

## Introduction to the Theory of Politics 2023/24

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### A. Course Information

This course provides an introduction to some of the central historical thinkers and contemporary issues within political theory. We will look at two texts in the history of political thought (Rousseau's *The Social Contract* and Mill's *On Liberty*), two related core concepts within political theory (democracy and liberty), and one somewhat more applied issue (free speech). In examining these topics, we will also encounter several other themes, including equality, authority, and feminist thought.

### Tutorials

You will be required to write four essays – one for our Michaelmas Term tutorial, and three during Hilary Term.

Essays should be **1,500-2,000 words**, and must be emailed to me by **7pm on the day before the tutorial**. Please also email essays to your tutorial partner(s), so they can read them before the tutorial.

In the week that you choose not to write an essay, you should still do the reading, and must submit a brief essay plan instead.

There is a choice of essay questions each week. Please write your essay on one of the two questions listed under 'essay questions' in the reading lists below. It is fine for tutorial partners to write essays on different questions.

In each tutorial one of you will give a **5 minute presentation** of their essay. I would suggest that you read out your introduction, summarise the argument of each paragraph, and then read out your conclusion. The student(s) who do not present will respond to the argument, raise questions etc., and we will then have a discussion based on the issues that are raised.

### Reading lists

Reading lists are below. The readings are in alphabetical order, rather than priority order. I have written short guides to help you navigate the readings and decide which ones you want to focus on, depending on the essay question you have chosen and your interests.

You are not expected (and would not be able) to read everything on these lists each week, but should aim to cover a fair amount of it. Later in the year you can top up your reading for the topics you choose to prepare for the exam.

For the weeks on Rousseau and Mill, please ensure that you carefully read the core primary texts first, and then as much of the rest of the reading list as you can.

For the topical weeks, the most important readings in the topical weeks are starred – but this does not mean that it would be sufficient *only* to do those readings. Indeed, it would not be. You

should start with the starred readings, but then read further, guided by your chosen essay question.

The readings are based on the department's reading list, which you may want to consult if you wish to do any further reading for a topic.

If you have trouble finding any of the readings then please let me know in advance of the tutorial.

Study questions are also given; these are worth thinking about after you've done the readings.

I have also included a list of past exam questions for each topic. These will be useful to look through during your revision. I note whether they were set in an exam for PPE or History & Politics (HPOL) students. However, there is no difference in the syllabus, so all of these questions could have been set for students on either course.

### **Essay tips**

Essays should include a bibliography of everything you've read, and references where appropriate.

Essays should be focused on the question asked. They should begin with a clear introduction in which you briefly state your conclusion and explain how your argument will develop through the course of the essay.

The aim is not to write everything that you possibly can about the topic, but to give a focused and coherent answer to the specific essay question. This requires you to present and defend a thesis. It is important that you make an argument, rather than just presenting several sides of a case or summarising the readings.

For some questions, in order to remain focused you may need to narrow down the question to one of several possible interpretations.

I have sent you a separate writing guide for political theory papers, which I strongly encourage you to read before writing your first essay.

### **Contacting me**

If you have any problems or questions then please email me. If you are struggling with the workload at any point then please get in touch in advance of that week's tutorial.

## B. Reading lists

### 1. Rousseau (*The Social Contract*)

In *The Social Contract* (1762), Rousseau seeks to answer a fundamental question within political philosophy: how can individuals be part of a society, and live under the laws that society enacts, while remaining free and equal (see Book 1, Chapter 6)? How can there be a 'free community of equals' (Cohen 2010)? His answer appeals to a particular understanding of sovereignty, democracy, government, and freedom, centred on the enactment of the general will. But is this really a recipe for freedom and equality?

The further primary reading is an earlier essay, known as *The Second Discourse* (1755), which seeks to establish why there is so much social, economic, and political inequality in the societies of Rousseau's (and our) day. If *The Social Contract* gives a picture of the ideal society, founded by the ideal social contract, *The Second Discourse*, explains our non-ideal reality, founded by a scam contract imposed by the rich on the poor.

The secondary reading explores various themes from Rousseau's work in more detail. Bertram, Cohen, and Spector each offer explanations of some of the central ideas of *The Social Contract*. Wolff's chapter places Rousseau's views within the broader sweep of political theories of democracy. Schwartzman and Waldron explore Rousseau's views on voting, majorities, and minorities: why did Rousseau endorse majority-voting as a way to identify the general will? The chapters in the Wokler collection offer contrasting perspectives on Rousseau's success at reconciling liberty and authority. Okin and Weiss detail and critique Rousseau's views on women, and his endorsement of a patriarchal family and social structure.

Primary text:

- Rousseau, Jean-Jacques, *The Social Contract*, 1762 (Various editions of this are available)

Further primary reading:

- Rousseau, Jean-Jacques, 'Discourse on the Origins of Inequality Among Men' ('The Second Discourse') [1755], in Victor Gourevitch (ed.), *The Discourses and Other Early Political Writings* (Cambridge: Cambridge University Press, 1997/2019)

Secondary reading:

- Bertram, Christopher, *Rousseau and the Social Contract* (Routledge Philosophy Guidebook) (London: Routledge, 2003)
- Cohen, Joshua, *Rousseau: A Free Community of Equals* (Oxford: Oxford University Press, 2010), especially chapters 2 & 3
- Okin, Susan Moller, *Women in Western Political Thought* (Princeton, NJ: Princeton University Press, 2013), Part III, especially chapter 7
- Schwartzberg, Melissa, 'Voting the General Will: Rousseau on Decision Rules', *Political Theory*, 36(3) (2008)
- Spector, Céline, *Rousseau* (Cambridge: Polity Press, 2019), especially chapters 2 & 3
- Waldron, Jeremy, 'Rights and majorities: Rousseau revisited', in Waldron, Jeremy, *Liberal Rights: Collected Papers 1981-1991* (Cambridge: Cambridge University Press, 1993)
- Weiss, Penny A., 'Rousseau, Antifeminism, and Woman's Nature', *Political Theory*, 15(1) (1987)

- Wokler, Robert (ed.), *Rousseau and Liberty* (Manchester: Manchester University Press, 1995), chapters by Mason, Cranston, Crocker, and Hampshire-Monk
- Wolff, Jonathan, *An Introduction to Political Philosophy*, 2<sup>nd</sup> or 3<sup>rd</sup> edition (Oxford: Oxford University Press, 2006/2016), chapter 3

Essay questions:

- In what senses are individual citizens in Rousseau's state 'free'?
- "Therefore when the opinion contrary to my own prevails, it proves nothing more than that I made a mistake and that what I took to be the general will was not." (*The Social Contract*) Why does Rousseau say this, and is he right to do so?

Study questions:

- What problem is Rousseau seeking to solve in *The Social Contract*?
- What's the state of nature for Rousseau, and why do we leave it?
- What does Rousseau mean by the 'General Will'?
- How can one distinguish the General Will from the will of all?
- Is it necessary that there is consensus among citizens if the 'General Will' is to prevail?
- Define the following terms in Rousseau: Sovereign, Government, Law, Civil Society, Community, and Common Good.
- What is Rousseau's distinction between natural, civil, and moral liberty?
- What role do laws play in determining the character of the people in a given state?
- What is the relationship between liberty and equality?
- Is it fair to say that while Rousseau aims for freedom in *The Social Contract*, the state he envisages would be highly oppressive?

Past exam questions:

- Is the law-giver consistent with Rousseau's idea of popular sovereignty? (PPE, 2013)
- Man is born free, can be forced to be free, and is free when he lives under a law he prescribes for himself. Can Rousseau reconcile these claims? (HPOL, 2013)
- Is Rousseau's social contract consistent with constitutional democracy? (PPE, 2014)
- Can the citizens of Rousseau's Social Contract meaningfully be described as free? (HPOL, 2014)
- 'The impulse of mere appetite is slavery, while obedience to the law one has prescribed to oneself is freedom.' Discuss with reference to Rousseau's *The Social Contract*. (PPE, 2015)
- 'The society described by Rousseau in *The Social Contract* is an unrealisable utopia.' Discuss. (HPOL, 2015)
- What role does the idea of equality play in Rousseau's *The Social Contract*? (2015 long vac)
- Does Rousseau offer a convincing account of how those in the minority prescribe the laws they have to obey? (PPE, 2016)
- Do Rousseau's remarks concerning a civil religion count against seeing him as a democrat? (HPOL, 2016)
- Does Rousseau succeed in reconciling individual autonomy with collective political power? (2016 long vac)

- What does Rousseau mean when he says a citizen 'must be forced to be free'? Is it as sinister as it sounds? (PPE, 2017)
- Explain the distinction between sovereignty and government for Rousseau. Why is it important? (HPOL, 2017)
- Why does Rousseau reject partial associations, and is he right to? (2017 long vac)
- Is Rousseau's understanding of the general will inconsistent with diversity among citizens? (PPE, 2018)
- Does the place of the censor in Rousseau's theory make his view anti-democratic? (HPOL, 2018)
- Is the state proposed in Rousseau's Social Contract too dependent on citizens being committed to the common good? (PPE, 2019)
- 'The problem with Rousseau's theory of the state, as set out in the *Social Contract*, is that it places no limits on the authority of the government.' Discuss. (HPOL, 2019)
- Is Rousseau's theory of the state in the *Social Contract* too dependent on citizens achieving unanimous agreement on what to do? (2019 long vac)
- Is Rousseau's theory of a free political society doomed by its unrealistic expectation that citizens will agree on what laws to make? (PPE, 2021)
- Rousseau says that democracy is a form of government suited to gods not men (*The Social Contract* Book 3, Chapter 4). How, if at all, is this consistent with his argument that laws must be made through an assembly of citizens? (HPOL, 2021)
- Is Rousseau's theory in *The Social Contract* capable of adequately addressing minority dissent? (PPE, 2022)
- 'It is hopeless to think that all the people can be sovereign, therefore Rousseau's position is doomed to fail.' Discuss. (HPOL, 2022)
- Without good laws we will lack good citizens; without good citizens we will fail to produce good laws.' Critically assess how far, if at all, this poses a problem for Rousseau's account in *The Social Contract*. (PPE, 2023)

## 2. Democracy

Democracy is widely regarded as the only justifiable and legitimate system of political decision-making. But what exactly *is* democracy? And why should we value it? What might justify this way of making collective choices? This week we build on our encounter with Rousseau's theory of democracy by exploring competing models of, and justifications for, this political system. We will see that theorists have quite different understandings both of what democracy is and why it is valuable, and thus what kinds of institutions and practices constitute a true democracy.

Swift's chapter offers a helpful overview of democratic theory, and thus might be a good place to start. Schumpeter's classic chapters critique the idea that democracy is in any way about discovering the 'will of the people', and defends a minimalist conception, focused merely on a choice between which elites will rule. Christiano offers a competing perspective, arguing that democracy realises, and is demanded by, the value of equality. But Jones asks whether majority rule always promotes equality. And Estlund challenges us to consider the importance of the quality of decisions.

Another set of readings explore the idea of 'deliberative democracy', which places deliberation at the heart of the justification for, and practice of, democracy. As Young explains, this view is contrasted with aggregative models of democracy, that simply see it as being about aggregating individuals interests and preferences. Cohen argues that deliberation is core to democratic legitimacy, while Miller explores whether deliberative democracy can escape problems presented by social choice theory to aggregative models. Sanders offers a forceful critique of deliberation, on grounds of its exclusionary implications. Young takes up this concern, but seeks to develop an account of deliberative democracy that evades this problem. Landemore explores the relationship between deliberative democracy and the institutions of representative democracy, in the light of the crisis of the latter. Fishkin considers how ideas of deliberative democracy might be put into practice, through deliberative opinion polls.

(Note that many of the readings are in David Estlund's edited collection, *Democracy*.)

### Readings:

- \*Christiano, Thomas, 'Democracy as Equality', in *Democracy*, ed. David Estlund (Oxford: Blackwell, 2002)
- Cohen, Joshua, 'Deliberation and Democratic Legitimacy', in *Democracy*, ed. Estlund; also in *The Good Polity: Normative Analysis of the State*, eds. Alan Hamlin and Philip Pettit (Oxford: Basil Blackwell, 1989)
- Estlund, David, 'Political Quality', in *Democracy*, ed. Estlund
- Fishkin, James S., *Democracy and Deliberation: New Directions for Democratic Reform* (London: Yale University Press, 1991), chapters 1-6, 8
- Jones, Peter, 'Political Equality and Majority Rule', in Miller, David, and Larry Siedentop (eds.), *The Nature of Political Theory* (Oxford: Clarendon Press, 1983)
- Landemore, Hélène, 'Deliberative Democracy as Open, Not (Just) Representative Democracy', *Daedalus* 146(3) (2017)
- Miller, David, 'Deliberative Democracy and Social Choice', in *Democracy*, ed. Estlund
- Sanders, Lynn M., 'Against Deliberation', *Political Theory* 25(3) (1997)
- \*Schumpeter, Joseph, *Capitalism, Socialism and Democracy* (London: George Allen & Unwin, 1943), chapters 21-22

- \*Swift, Adam, *Political Philosophy: A Beginners' Guide for Students and Politicians*, 2<sup>nd</sup> or 3<sup>rd</sup> or 4<sup>th</sup> edition (Cambridge: Polity, 2006 or 2013 or 2019), chapter on democracy
- \*Young, Iris Marion, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), chapter 1

Essay questions:

- When, if ever, can it be democratic to place constraints on majority rule?
- "Democracy cannot exist, let alone flourish, without deliberation amongst citizens." Discuss.

Study questions:

- Is democracy necessary for liberty?
- Is democracy simply about majority rule? Can majorities govern undemocratically?
- What is the role of representation in a democracy? What kinds of representation are important?
- Can representative democracy be preferable to direct democracy?
- Should democracy be a matter of aggregating preferences or of reconciling judgments?
- To what extent is democracy compatible with a role for elites?
- To what extent does true democracy require high levels of deliberation and of popular participation?
- Is democracy justified by its intrinsic fairness or by its consequences?

Past exam questions:

- 'Deliberative democracy is a nice idea in principle, but infeasible in practice'. Discuss (PPE, 2013)
- Are the benefits of democratic decision-making entirely consequentialist? (HPOL, 2013)
- Can representation improve democratic decision-making? (HPOL, 2013)
- Is democracy a uniquely fair way of reaching political decisions? (PPE, 2014)
- Does true democracy require high levels of popular participation? (HPOL, 2014)
- Does democracy require that there is widespread deliberation relating to public policy? (PPE, 2015)
- Is there any role for direct democracy within modern political systems? (HPOL, 2015)
- Does the value of democracy lie in the facility it offers citizens to remove corrupt rulers? (PPE, 2016)
- Is representative democracy a compromise away from a more ideal direct democracy? (HPOL, 2016)
- 'In a fair political procedure those with most at stake should have more of a say in a decision.' Discuss. (2016 long vac)
- 'Democracy is about deliberation, not majority-rule.' Discuss. (PPE, 2017)
- Is democracy the only legitimate form of government? Why or why not? (HPOL, 2017)
- 'Democracy is fundamentally about inputs, not outputs.' Discuss. (2017 long vac)
- Is majority rule the best decision-making procedure for democracies? (PPE, 2018)
- Is democracy morally justified as a system of government? (HPOL, 2018)
- How can a democrat answer the proposition that, if a good despot could be ensured, despotic monarchy would be the best form of government? (PPE, 2019)

- Is the best argument for democratic government that 'each must count for one and none for more than one'? (HPOL, 2019)
- 'Since having power to rule over others should be a privilege reserved for those who respect others, 'one person one vote' is not a good principle.' Discuss. (2019 long vac)
- Is democracy best thought of as a system for selecting governments? (PPE 2021)
- Must a democratic government advance the interests of its citizens to be legitimate? (HPOL 2021)
- Does democracy have anything to commend it when it systematically fails to deliver good policy? (PPE, 2022)
- 'No individual citizen's vote will change the democratic outcome.' If so, does majoritarian democracy give citizens any meaningful say in the laws that apply to them? (HPOL, 2022)
- What kind of deliberation, if any, is necessary for a democratic society? (PPE, 2023)



### 3. Mill (*On Liberty*)

Mill's *On Liberty* seeks to answer the question of the proper extent of social control over the individual. When is social interference in individual conduct permissible? Mill offers a forceful defence of freedom of speech and action, grounded in a view of human flourishing that emphasises individuality and self-development. He argues that interference is only permissible in order to prevent harm to others, and seeks to specify and apply this 'harm principle'.

Levine and Wolff each offer explanations of the central ideas of *On Liberty*, and discussions of some of the problems faced by Mill's argument. Rees takes up what is often seen as *On Liberty's* main weakness, the ambiguity of the harm principle, and seeks to offer a response. Gray similarly seeks to develop and defend an interpretation of Mill's views on liberty. Waldron explores whether 'moral distress' – the distress created by encountering views that one considers objectionable – counts as harm, within Mill's theory.

The further primary reading is Mill's essay, heavily influenced by his late wife Harriet Taylor Mill, *The Subjection of Women*, which critiques the gender structure and hierarchy of his day. Annas and Okin provide critical assessments of this work.

Mantena explores, and elucidates the tensions within, another aspect of Mill's views: his liberal imperialism, grounded in his characterisation of civilised and 'barbarian' societies.

Primary Text:

- Mill, John Stuart, *On Liberty*, 1859 (Various editions available)

Further primary reading:

- Mill, John Stuart, *The Subjection of Women*, 1869 (Various editions available)

Secondary reading:

- Annas, Julia, 'Mill and the Subjection of Women', *Philosophy* 52(200) (1977)
- Berlin, Isaiah, 'John Stuart Mill and the Ends of Life', in *Mill: Texts and Commentaries*, ed. Alan Ryan (London: Norton, 1997); also in Berlin, *Four Essays on Liberty* (London: Oxford University Press, 1969)
- Gray, John, *Mill on Liberty: A Defence*, 2<sup>nd</sup> edition (New York: Routledge, 1996), chapters 1 & 3
- Levine, Andrew, *Engaging Political Philosophy: From Hobbes to Rawls* (Malden, Mass.: Blackwell, 2002), chapter 4
- Mantena, Karuna, 'Mill and the Imperial Predicament', in *J.S. Mill's Political Thought: A Bicentennial Reassessment*, ed. Nadia Urbinati and Alex Zakaras (Cambridge: Cambridge University Press, 2007)
- Okin, Susan Moller, *Women in Western Political Thought* (Princeton, NJ: Princeton University Press, 2013), chapter 9
- Rees, John C., 'The Principle of Liberty', in *Mill*, ed. Ryan; also published as 'A Re-Reading of Mill on Liberty', *Political Studies* 8(2) (1960)
- Waldron, Jeremy, 'Mill and the Value of Moral Distress', in *Mill*, ed. Ryan; also in *Political Studies*, 35:3 (1987); also in Waldron, *Liberal Rights: Collected Papers, 1981-1991* (Cambridge: Cambridge University Press, 1993)
- Wolff, Jonathan, *An Introduction to Political Philosophy*, 2<sup>nd</sup> or 3<sup>rd</sup> edition (Oxford: Oxford University Press, 2006/2016), chapter 4

Essay questions:

- Is Mill's Harm Principle clear enough to serve as an adequate basis for the task of regulating freedom in the modern state?
- Is liberty, in Mill's *On Liberty*, an end or a means to an end?

Study questions:

- What is the role of freedom of thought and expression in Mill's theory of freedom?
- How persuasive is Mill's defence of freedom of expression?
- What place does 'rationality' have in Mill's theory of liberty?
- Does Mill make a compelling case against state paternalism?
- Does Mill's celebration of individuality subvert the needs of citizenship?
- 'The principle of freedom cannot require that he should be free not to be free.' (Mill, *On Liberty*). Why not?
- What did Mill value more, individuality or the freedom that is a condition for it?
- Does Mill make a compelling case against state paternalism?

Past exam questions:

- Is Mill's defence of individual liberty compatible with his utilitarian beliefs? (PPE, 2013)
- How illuminating is it to describe Mill's justification of freedom of expression as utilitarian in character? (HPOL, 2013)
- Do Mill's views on voluntary slavery undermine his case for the Harm Principle? (PPE, 2014)
- Does Mill's argument in *On Liberty* rest upon a negative or a positive view of freedom? (HPOL, 2014)
- To what extent does Mill's argument in *On Liberty* succeed in differentiating harm and offence? (PPE, 2015)
- Is Mill right to argue against state paternalism? (HPOL, 2015)
- Can Mill's harm principle be reconciled with his remarks in *On Liberty* concerning 'offences against decency'? (PPE, 2016)
- Is Mill right to believe that the moral coercion of public opinion can limit individual liberty? (HPOL, 2016)
- 'A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury.' (Mill) If so, does this render the Harm Principle hopelessly broad? (2016 long vac)
- Is Mill a theorist of negative liberty? (PPE, 2017)
- 'The major problem with *On Liberty* is that Mill does not acknowledge that all actions are 'other regarding'.' Discuss. (HPOL, 2017)
- 'Mill's commitment to individual rights is undermined by his utilitarianism.' Discuss. (2017 long vac)
- On what grounds, if any, can Mill oppose voluntary slavery agreements while also holding the harm principle? (PPE, 2018)
- Is Mill's harm principle compatible with his utilitarianism? (HPOL, 2018)
- 'Mill says that *On Liberty* presents 'one very simple principle' for guiding collective interference with individual liberty, but the principle is in fact very hard to grasp.' Discuss. (PPE, 2019)

- Is Mill right to think that the harm principle defended in *On Liberty* can protect individuals from the 'tyranny of the majority'? (HPOL, 2019)
- Is Mill's rejection of paternalism too uncompromising? (2019 long vac)
- Is Mill's defence of freedom of expression in *On Liberty* consistent with the Harm Principle that he advocates? (PPE, 2021)
- 'Although critics claim that in *On Liberty* Mill makes a meaningless distinction between harms to self and to others, Mill in fact successfully answers this objection.' Do you agree? (HPOL, 2021)
- 'The central value in Mill's *On Liberty* is positive liberty.' Discuss. (PPE, 2022)
- 'Mill's Harm Principle is compelling as a general guideline, but highly implausible as an absolute principle.' Discuss. (HPOL, 2022)
- 'The harm principle has enduring appeal precisely because it is compatible with various accounts of 'harm'.' Discuss. (PPE, 2023)

## 4. Liberty

Liberty is a central political value. For many, one of the main aims of politics is to protect and promote individual freedom. But what does it mean to be (politically) free? What counts as a constraint on our freedom? How does freedom relate to our economic, social, and political circumstances? This week we build on our examination of Mill by looking more directly at the concept of liberty.

Swift and Miller each provide very helpful introductions to the topic and the main positions in the debate.

Berlin famously distinguishes two concepts of liberty, negative and positive. MacCallum argues that he is conceptually mistaken to do so, while Taylor argues that he is normatively mistaken in his exclusive commitment to negative liberty, thus defending a positive conception. Hirschmann goes further, arguing that feminist insights show both negative and positive conceptions to be insufficient to explain how women are made unfree by patriarchal societies.

Much political debate about freedom focuses on the way that one's economic circumstances affect, or don't affect, one's level of freedom. Cohen and Waldron examine this issue, and both argue that such circumstances do affect one's freedom, even within a negative conception of liberty.

Another set of readings discuss the 'republican' conception of freedom. Skinner offers a historical account of this view within early modern political thought, while Pettit offers a contemporary defence of its relevance and political implications. Costa and Rogers both critique Pettit: Costa explores his view from a feminist perspective, while Rogers offers a reinterpretation of republican freedom drawing on nineteenth century African American political thought.

Readings:

NB: Many of these readings are (also) in David Miller's anthology *The Liberty Reader* (Edinburgh: Edinburgh University Press, 2006). Readings with no location reference are only in Miller.

- \*Berlin, Isaiah, 'Two Concepts of Liberty' in his *Four Essays on Liberty* (London: Oxford University Press, 1969); also in *Contemporary Political Philosophy: An Anthology*, eds. Robert Goodin and Philip Pettit
- Cohen, Gerald, 'Freedom and Money', in his *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, ed. Michael Otsuka (Princeton: Princeton University Press, 2011)
- Costa, Victoria, 'Is Neo-Republicanism Bad for Women?' *Hypatia*, 28(4) (2013)
- Hirschmann, Nancy J., 'Toward a Feminist Theory of Freedom'
- \*MacCallum Jr., Gerald, 'Negative and Positive Liberty', *Philosophical Review*, 76(2) (1967); also in *Concepts in Social and Political Philosophy*, ed. Richard Flathman (New York: Macmillan, 1973)
- Miller, David, 'Introduction'
- Pettit, Philip, 'Republican Freedom and Contestatory Democracy', in *Democracy's Value*, eds. Ian Shapiro and Casiano Hacker-Cordón (Cambridge: Cambridge University Press, 1999)
- Rogers, Melvin L., 'Race, Domination, and Republicanism', in Danielle Allen and Rohini Somanathan, *Difference without Domination* (Chicago: The University of Chicago Press, 2020)

- Skinner, Quentin, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998), chapter 2
- \*Swift, Adam, *Political Philosophy: A Beginners' Guide for Students and Politicians*, 2<sup>nd</sup> or 3<sup>rd</sup> or 4<sup>th</sup> edition (Cambridge: Polity, 2006 or 2013 or 2019), chapter on liberty
- \*Taylor, Charles, 'What's Wrong with Negative Liberty', in his *Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985); also in *The Idea of Freedom*, ed. Alan Ryan (Oxford: Oxford University Press, 1979)
- Waldron, Jeremy, 'Homelessness and the Issue of Freedom', *U.C.L.A. Law Review* 39 (1991); also in his *Liberal Rights: Collected Paper, 1981-1991* (Cambridge: Cambridge University Press, 1993)

#### Essay questions:

- How (if at all) do economic circumstances affect an individual's liberty?
  - The Cohen and Waldron readings are especially useful for this essay
- Must one participate in political decision-making in order to be free?
  - The readings on republican theories of freedom (particularly Pettit) are especially useful for this essay

#### Study questions

- How many concepts of liberty are there, and why should the answer to this question matter?
- Is liberty primarily about the absence of law or the authorship of law?
- Is there a single concept of liberty underpinning the many ways in which the term is used by political thinkers?
- What is the difference (if any) between inability and unfreedom?
- Is the distinction between positive and negative liberty useful?
- How (if at all) do economic circumstances affect an individual's liberty?

#### Past exam questions:

- If I am so poor that I cannot afford to travel, is my freedom to travel of any value to me? (PPE, 2013)
- 'Freedom has only instrumental value: freedoms that do not promote autonomy have no normative value.' Discuss (HPOL, 2013)
- Are positive and negative understandings of freedom answers to two different questions? (PPE, 2014)
- Do threats limit an individual's freedom? (HPOL, 2014)
- What does it mean to speak of a people as being free? (PPE, 2015)
- 'Individuals cannot be said to be truly free unless they play an active role in making the laws which bind them.' Discuss. (HPOL, 2015)
- 'An individual is less free to the extent that they are subject to a greater number of constraints.' Is this true? (PPE, 2016)
- Do laws permit liberty? (HPOL, 2016)
- To what extent, and in what ways, does the freedom of the individual depend on democratic participation? (2016 long vac)
- Is 'autonomy' a good synonym for 'liberty'? Why or why not? (PPE, 2017)
- Can one be forced to be free? Why or why not? (HPOL, 2017)

- Can one only be free in a free state? Why or why not? (2017 long vac)
- Could a totalitarian state protect and promote its citizens' liberty? (PPE, 2018)
- Does a lack of money make you unfree? (HPOL, 2018)
- For a person to be free, must they be free from internal constraints and compulsions as well as external? (PPE, 2019)
- 'Just because I cannot do a thing, that does not mean that I am not free to do that thing.' Discuss. (HPOL, 2019)
- When, if ever, is a lack of means to do something also a lack of freedom to do that thing? (2019 long vac)
- 'A natural obstacle (a crevasse, or a cliff) cannot be a constraint on my freedom, although a human built obstacle might be.' Discuss. (PPE 2021)
- Can I be free even though there is nothing I want to do and nowhere I want to go? (HPOL 2021)
- 'The claim that freedom can be limited by one's own desires must be metaphorical not literal.' Discuss. (PPE, 2022)
- 'True freedom necessarily involves pursuing things that are valuable to pursue.' Discuss. (HPOL, 2022)
- Is freedom as non-domination the only view that adequately captures the notion that 'the nature of things does not madden us, only ill will does'? (PPE, 2023)

## 5. Free Speech

Freedom of speech is one of the most prized liberties within liberal democratic theory. And for good reason – free speech is essential for free thought, intellectual inquiry, autonomy, and democracy. As we saw in Mill, there is a long tradition of liberal thought according to which speech should rarely, if ever, be restricted. But does unrestricted freedom of speech really ensure an equal marketplace of ideas, where all views can be heard? And what about the harms that speech can cause?

Several of the readings challenge liberal ideas regarding the marketplace of ideas, by highlighting the way that speech exists within a system of power relations. Langton argues that the speech of some can both subordinate and silence others, exploring this idea in relation to pornography. MacKinnon further explores the effects of pornography on women's freedom, arguing that it creates a system of inequality and domination. Fiss argues that restrictions on speech can actually foster more inclusive discussion, by enabling other voices to be heard.

A set of readings considers the issue of hate speech. Baker and Dworkin both argue that such speech should not be prohibited, on grounds of equality and democratic legitimacy respectively. Matsuda argues that such approaches fail to recognize the great harms that hate speech can cause its victims, a theme that is taken up by Waldron (2012). Parekh presents a case for banning hate speech, while Altman explores what liberals should think about such speech on university campuses.

Feinberg and Waldron (1993) consider whether *offence* is ever grounds for restrictions on people's speech and action. Feinberg argues that it can be, while Waldron defends a model of toleration that resists this claim.

Finally, Srinivasan and Simpson examine the ethics of no platforming.

### Readings:

- Altman, Andrew, 'Liberalism and Campus Hate Speech: A Philosophical Examination', *Ethics*, 103:2 (1993): 302-317
- Baker, C. Edwin, 'Autonomy and Hate Speech', in *Extreme Speech and Democracy*, eds. Ivan Hare and James Weinstein (Oxford: Oxford University Press, 2009)
- \*Dworkin, Ronald, 'Foreword', in *Extreme Speech and Democracy*, eds. Hare and Weinstein
- Feinberg, Joel, 'Harmless Wrongdoing and Offensive Nuisances', in his *Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy* (Princeton, Princeton University Press, 1980)
- Fiss, Owen M., *The Irony of Free Speech* (Cambridge, Mass.: Harvard University Press, 1996), chapter 1
- \*Langton, Rae, 'Speech Acts and Unspeakable Acts', *Philosophy and Public Affairs*, 22(4) (1993): 293-330
- MacKinnon, Catharine A., *Feminism Unmodified: Discourses on Life and Law* (Cambridge, Mass.: Harvard University Press, 1987), pp. 127-213
- \*Matsuda, Mari, 'Public Response to Racist Speech: Considering the Victim's Story', *Michigan Law Review*, 87:8 (1989): 2320-2381

- \*Parekh, Bhikhu, 'Is There a Case for Banning Hate Speech?', in *The Content and Context of Hate Speech*, eds. Michael Herz and Peter Molnar (Cambridge: Cambridge University Press, 2012)
- Srinivasan, Amia, and Robert Simpson, 'No Platforming', in *Academic Freedom*, ed. Jennifer Lackey (Oxford: Oxford University Press, 2018)
- Waldron, Jeremy, 'Rushdie and Religion', in his *Liberal Rights: Collected Papers, 1981-1991* (Cambridge: Cambridge University Press, 1993)
- Waldron, Jeremy, *The Harm in Hate Speech* (Cambridge, Mass: Harvard University Press, 2012), especially chapter 4. (Chapter 5 further develops Waldron's argument for hate speech restrictions; chapter 6 replies to Baker; chapter 7 replies to Dworkin.)

Essay questions:

- Can restrictions on the speech of some ever promote the value of free speech overall?
- "Speech which spreads hate should never be tolerated." Discuss.

Study questions:

- Why (if at all) should we value free speech?
- Should the state restrict offensive speech? Does it make a difference who is offended?
- Can speech harm? If so, should it be restricted?
- Is there ever good reason to restrict political speech?
- Should hate speech be prohibited? If so, then on what grounds? Do such prohibitions undermine democratic legitimacy or individual autonomy?

Past exam questions:

- 'The real threat to freedom of expression comes not from the state but from the tyranny of prevailing opinion.' Discuss (PPE, 2014)
- Does freedom of speech mean that there should be no limits on political advertising? (HPOL, 2014)
- Can the state ever be justified in silencing the voices of some in order that the voices of others might be heard? (PPE, 2016)
- Where is the harm in hate speech? (HPOL, 2016)
- In what ways, if at all, is freedom of expression a special kind of freedom? (2016 long vac)
- 'The best test of truth is the power of the thought to get itself accepted in the competition of the market' (Oliver Wendell Holmes). Is this a good defence of a right to free speech? (PPE, 2017)
- Should 'assaultive' hate speech be censored? Why or why not? (HPOL, 2017)
- 'Free speech must be defended on democratic grounds.' Discuss. (2017 long vac)
- Can restrictions on the speech of some ever promote the value of free speech overall? (PPE, 2018)
- Should the state ever restrict speech on the grounds of its offensiveness? (HPOL, 2018)
- Given that freedom of speech guarantees the right to say stupid or wrong things, what has the value of truth got to do with the justification of free speech? (PPE, 2019)
- Do you agree that the strongest argument in favour of free speech is that in a democracy opposition to government, to established public policy, and to prevailing public norms, must be permissible? (HPOL, 2019)



- Should freedom of speech protect the expression of all views? (2019 long vac)
- Is freedom of speech really just the freedom of those who shout the loudest? (PPE 2021)
- 'Free speech means the freedom to say things, not the freedom to do things.' Discuss. (HPOL 2021)
- 'Political speech should only be restricted when it is incompatible with the dignity of others.' Discuss. (PPE, 2022)
- If everyone has a right to freedom of speech, should the state restrict speech which silences others? (HPOL, 2022)
- 'The primary reason why hateful speech should not be legally restricted is that we cannot trust the state to define 'hate'. Discuss. (PPE, 2023)