

# History of Political Thought: Civil Rights (or; Modern Natural Rights Theory to Postliberal Ideology)

<b>Semester:</b>	Fall 2021
<b>ECTS Credits:</b>	6
<b>Hours/week:</b>	90 + 90 min
<b>Language:</b>	English
<b>Instructor:</b>	Cole Simmons, PhD
<b>Meeting:</b>	Mon: 1:00-2:30 Classroom A Wed: 2:40-4:10 Classroom A

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## CONTENT

Liberalism solved some problems to the satisfaction of liberals and fails to solve other problems. In this class we will examine these problems, namely, religion, freedom of speech, racial equality, gender quality and “invidious distinctions” in general. The goal of the class is to understand why liberalism can solve the problems it has, why it struggles to solve the problems it hasn’t, and why it causes the problems it does. We will begin each inquiry by reading practical attempts at solving these problems: we will read Court opinions where very intelligent men and women sought to explain why Liberalism is willing or unwilling to use force on a variety of problems. We end each inquiry reading a few more theoretical texts about the problems.

## Grading

- 2 papers
- 2 classroom presentations
- General participation and attendance

Papers: 1,500 words; APA or MLA formatting.

**Timeliness is of essence in this course.**

Assignments have to be uploaded via Google Classroom by the due date. **Late submissions will incur grade penalty.**

Within 24 hours -10%,

1 to 3 days - 20%

4 to 7 days - 50%

More than a week late - 0%

## Grading scale

A – 100-93%,

B – 92-84%,

C – 83-74%,

D – 73-63%,

E – 62-51%,

Fx – 50-0%.

**Four or more absences result automatically in Fx.**

Regular attendance of all classes is of crucial importance in this course. Much of the explanation and implementation of what we learn towards your research project will take place in the seminars and skipping them will have impact on the quality of your research proposal. As per BISLA policy, four absences are permitted during the semester (these are to be reserved for cases of illness or family emergency). Any more absences result in failing the course. Do inform me prior to missing a class.

During this semester, it is essential that we remain safe. Thus, you are expected to stay at home and inform me when you have a raised temperature, feel short of breath, exhausted,

experience upset stomach, etc. Contact the NCIZ hotline to arrange for testing. Check <https://korona.gov.sk/en/> for latest information and contact numbers.

## Plagiarism policy

**Plagiarism will automatically result in an Fx and may be subject to disciplinary proceeding and penalties stipulated in Disciplinary Code (up to expulsion).**

All assignments at BISLA should be: (a) based on *your* reading of the sources, (b) based on *your analysis* of the sources, and (c) written by you. All used sources have to be properly referenced in the text as well as in the bibliography of your papers. You may also reference lectures and class discussions—there is a way to reference everything.

**Definition of plagiarism:** If you use a statement, argument or idea from someone without giving them credit, you are guilty of plagiarism. You can avoid plagiarism by citing your source(s).

You must cite a source in two cases: first, whenever you are using the exact wording of the source (in this case, enclose the words in quotation marks; if you add words to the quotation, use square brackets) and, second, whenever you are summarizing or paraphrasing a statement, argument, idea or narrative from the source. If you do not do this, you are guilty of plagiarism. BISLA is using an APA style of referencing—you will find an APA manual on your Google Classroom page. Also, you can consult OWL Purdue Writing lab online or the APA blog for excellent tips and guidance.

**APA formatting and style guide:**

[https://owl.purdue.edu/owl/research\\_and\\_citation/apa\\_style/apa\\_formatting\\_and\\_style\\_guide/general\\_format.html](https://owl.purdue.edu/owl/research_and_citation/apa_style/apa_formatting_and_style_guide/general_format.html)

## Required literature

- The readings for this course will be distributed weekly, similar to how it was done last semester. There not being enough time to read all the material front to back, I will edit the readings down to a manageable amount and make next week's readings available at the end of every week.

## TOPICS and SCHEDULE SUMMARY

Weekly Schedule

September 13 - 17

- Introduction to course: (types of rights; meaning of written constitution; US Constitution)
- **Wednesday 15th, public holiday**

### **Religion and Speech (i.e., Conscience)**

September 20 - 24

- **Free Exercise Clause:** *Minersville School District v. Gobitis* (1940); *West Virginia State Bd. of Educ. v. Barnette* (1943); *Goldman v. Weinberger* (1986); *Employment Division v. Smith* (1990)
- **Establishment Clause:** *Engel v. Vitale* (1962); *Lee v. Weisman* (1992); *Santa Fe Independent School Dist. v. Doe* (2000); *Lynch v. Donnelly* (1984); *County of Allegheny v. Greater Pittsburgh ACLU* (1989)

September 27 - October 1

- John Locke, *A Letter Concerning Toleration*
- James Madison, “Memorial and Remonstrance.”; Thomas Jefferson, “The Virginia Statute for Religious Freedom”

October 4 - 8: **Freedom of Speech**

- *Shenck v. US* (1919); *Abrams v. US* (1919); *Gitlow v. NY* (1925)
- *Dennis v. US* (1951); *Brandenburg v. Ohio* (1969); *Holder v. Humanitarian Law Project* (2010).

October 11 - 15

- Mill, *On Liberty*
- Alien and Sedition Acts; Virginia and Kentucky Resolutions; James Madison & Virginia Legislature, “Report of 1800”

October 18 - 22: **Property**

- *Slaughter House Cases* (1873); *Munn v. Illinois* (1877); *Lochner v. NY* (1905)
- Madison, *On Property*

## Race

October 25 - 29: **Race**

- *The Civil Rights Cases* (1883); *Plessy v. Ferguson* (1896); *Sweatt v. Painter* (1950); *Brown v. Board of Education* (1954)
- *Green v. County School Board of New Kent County* (1968); *Milliken v. Bradley* (1974); *Parents Involved in Community Schools v. Seattle School District* (2007)

**November 1 - 5 Reading Week**

November 8 - 12: **Affirmative Action (race)**

- *Regents v. Bakke* (1978); *Richmond v. Croson* (1989); *Gratz v. Bollinger* (2003); *Grutter v. Bollinger* (2003)
- Founders on slavery and race. Tocqueville on the 3 races in America.
- **First Paper Due**

November 15 - 19

- Lincoln vs. Douglas Debates; Frederick Douglass, “What to the Slave is the Fourth of July?”
- **Wednesday November 17, public holiday**

### **New Civil Rights**

November 22 - 26

- WEB Dubois, *Souls of Black Folk*; Booker T Washington, “The Atlanta Compromise”; TN Coates, “The case for reparations”
- **Women:** *Frontiero v. Richardson* (1973); *Craig v. Boren* (1976); *Michael v. Sonoma County Superior* (1981)

November 29 - December 3

- *Personnel Administrator of Mass. v. Feeney* (1979); *Johnson v. Transportation Agency* (1987); *Automobile Workers v. Johnson Controls* (1991)
- *Rostker v. Goldberg* (1981); US Senate debate on women in combat; *U.S. v. Virginia* (1996).

December 6 - 10: **Homosexuality & Privacy**

- *Romer v. Evans* (1996); *U.S. v. Windsor* (2013); *Obergefell v. Hodges* (2015); *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018)
- *Buck v. Bell* (1927); *Stanley v. Georgia* (1969); *Griswold v. Connecticut* (1965)

December 13 - 17

- *Roe v. Wade* (1973); *Planned Parenthood v. Casey* (1992); *Gonzales v. Carhart* (2007)
- TBD
- **Second Paper Due**