

SECRETS & LIES

FIRST YEAR SEMINAR 15 FALL 2009

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Politics seems almost unimaginable without secrecy and lying. From the noble lie of Plato's Republic to the controversy about former President Clinton's "lying" in the Monica Lewinsky case, from the use of secrecy in today's war against terrorism to the endless spinning of political campaigns, from President John Kennedy's behavior during the Cuban missile crisis to cover ups concerning pedophile priests in the Catholic church, from Freud's efforts to decode the secrets beneath civilized life to contemporary exposés of the private lives of politicians, politics and deception seem to go hand-in-hand. This course investigates how the practices of politics are informed by the keeping and telling of secrets, and the telling and exposing of lies. We will address such questions as: When, if ever, is it right to lie or to breach confidences? When is it right to expose secrets and lies? Is it necessary to be prepared to lie in order to advance the cause of justice? Or, must we do justice justly? When is secrecy really necessary and when is it merely a pretext for Machiavellian manipulation? Are secrecy and deceit more prevalent in some kinds of political systems than in others? As we explore those questions we will discuss the place of candor and openness in politics and social life; the relationship between the claims of privacy (e.g., the closeting of sexual desire) and secrecy and deception in public arenas; conspiracy theories as they are applied to politics; and the importance of secrecy in the domains of national security and law enforcement. We will examine the treatment of secrecy and lying in political theory as well as their appearance in literature and popular culture, for example Mr. Smith Goes to Washington, Primary Colors, Schindler's List, and The Insider.

The following books, marked with a **(P)** on the syllabus, are available at the Amherst Books.

Machiavelli, *The Prince*
Arthur Koestler, *Darkness at Noon*
Toni Morrison, *Beloved*

All other readings are available on line through the CMS Course Listing for our course.

There are seven films scheduled for this course. Those films are also available on line. They should be seen prior to the class in which they will be discussed

SYLLABUS

1. INTRODUCTION

1. On the “Right” to Conceal and Deceive: What We Get to Know About Those Who Govern (Sept. 9)

Michael Sandel, “White Lies”
Anthony Lewis, “Sex and Leadership”
Andrew Sullivan, “Lies That Matter”

2. On the “Necessity” of Secrecy and Deception: What The Government Gets to Know About Us and What We Get to Know About What Our Government Does (Sept. 14)

Thomas Powers, ‘The Biggest Secret,’ 53 New York Review of Books (Feb. 23, 2006)
Richard Posner, “Wire Trap: What if Wiretapping Works?” The New Republic (Feb. 6, 2006), 15-16
Center for National Security Studies v. DOJ, No 02-5254 USDC for the District of Columbia, June 17, 2003

FILM: Mr. Smith Goes to Washington

3. Politics and Lost Innocence (Sept. 16)

Michael Walzer, “Political Action: The Problem of Dirty Hands”

FILM: Primary Colors

4. Virtue in Politics: Learning Not to Be Good (Sept. 21)

Machiavelli, The Prince (P)

II. SECRETS, LIES AND POLITICS: THE ‘CLASSICAL’ UNDERSTANDING

5. On the Quest for “Truth” (Sept. 23)

Plato, The Apology and the Crito, 49-96, 189-195

FILM: Schindler’s List

6. Does Anything Justify the Lie? (Sept. 28)

Immanuel Kant, “On the Supposed Right to Lie From Altruistic Motives”
Henry Sidgwick, “The Classification of Duties-Veracity”

7. Publicity and the Possibilities of Democracy-I (Sept. 30)

Jeremy Bentham, "On Publicity"

John Stuart Mill, "On the Liberty of Thought and Discussion" in On Liberty

III. SECRETS AND LIES: DOES THE FORM OF GOVERNMENT MATTER?

8. Democracy and Distrust (Oct. 5)

The Declaration of Independence

The Federalist Papers 10 and 51

9. Rewriting History-I (Oct. 7)

Thucydides, History of the Peloponnesian War, "Pericles Funeral Oration"

Abraham Lincoln, *Gettysburg Address*

Gary Willis, "The Words That Remade America"

10. Rewriting History-II (Oct. 14)

Arthur Koestler, Darkness at Noon (P)

IV. SECRETS AND LIES IN THE PRACTICES OF POLITICAL INSTITUTIONS

A. National Security

11. The Enemy Within (Oct. 19)

Haupt v. US, 330 US 631 (1947)

Korematsu v. United States, 65 S.Ct. 193 (1944)

Gary Gerstle, "Pluralism and the War on Terror," Dissent (Spring, 2003)

12. State Secrets (Oct. 21)

New York Times v. United States, 403 US 713 (1971), 713-720, 724-730,
752-759

Hannah Arendt, Crisis of the Republic, 3-47

In Re, Grand Jury Subpoena, Judith Miller USCA, District of Columbia, February 15, 2005 39*t F.3d* 964, 1-9, 23-25, 27-39

FILM: Why We Fight

13. State Secrets-II (Oct. 26)

New Jersey Media v. Ashcroft, 2002 US Dist. LEXIS 10136 (2002)

B. Fighting Crime

14. Is Anyone Above the Law?: On the Claims of Executive Privilege (Oct. 28)

United States v. Nixon, 418 US 683 (1974), 683-690, 703-716
In re Grand Jury Proceedings, 1998 US Dist. Lexis 7736, 1-8

FILM: The Conversation

15. Ferreting Out Sin and Corruption: Surveillance, Duplicity, and Entrapment as Law Enforcement Techniques (Nov. 2)

Sorrells v. United States, 287 US 435 (1932)
United States v. Williams, 705 F2d 603 (19), 603-616

16. Responding to Accusations: On the Obligations of Candor (Nov. 4)

People v. Brooks, 51 Ill. App.3d 800 (1977)
Brogan v. United States, 118 Sct 805 (1997)

17. Responding to Accusations: The Lawyer/Client Privilege (Nov. 9)

Monroe Freedman, Lawyers Ethics in an Adversary System, 1-8, 27-41, 43-49,
 51-57
Swidler & Berlin et al. v. United States, 97-1192, (1998)

FILM: Capturing the Friedmans

18. On Danger, Suspicion, and Community Notification of the Presence of Sex Offenders (Nov. 11)

E.B. v. Verniero, 119 F. 3d (1997) 1077-1090, 1092-1093, 1096-1105, 1112-1129

V. WHEN SECRECY BECOMES PRIVACY

19. Privacy and Intimacy (Nov. 16)

Griswold v. Connecticut, 381 US 479 (1965), 479-486, 507-527
Stanley v. Georgia, 394 US 557 (1969)
 Michael Sandel, "Privacy Rights and Family Law," 91-119

20. Privacy and Sexual Pleasure (Nov. 18)

Lawrence v. Texas, US Supreme Court, No. 02-102 (2003), 1-15, 20, 24-28,
 30-32
Goodrich v. Dept of Public Health, 440 Mass. 309 (2003), 1-47, 51-62

FILM: 1000 Acres

21. Family Secrets (Nov. 30)

Barbara Whitehead, "Dan Quayle Was Right"
 Letty Pogrebin, "To Tell the Truth" New York Times Sunday Magazine
 (Nov. 29, 1992)

VI. ON THE SOCIAL LIFE OF CANDOR

22. Terror: Has Everything Changed (Dec. 2)

Kim Holmes and Edwin Meese, "The Administration's Anti Terrorism Package:
 Balancing Security and Liberty," The Heritage Foundation Backgrounder
 (October 3, 2001)

Ronald Dworkin, "The Threat to Patriotism," New York Review of Books
 (February 28, 2002)

Hamdi et. al. v. Rumsfeld, Secretary of Defense, et. al. (June 2004) 1-14, 24-31

23. To Know or Not to Know?: Truth as a Response to Injustice (Dec. 7)

Michael Ignatieff, "Digging Up the Dead"
 Timothy Garton Ash, "True Confessions"

24. A Truth Too Painful? (Dec. 9)

Toni Morrison, Beloved (P)

FILM: The Insider

25. The Fate of the Truth Teller (Dec. 14)

26. Conclusion