

Political Science 5
Politics, Statecraft, and the Art of Ruling
Spring 2011
Professor Arkes

[Books recommended for purchase are marked (P) in the syllabus as a reminder. All other readings are compiled in the multilith/xerox form. But scanned versions of the readings will be available on Electronic Reserve for those who would prefer to print out the readings themselves and bear the expense on their own. Or: print some out, while taking notes of others "on the screen" as one saves them on one's computer. Books that are only on Library Reserve will be marked (LR) The multilith/xerox readings can be purchased in the office of the Political Science Department, 103 Clark House.]

I. The Sense of the Political

1. Introduction

2. The Polis: Nature and the Laws

Aristotle, *The Politics*, Bk. I, A (1252a-1253a); Bk. III, C, ch. 9 (ca. 1280a-1281a)

[Principles of Oligarchy and Democracy, and the Nature of Distributive Justice]

--Richard Wagner, "Understanding the Tobacco Settlement: The State as Partisan Plaintiff," *Regulation* (1999), Vol. 22, No. 4, pp. 38-41

3. Nature and Rights

Declaration of Independence

Lincoln, Speech in Springfield (June 1857), that the Declaration includes "all men"

[speech in opposition to the decision in the Dred Scott case], Vol. II, pp. 398-410

Thomas West, *Vindicating the Founders*, pp. 1-36

4. Natural Rights and Cultural Relativism: The Crisis of "the House Divided"

Abraham Lincoln and Stephen Douglas, Debate at Alton, Illinois (October 15, 1858), pp. 286-322

II. The Family, the Laws and the Regime

5. Two classic views--in conflict?:

Plato, *Euthyphro*

Sophocles, *Antigone*

6. The Family, the Laws and the Regime

Alexis DeTocqueville, *Democracy in America*, Vol II: "Influence of Democracy on the Family," 192-97, "Education of Young Women in the United States," pp. 198-200, "The Young Woman in the Character of a Wife," 201-203
 Leon Kass, "Regarding Daughters and Sisters: The Rape of Dinah," *Commentary* (April 1992)
 Maggie Gallagher, *The Abolition of Marriage*, pp. 3-12, 143-52, 215-24
 [Recommended: pp. 131-42 ("Deconstructing Marriage")](LR)
 Thomas West, *Vindicating the Founders*, pp. 71-109 [Women and Voting, Women and the Family at the Founding]

7. Nature and the Laws (Again)—Claims of Parents and Lovers, and "Sexual Orientation"

Michael H. and Gerald D., 491 U.S. 110 (1989)
Melzer v. New York City Board of Education, 196 F. Supp. 2d 229 (Feb. 2002)

II. The Centrality of "the Regime" in Politics

8. The Meaning of Regime

Aristotle, *The Politics*, Bk. II, ch. 3 (1276a-1276b); chs. 6-7 (1278b-1279b)
 Aristotle, *Nicomachean Ethics*, Bk. I, chs. 1-3; Bk. X, chs. 2-3, 6, 9 [trans. Jonathan Barnes, Vol. II, pp. 1729-31, 1853-56, 1859-62, 1864-67]
 Angelo Codevilla, "Regimes and Character," in *The Character of Nations*, pp. 23-127 [Purchase]
 Arkes, *The Architecture of Natural Rights – "Building Democracy"* [review of Allan Greenberg, *The Architecture of Democracy*, Claremont Review of Books (Summer 2007), pp. 56-59.

9. The Sobriety of the American Founders: The Case for Institutions and Restraints

James Madison, *Federalist Papers*, #10 and 51
 Alexander Hamilton, *Federalist* #78

10. The Violence of Revolution and the Force of the Laws

Frantz Fanon, *The Wretched of the Earth*, pp. 35-76, 83-95, 249-78, 289-316
 James McPherson, *What They Fought For*, pp. 27-46
 -On reserve: pp. Recommended: pp. 47-69 ("This War will never end till we end slavery") (LR)

Harry Jaffa, *A New Birth of Freedom*, pp. 73-90, 96-102

III. Modernity and the break with traditional morality

11. The Detachment of Politics from Moral Constraints

Machiavelli, *The Prince*, ed. Angelo Codevilla (P)

12. Machiavelli and the Executive Power

Harvey Mansfield, "Machiavelli and The Modern Executive," *Taming the Prince*, pp. 121-49

[“The Torture Canard,” *Wall Street Journal* (June 11, 2004)]

Arkes, "Recasting Virtue," [on Machiavelli] *The New Criterion* (September 1994), pp. 123-27

Arkes, "Machiavelli and America," in Codevilla, ed., *The Prince* [one of the appended essays] [P]

[Recommended:

--Arkes, "In This Vast External Realm ...," in *The Return of George Sutherland*, pp. 196-241 (On the Executive as a source of law in itself in foreign and military affairs)] (LR)

--Andrew McCarthy, "Another National Security Flip-Flop" [on presidential "signing statements"—the Obama Administration progressively claiming The presidential powers that the opposition had denounced in the past as unconstitutional"—including, quite notably, "signing statements" NROnline (January 5, 2011)

Link: <http://www.nationalreview.com/articles/256348/another-national-security-flip-flop-andrew-c-mccarthy>]

13. The Executive and the Naturally Superior Man, the Man Above the Laws

Abraham Lincoln, "The Perpetuation of our Political Institutions," [Speech to the Young Men's Lyceum in Springfield, Illinois, January 27, 1838] [Vol. I, Works, pp. 108-115]

Pierre Manent, "DeGaulle as Hero," in *Modern Liberty and Its Discontents*, pp. 173-84

Seymour Hersh, *The Dark Side of Camelot*, pp. 13-34, 131-54

Ted Morgan, "I Do Not Shirk Any Part of Myself," *FDR: A Biography*, pp. 540-72

[Recommended:

-Richard Posner, *An Affair of State* [on the impeachment of Bill Clinton], pp. 95-169, 225-48, 262-66 (LR)

-Christopher Hitchens, *No One Left to Lie To*, pp. 87-113] (LR)

14. The Logic of Totalitarianism

Nadia Mandelstam, *Hope Against Hope*, pp. 3-41

Jun Chang and Jon Halliday, *Mao: The Untold Story*, pp. 380-403, 416-39

[“Half of China May Well Have to Die”]

[Recommended: Ion Mihai Pacepa, *Red Horizons* [On the Ceausescues and the Communist Regime in Romania, 23-36, 178-82, 344-57] (LR)

Arthur Koestler, *Darkness at Noon* (P)

[Recommended:

-Nathan Scharansky, *Fear No Evil* (LR)

-Ronald Rychlak, “1942 and the Final Solution,” in *Hitler, the War, and the Pope*, ch. 13] (LR)

IV. On War and its Ends: The Tasks of Statecraft

15. Interventions I: Justifications

Winston Churchill, *Triumph and Tragedy*, 283-306 [The British intervention in Greece]

Jun Chang and Jon Halliday, *Mao: The Untold Story*, pp. 293-300 [“Saved by Washington”], and 356-79 [on the Korean war]

Bob Woodward, *The Commanders*, pp. 146-53 [The Bush Administration intervenes in the Philippines]

John Stuart Mill, “A Few Words on Nonintervention”

Bret Stephens, “Haiti, Sudan, Cote d’Ivoire: Who Cares?,” *Wall Street Journal* (January 11, 2011)

Michael Walzer, “World War II: Why Was This War Different?”

16. Interventions II: Ambiguities, Dangers, and Disasters

Robert S. McNamara, *In Retrospect: The Tragedy and Lessons of Vietnam*, preface, chapters 1, 5, 7, 11, and appendix

Norman B. Hannah, *The Key to Failure*, pp. xxi-xxv, 297-306

[Recommended: pp. 259-75] (LR)

Ton That Thien, “Who Really Lost the War in Vietnam,” *Wall Street Journal* (July 15, 1995)

Angelo Codevilla, “Victory [in Iraq]: What It Will Take to Win,” *Claremont Review of Books* (Winter 2002)

Angelo Codevilla, "When the Cheering Stops" [The Battle of Iraq and its Aftermath], *Claremont Review of Books* [Summer 2003], pp. 4-7
 Christopher Hitchens, "A War to be Proud Of," *Weekly Standard* (September 2002)
 Tony Blair, Statement in the House of Commons, July 14, 2004
 [On the question of weapons of mass destruction and the case for Intervention in Iraq] –Electronic Reserve
 George W. Bush, Speech in Michigan (July 30, 2004)
 [Recommended, Bush, Speech on Iraq, June 28, 2005, with the question: Did Mr. Bush make an argument? Did he frame the case?]
 Angelo Codevilla, "Defeat Through Occupation," *American Spectator* (Fall 2007)

17. The Art and the Discipline of Statesmanship: Lincoln, Kennedy, Churchill, de Gaulle
 [two sessions]

Harry Jaffa, "The Emancipation Proclamation," in *Equality and Freedom*, pp. 140-68
 Donald Kagan, "The Cuban Missile Crisis," in *On the Origins of War*, pp. 437-548 (P)
 [Recommended: William Taubman, *Khrushchev*, pp. 528-77] (LR)
 Charles de Gaulle, *War Memoirs*: Vol. I, ch. 2, "The Fall"

[Recommended:

- Martin Gilbert, *Winston Churchill: The Wilderness Years*, pp. 235-68
 [The Coming of War] (LR)
- de Gaulle, *War Memoirs*, Vol. 2, ch. 4, "Algiers" (LR)
- Dinesh D'Souza, Ronald Reagan, chs. 1, 6-9, pp. 7-32, 129-225] (LR)

V. "What They Fought For": The Regime They Would Fight to Secure

18. The Regime of Elections

Walter Berns, "Constituting Democracy," in *Taking the Constitution Seriously*, pp. 122-46

Jay Cost, "A Majority If You Can Keep It," *Weekly Standard* (Jan. 17, 2011)

--Jay Cost, "Is the Electorate Moving Right?," *Weekly Standard* (Nov. 22, 2010)

- [Recommended:

- Bill Sammon, "Barking at the Moon," *At Any Cost*, pp 23-55
 [Did the Networks act as "players" on election night 2000?—Electronic Reserve]

John Stuart Mill, *Considerations on Representative Government*, chs. 2, 3, and 7

Alexis DeTocqueville, *Democracy in America*, Vol, II: "Of the Use Which the Americans Make of Public Associations in Civil Life," pp. 106-110, and "Relation of Civil to Political Associations," pp. 115-20

[Recommended:

- Frances Fox Piven and Richard Cloward, *Why Americans Don't Vote*, pp. xi-xvii, 3-25, 64-95, 113-21, 169-180 (LR)
- James Davison Hunter, "The Anatomy of Ambivalence: What Americans Really Believe About Abortion," Before the Shooting Begins, pp. 85-103] (LR)

19. Markets and the Restraints on Political Power

Milton Friedman, *Capitalism and Freedom*, chs. 1-2

Jennifer Roback, "Exploitation in the Jim Crow South: The Market or the Law," in *Regulation* (Sept./Dec. 1984), pp. 37-43

Arkes, on Willie Lyons and the Minimum Wage, in *The Return of George Sutherland*, pp. 20-21, 71-81 [Recommended: the rest of that chapter III, "A Jurisprudence of Natural Rights, 51-82]

[Recommended:

- Friedrich Hayek, *The Constitution of Liberty*, pp. 118-30 ("Employment and Independence"] (LR)
- Michael Novak, *The Spirit of Democratic Capitalism* (LR)
- Jude Wanniski, *The Way the World Works*] (LR)

20. Art, the Marketplace, and the Boundaries of the Law

Rousseau, *Letter to D'Alembert on the Theater*, pp. 15-47

Robert Bork, *Slouching Towards Gomorrah*, chs. 7-8, pp. 123-53

Arkes, *The Philosopher in the City*, pp. 406-413, 419-26

[Recommended: Mark Steyn, "The Present Tense Culture," The New Criterion (April 1997), pp. 5-16]

VI. The Politics of Identity

21. Gender Politics

Camille Paglia, "Sex War: Abortion, Battering, Sexual Harassment," and "Laying the Ghost of Anita Hill: Bill Clinton and Paula Jones," in *Vamps and Tramps*, pp. 38-56, 188-90

Catharine MacKinnon, *Feminism Unmodified*, pp. 1-17, 32-45

Christina Sommers, *Who Stole Feminism?*, pp. 188-226

Papers on the Unborn Victims of Violence Act [aka "Laci and Connor's Law"]

[Recommended:

- George Gilder, *Men and Marriage*, pp. 5-47 (LR)
- Burlington v. Ellerth* (1997), opinions by Justices Kennedy and Thomas]

22. "Sexual Orientation," the Family and the Laws

Andrew Sullivan, "The Politics of Homosexuality," *The New Republic* (May 10, 1993)
 Arkes, "The Closet Straight," *National Review* (July 5, 1993) [response to Andrew Sullivan]

Testimony on the Defense of Marriage Act, Hearings before the Committee on the Judiciary, House of Representatives (May 15, 1996)

--Hadley Arkes and Andrew Sullivan

Robert George, "'Same-Sex Marriage' and 'Moral Neutrality,'" in *The Clash of Orthodoxies*, pp. 75-89

Goodridge v. Dept of Public Health (Mass, November 2003) [the critical case on "same-sex" marriage]

Arkes, Some Thoughts on Marriage and Its Discontents in Massachusetts
 (Remarks at the Harvard Law School, February 9, 2004)

[For a further refining of the argument, see the remarks "On the Question Of Same-Sex Marriage," Debate at Boston University, April 7, 2004]

Mark Steyn, "It's Too Late, Baby" NR (August 27, 2007)

[Recommended:

-Lawrence v. Texas (2003)

-Roger Scruton, Sexual Desire, pp. 284-91, 305-311(LR)

-Jeffrey Satinover, "The Biology of Homosexuality: Science or Politics?," in Christopher Wolfe (ed), *Homosexuality and American Public Life*, pp. 3-61] (LR)

-Stephen Macedo, "Homosexuality and the Conservative Mind," *Georgetown Law Review* (1995), pp. 261-300

-And the replies to Macedo:

--Robert George and Gerard Bradley, "Marriage and the Liberal Imagination," *Georgetown Law Review* (1995), pp. 301-20

--Hadley Arkes, "Questions of Principle, Not Predictions," *Georgetown Law Review* (1995), pp. 321-27]

--Another round of interesting arguments were stirred by a piece written on same-sex marriage by Robert George and two of his students:

Sherif Girgis, R. George, and Ryan Anderson, "What Is Marriage?," *Harvard J. of Law & Public Policy* (Winter 2010), pp. 245-287

See the web journal *Public Discourse* for the lead to this piece and to the rebuttals that opponents sought to offer] Electronic Reserve

23. Another problem of "identity" politics: the Embryo and the Child

“The Ethics of Cloning for Biomedical Research, “ Report of the President’s
Commission on Bioethics, Ch. 6 (36 pp.)
Separate Statements from Members of the Commission: Michael Gazzaniga,
Robert George, Alfonso Gomez-Lobo

24. Race and Politics

Arkes, *First Things*, pp. 92-99
Thomas Sowell, *Preferential Politics*, pp. 90-116
Sowell, *Civil Rights: Rhetoric or Reality?*, pp. 37-60, 82-90
Cornell West, *Race Matters*, pp. 17-31, 70-99
[Recommended: *Grutter v. Bollinger* (2003)]

VII. Politics and the Transcendent

25. Religion and the Law

James Madison, Memorial and Remonstrance Against Religious Assessment (1785)
[Recommended:
-*The Late Corporation of the Church of Latter-Day Saints v. United States* (1890)
[The Mormons and polygamy] Lexis reprint, pp. 1-3, 24-29
-*Farley v. Henderson* 875 F.2d 231 (1989) [the "psychic surgeon" and claims of
religious freedom], 232-34]

Richard John Neuhaus, The Naked Public Square, pp. 94-113
[Recommended: Francis Canavan, The Pluralist Game, pp. 17-25, 27-44] (LR)
Richard John Neuhaus, "Can Atheists Be Good Citizens?," *First Things* (Aug./Sept.
1991), pp. 17-21
Michael Novak, On the Hebrew Metaphysic of the American Founding,
On Two Wings, pp. 5-24, 27-47 [Recommended: pp.51-73] (LR)

26. Concluding Thoughts and Enduring Questions

a. On contingency and character

Harry Jaffa, "Can There Be Another Winston Churchill?," pp. 25-39
[Recommended: Robert Bolt, *A Man For All Seasons*] (LR)

- b. Can the character of the regime be altered even as the outward forms remain?

Arkes, "Prudent Warnings and Imprudent Reactions," in
Natural Rights and the Right to Choose, pp. 147-74.