> chapter 4, “Prohibition, Compensation, and Risk,” and chapter 5, “The State”
6	Mar 4-6	<u>Nozick’s Entitlement Theory and Critique of Rawls</u> Required Reading: - Robert Nozick, <i>Anarchy, State, and Utopia</i> , chapter 7, “Distributive Justice”
7	Mar 11-13	No Classes: Spring Break

- 8 Mar 18-20 Property and Provisos
Second writing assignment due March 20th
Required Reading: - David Schmidtz, “The Institution of Property” [ER]
- Eric Mack, “The Natural Right of Property” [ER]

Spontaneous Order

- 9 Mar 25-27 Hayek on Rules and Order
Required Reading: - Friedrich Hayek, *Law, Legislation, and Liberty*, Vol. 1, chapter 1, “Reason and Evolution,” and chapter 2, “Cosmos and Taxis”

- 10 Apr 1-3 Hayek on Law and Legislation
Term Paper Topic Proposal due April 3rd
Required Reading: - Friedrich Hayek, *Law, Legislation, and Liberty*, Vol. 1, chapter 3, “Principles and Expediency,” and chapter 4, “The Changing Concept of Law”

- 11 Apr 8-10 Social Justice and Natural Rights
Required Reading: - Friedrich Hayek, “‘Social’ or Distributive Justice” [ER]
- John Hasnas, “Toward a Theory of Empirical Natural Rights” [ER]

Anarchism

- 12 Apr 15 Huemer on the Problem of Political Authority
Term Paper Working Bibliography due April 15th
No Class April 17th – Easter Break
Required Reading: - Michael Huemer, *The Problem of Political Authority*, chapter 1, “The Problem of Political Authority”

- 13 Apr 22-24 Huemer on the Problem of Political Authority
Term Paper Summary of Sources due April 24th
Required Reading: - Michael Huemer, *The Problem of Political Authority*, chapter 3, “The Hypothetical Social Contract Theory,” chapter 6, “The Psychology of Authority,” chapter 7, “What if There Is No Authority?” and chapter 8, “Evaluating Social Theories”

- 14 Apr 29-May 1 Huemer on Anarcho-Capitalism
Required Reading: - Michael Huemer, *The Problem of Political Authority*, chapter 9, “The Logic of Predation,” chapter 10, “Individual Security in a Stateless Society,” chapter 11, “Criminal Justice and Dispute Resolution,” and chapter 12, “War and Societal Defense”

Left-Libertarianism

- 15 May 6-8 Feminism and Anti-Capitalism
Term Paper Letter to a Friend due May 8th
Required Reading: - Roderick T. Long, “Corporations versus the Market, or Whip Conflation Now” [ER]
- Roderick T. Long and Charles W. Johnson, “Libertarian Feminism: Can This Marriage Be Saved?” [ER]

- 16 May 13 Radical Redistribution
Term Paper Peer Review due May 13th
Required Reading: - Karl Hess, “What Are the Specifics?” [ER]
- Murray Rothbard, “Confiscation and the Homestead Principle” [ER]

Final Term Paper due Thursday, May 22nd, at 11:00 AM

Appendix

A Brief Guide to Recommended Further Reading on Libertarianism

Introductory

1. **Jason Brennan, *Libertarianism: What Everyone Needs to Know* [2012]**
A good, up-to-date, and easy to read overview of libertarian thought and politics. The format is a series of short questions-and answers, which makes browsing easy.
2. **Milton and Rose Friedman, *Free to Choose* [1981]**
Highly accessible overview of economic and political issues from one of the 20th century's leading classical liberal economists. Includes discussions of school vouchers and a negative income tax, two of Friedman's most innovative suggestions for reforming government in a more market-friendly direction.
3. **Jacob Huebert, *Libertarianism Today* [2010]**
An excellent recent primer on libertarianism from a broadly Rothbardian natural rights perspective. Good discussions of the drug war, military conflict, and intellectual property.
4. **Norman Barry, *On Classical Liberalism and Libertarianism* [1986]**
This book is very hard to find, but it presents one of the best overviews of libertarian thought I have ever seen in print, drawing careful distinctions between different forms of both economic and philosophical libertarianism, and critically evaluating their relative strengths and weaknesses.
5. **Gary Chartier and Charles Johnson, eds., *Markets Not Capitalism* [2011]**
An extremely useful collection of essays exploring the "leftist" roots and implications of libertarian thought, from which several readings in this class were drawn.

Economics

1. **Frederic Bastiat, *Economic Sophisms* [1845]**
A collection of short essays from one of the greatest economic polemicists of the 19th century. Some of the most pithy and memorable critiques of protectionism and other economic fallacies ever written.
2. **David Friedman, *The Machinery of Freedom*, 2nd edition [1989]**
An extremely readable explanation and defense of the free-market written by Milton Friedman's son. Unlike his father, however, David Friedman thinks the market can provide *all* goods and services – including police, courts, and law! This book is one of the most popular and influential defenses of "anarcho-capitalism."
3. **Friedrich Hayek, *Individualism and Economic Order* [1949]**
This book contains some of Hayek's most important economic and philosophical essays, including "The Use of Knowledge in Society," and "Individualism: True and False." If you are only going to read one book by Hayek, this should be it.
4. **Israel Kirzner, *The Meaning of Market Process* [1996]**
Kirzner is one of the most important currently living Austrian economists, and this book contains a series of essays exploring the important Austrian idea of market competition as a dynamic process in a world of imperfect information.
5. **Ludwig von Mises, *Human Action* [1949]**
This is the foundational text of Austrian economists, and a book that has had a profound impact on the development of 20th century libertarian thought, especially through Ayn Rand and Murray Rothbard. Von Mises was the most important economist of the Austrian school, and this is his *magnum opus*.

Philosophy

1. **David Schmidtz and Robert Goodin, *Social Welfare and Individual Responsibility* [1998]**
A “for and against” look at the welfare state. David Schmidtz’s half of the book sets out some important and highly accessible arguments in favor of internalized responsibility and private property. And Robert Goodin makes a powerful case for collectivized responsibility.
2. **Randy Barnett, *The Structure of Liberty* (Oxford University Press, 1998)**
An important synthesis of libertarian theory, and an interesting attempt to combine natural rights and consequentialist analysis into a coherent defense of a libertarian, polycentric legal order.
3. **John Tomasi, *Free Market Fairness* [2012]**
Can libertarians believe in social justice? Can the liberal egalitarianism of John Rawls be merged with the classical liberalism of Friedrich Hayek? This book argues that the answers to both questions is “yes.” This is one of the most important recent books on libertarian thought.
4. **Jan Narveson, *The Libertarian Idea* [1992]**
A contractarian defense of libertarianism, inspired by the work of David Gauthier and Robert Nozick. Discusses both libertarian theory and its application to current controversies such as children’s rights, zoning laws, and national defense.
5. **G.A. Cohen, *Self-Ownership, Freedom, and Equality* [1995]**
A critical exploration of Nozick’s reliance on the concept of “self-ownership.” Cohen argues that Nozick’s libertarian conclusions do not necessarily follow from self-ownership, and that we have good reason to reject the concept anyway. Probably the most important critique of libertarianism ever written.
6. **Peter Vallentyne and Hillel Steiner, eds., *Left Libertarianism and its Critics: The Contemporary Debate*. [2000]**
An extremely useful collection of essays defending a “left-libertarianism”: a theory that combines libertarian rights of self-ownership with an egalitarian theory of ownership of external resources.
7. **Susan Moller Okin, *Justice, Gender, and the Family* [1991]**
An important work in feminist political theory that includes criticisms of the libertarian view on children’s rights.
8. **Murray Rothbard, *The Ethics of Liberty* [1982]**
This book is Rothbard’s attempt to set out and defend a more philosophically rigorous version of the anarcho-capitalist view first articulated in his *For a New Liberty*. Includes discussions of natural law theory, children’s rights, and the views of Hayek, von Mises, and Nozick.
9. **Douglas Rasmussen and Douglas Den Uyl, *Norms of Liberty* [2005]**
Drawing some inspiration from the work of Ayn Rand, this book sets out an Aristotelian or virtue-ethics based form of classical liberalism, and defends the view against communitarian and conservative critics.
10. **Richard Epstein, *Principles for a Free Society* [1998]**
Legal theorist Richard Epstein argues for classical liberalism based on a utilitarian justification of natural law reasoning, and a reinterpretation of Mill’s Harm Principle.
11. **Loren Lomasky, *Persons, Rights, and the Moral Community* [1987]**
A thorough and unique philosophical defense of classical liberalism based on the idea that agents require liberty to pursue projects that matter to them, and must grant liberty to others to expect it themselves. Philosophically sophisticated and engagingly written.

12. Gerald Gaus, *The Order of Public Reason* [2012]

One of the most important books in classical liberal political theory of the last several decades. Gaus's book draws insights from Rawls, social choice theory, behavioral psychology, and elsewhere to articulate and defend a "public reason" approach to political theory. Massive in both size and significance.

13. Friedrich Hayek, *Law, Legislation, and Liberty* [1973]

This three volume series represents the fullest development of Hayek's social and political thought, applying his concepts of dispersed knowledge and spontaneous order to the phenomena of law and justice. Extremely important.