

**Seminar: Theories of Freedom**  
**Rutgers University**  
**Spring 2024**

Meetings: Mondays, 3:55-5:50 PM  
Instructor: Professor Jonathan Gingerich ([jonathan.gingerich@rutgers.edu](mailto:jonathan.gingerich@rutgers.edu))  
Office: Room 303C, Rutgers Law School – Newark  
Office Hours: Mondays, 2:00-3:45 PM  
Faculty Assistant: Mayra Caraballo ([mayrac@law.rutgers.edu](mailto:mayrac@law.rutgers.edu))  
Course Webpage: <https://rutgers.instructure.com/courses/279370>

**Course Description**

For hundreds of years, philosophers and legal theorists have claimed that states are legitimate and authoritative only when they respect their subjects' freedom. In the twentieth century, claims that laws and policies stymied or failed to promote freedom were central to many liberation movements, including movements against colonialism, capitalism, racism, and sexism. In our contemporary world, demands for freedom seem just as urgent; although some twenty-first century thinkers dismiss freedom as an individualistic value, others demand freedom as part of social movements such as the labor movement, Black Lives Matter, and queer liberation movements. In legal theory, freedom is regarded both as a value that the law should promote and, in a different way, as something that individuals must have to validly consent to sex, to contracts, and to medical procedures, as well as something required for criminal responsibility.

This seminar will ask what it is that we want when we say that we want freedom and will explore the relationship between freedom, law, and politics. Is it sufficient to live in a free society that all of the society's members can act as they choose, compatibly with everyone else doing likewise? Or must a society provide its members with more or different freedoms for the society to count as free? Must a society be free for its laws to be legitimate or authoritative? How should substantive areas of law, like criminal law, tort law, and contract law, conceive of the sort of freedom that someone must have for their consent to be valid?

Texts to be studied include classics of European political thought, such as Hobbes's *Leviathan* and Rousseau's *Social Contract*; twentieth century political and philosophical texts such as essays and lectures from Amilcar Cabral and Angela Davis; and contemporary legal scholarship from authors including Catherine MacKinnon and Aziz Rana. Class meetings will be discussion heavy.

**2 Credits.** Evaluation: Class participation (10%), Research paper (4,000 words) (90%).

**Writing-intensive option:** Students who wish to fulfill the writing requirement may elect to take this seminar as a writing-intensive class. Students who do so will be required to submit a topic and a draft of their research paper and to write a research paper of 6,000, rather than 4,000, words.

## **Learning Outcomes**

By taking this course, students will gain a good understanding of historical and contemporary philosophical approaches to freedom and will be able to refine their own views of what an ethically and politically satisfactory legal order looks like. Students will also gain experience thinking about the relationship between law and philosophy and undertaking ethical and political assessments of legal institutions. Students will develop their writing skills by completing a theoretically rigorous essay.

## **Course Requirements**

The required assignments for the course, described in detail below, are the following: (1) class attendance and participation; (2) one class presentation; (3) an initial topic for the final essay (required for students enrolled in the writing-intensive option, optional but encouraged for all students); (4) a rough draft of the final essay (only for students enrolled in the writing-intensive option); and (5) a final draft of the final essay. If you are at all concerned that you may not be able to satisfy one of the course requirements on time, please get in touch with me as soon as possible.

## **Class Participation**

Our meetings will be heavy on discussion, and it is important that you come to our meetings prepared to talk about the week's assigned readings. I do not care about the quantity but rather about the thoughtfulness of your contributions to the discussion. A thoughtful contribution is one that arises from the careful attention you will pay to the text and to your face-to-face interlocutors.

Attendance and participation grades will be based on engagement in class discussion, including actively listening to and supportively engaging with other participants, arriving prepared for discussion, delivering effective presentations when it is your turn to present, and routinely making comments that advance the discussion. Failure to attend, failure to participate, and failure to engage with other participants can negatively affect your attendance and participation grade, while particularly insightful contributions and attentive engagement with other participants can positively affect your grade.

## **Class Presentation**

Our class discussions will be largely directed by students. Everyone will take turns presenting and leading discussion. Every week, one or more students, will lead discussion on the week's reading. At the beginning of the semester, I will circulate a list of presentation slots and ask your preferences. I will use these preferences to come up with a presentation schedule for the term.

Options for presentations include but are not limited to collaboratively preparing short lectures on assigned reading followed by structured class discussion; designing small group activities;

organizing in-class debates or role-playing exercises; and exploring practical applications of theoretical material. Presenters are encouraged to use creative teaching methods.

Each presenter should prepare a set of notes for their presentation—this could be lecture notes, handouts, PowerPoint slides, plans for a debate or role-playing exercise, or anything else you would like. Your notes should provide a good sense of how you plan to structure class discussion. Please email me drafts of your notes and any handouts or slides that you plan to use **by the end of the day on Wednesday of the week prior to your presentation**. I will review your notes and send comments and suggestions by the end of the day on Thursday.

### **Initial Essay Topic and Outline**

Students enrolled in the writing-intensive option are required to submit a proposed topic for their research paper; all students enrolled in the class may submit a proposed topic and are strongly encouraged, but not required, to do so. The essay will be on a topic of your choosing that grows out of one of our meetings or readings. The essay should be about 4,000 words (or, if you are taking the writing-intensive option, 6,000 words). This word count excludes footnotes. A statement of your planned essay topic is due by 11:00 AM on Monday, April 1, 2024. The essay topic should be a one-paragraph abstract or statement of a question that you plan to discuss in your final essay, which should be followed by a brief (maximum one page) proposed outline of your essay. You will submit your proposed topic through the course website. This topic is not a commitment, and you may change your mind about your paper topic, but I will provide feedback on your proposed topic to help you improve your final paper.

### **Rough Draft of Essay**

Students enrolled in the writing-writing intensive option will submit a substantial draft of the final essay by 11:00 AM on Monday, April 22, 2024. (This should be a full draft of 6,000 words.) You will submit your draft through the course website. I will provide comments on your draft to help you revise and improve your essay.

### **Final Essay**

The final draft of the essay is due by 11:59 PM on Monday, May 13, 2024 on the course website. The final essay should be 4,000 words, or, if you are taking the writing-intensive option, 6,000 words.

### **Academic Integrity**

Students are expected to abide by Rutgers University's policies on academic integrity. These policies are detailed in the Rutgers University Academic Integrity Policy, available at <https://academicintegrity.rutgers.edu/sites/default/files/pdfs/current.pdf>.

## Schedule of Readings – Syllabus last revised 19 January 2024

Note: The scheduled of readings remains subject to change, contingent on scheduling of class presentations. The reading list will be finalised once presentations have been scheduled.

### **0. Background Reading**

#### Assigned Readings

- Hobbes, Thomas. (1651) 1996. *Leviathan*. Revised student edition. Edited by Richard Tuck. Cambridge: Cambridge University Press. Ch. 21, 145-54.
- Mill, John Stuart. (1859) 2003. *On Liberty*. Edited by David Bromwich and George Kateb. New Haven: Yale University Press. Ch. 1, 73-85.
- Douglass, Frederick. (1845) 2009. *Narrative of the Life of Frederick Douglass: An American Slave, Written by Himself*. Cambridge, MA: Harvard University Press. Ch. 10, 66-99.

#### Further Readings

- Arneson, Richard J. 1980. 'Mill versus Paternalism.' *Ethics* 90(4): 470-89.
- Bentham, Jeremy. (1776) 2017. Letter to John Lind. In *The Collected Works of Jeremy Bentham: The Correspondence of Jeremy Bentham, Vol. 1: 1752–76*, edited by Timothy L.S. Sprigge, 309-11. London: UCL Press.
- Kors, Alan Charles. 2011. 'The Paradox of John Stuart Mill.' *Social Philosophy and Policy* 28(2): 1-18.
- Turner, Piers Norris. 2014. "'Harm" and Mill's Harm Principle.' *Ethics* 124: 299–326.
- Westmoreland, Robert. 2020. 'The Liberty of the Liberty Principle.' *Res Publica* 26: 337–55

### **1. 'Negative' Liberty (January 22)**

#### Assigned Readings

- Berlin, Isaiah. (1958) 2002. 'Two Concepts of Liberty.' In *Liberty*, edited by Henry Hardy, 166-217. Oxford: Oxford University Press.
- Frankfurt, Harry G. 1971. 'Freedom of the Will and the Concept of a Person.' *Journal of Philosophy* 68(1): 5-20.

#### Further Readings

- Dworkin, Ronald. 2011. *Justice for Hedgehogs*. Cambridge, MA: Harvard University Press. Ch. 17, 364-78.
- Frankfurt, Harry G. 1969. 'Alternate Possibilities and Moral Responsibility.' *Journal of Philosophy* 66(23): 829-39.
- Frankfurt, Harry G. 1989. 'Concerning the Freedom and Limits of the Will.' *Philosophical Topics* 17(1): 119-30.
- Frankfurt, Harry. 1992. 'The Faintest Passion.' *Proceedings and Addresses of the American Philosophical Association* 66(3): 5-16.

- MacCallum, Gerald C. 1967. 'Negative and Positive Freedom.' *Philosophical Review* 76(3): 312-34.
- Steiner, Hillel. 1974-75. 'Individual Liberty.' *Proceedings of the Aristotelian Society* 75: 33-50.
- Taylor, Charles. 1976. 'Responsibility for Self.' In *The Identities of Persons*, edited by Amélie Oksenberg Rorty, 281-99. Berkeley: University of California Press.
- Watson, Gary. 1975. 'Free Agency.' *Journal of Philosophy* 72(8): 205-20.
- Wolf, Susan. 1988. 'Sanity and the Metaphysics of Responsibility.' In *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*, edited by Ferdinand Schoeman, 46-62. Oxford: Oxford University Press.

## 2. 'Positive' Liberty (January 29)

### Assigned Readings

- Raz, Joseph, 1986. *The Morality of Freedom*. Oxford: Oxford University Press. Ch. 14-15, 369-429.

### Further Readings

- Christman, John. 1991. 'Autonomy and Personal History.' *Canadian Journal of Philosophy* 21(1): 1-24.
- Dan-Cohen, Meir. 1992. 'Conceptions of Choice and Conceptions of Autonomy.' *Ethics* 102(2): 221-43.
- Dworkin, Ronald. 2011. *Justice for Hedgehogs*. Cambridge, MA: Harvard University Press. Ch. 9, 191-218.
- Oshana, Marina A.L. 1998. 'Personal Autonomy and Society.' *Journal of Social Philosophy* 29(1): 81-102.
- Raz, Joseph. 2002. 'When We Are Ourselves: The Active and the Passive.' In *Engaging Reason: On the Theory of Value and Action*, 5-21. Oxford: Oxford University Press.
- Schmidt, Andreas T. 2016. 'Abilities and the Sources of Unfreedom.' *Ethics* 127(1): 179-207.

## 3. 'Republican' Liberty (February 5)

### Assigned Readings

- Pettit, Philip. 1996. 'Freedom as Antipower.' *Ethics* 106(3): 576-604.
- Skinner, Quentin. 2002. 'A Third Concept of Liberty.' *Proceedings of the British Academy* 117: 237-68.

### Further Readings

- Constant, Benjamin. 1988. 'The Liberty of the Ancients Compared with That of the Moderns.' In *Political Writings*, ed Biancamaria Fontana, 307-28. Cambridge: Cambridge University Press.
- Jennings, Jeremy. 2009. 'Constant's Idea of Modern Liberty.' In *The Cambridge Companion to Constant*, edited by Helena Rosenblatt, 69-91. Cambridge: Cambridge University Press.
- Lovett, Frank. 2016. 'Non-Domination.' In *The Oxford Handbook of Freedom*, edited by David Schmidtz and Carmen Pavel, 106-23. Oxford: Oxford University Press.

- Markell, Patchen. 2008. 'The Insufficiency of Non-Domination.' *Political Theory* 36(1): 9-36.
- Mills, Charles W. 2007. 'The Domination Contract.' In *Contract and Domination*, by Charles Mills and Carole Pateman, 79-105. Cambridge: Polity Press.
- Pateman, Carole. 2007. 'The Settler Contract.' In *Contract and Domination*, by Charles Mills and Carole Pateman, 35-78. Cambridge: Polity Press.
- Patterson, Orlando. 2008. 'Freedom, Slavery, and the Modern Construction of Rights.' In *The Cultural Values of Europe*, edited by Hans Joas and Klaus Wiegandt, translated by Alex Skinner, 115-51. Liverpool: Liverpool University Press.

#### **4. Freedom and Influence (February 12)**

##### Assigned Readings

- Hill, Jr., Thomas E. 1973. 'Servility and Self-Respect.' *The Monist* 57(1): 87-104.
- Garnett, Michael. 2023. 'Ghostwritten Lives: Autonomy, Deference, and Self-Authorship.' *Ethics* 133(2): 189-215.

##### Further Readings

- Akhlaghi, Farbod. 2022. 'Transformative Experience and the Right to Revelatory Autonomy.' *Analysis* 20(20): 1-10.
- Dover, Daniela. 2023. 'Identity and Influence.' *Synthese* 202(167): 1-24.
- Friedman, Marilyn A. 1985. 'Moral Integrity and the Deferential Wife.' *Philosophical Studies* 47(1): 141-50.
- Gingerich, Jonathan. 2016. 'The Political Morality of Nudges in Healthcare.' In *Nudging Health: Health Law and Behavioral Economics*, edited by I. Glenn Cohen, Holly Fernandez Lynch, and Christopher T. Robertson, 97-106. Baltimore: Johns Hopkins University Press.
- Korsgaard, Christine M. 1999. 'Self-Constitution in the Ethics of Plato and Kant.' *Journal of Ethics* 3(1): 1-29.
- Tsai, George. 2014. 'Rational Persuasion as Paternalism.' *Philosophy and Public Affairs* 42(1): 78-112.
- Westlund, Andrea C. 2003. 'Selflessness and Responsibility for Self: Is Deference Compatible with Autonomy?' *Philosophical Review* 112(4): 483-523.
- Yao, Vida. 2023. 'Eros and Anxiety.' *Synthese* 202(200): 1-20.

#### **5. Existentialist Freedom (February 19)**

##### Assigned Readings

- de Beauvoir, Simone. (1947) 1948. *The Ethics of Ambiguity*. Translated by Bernard Frechtman. Secaucus, NJ: Citadel Press. Parts I-II, 7-73.

##### Further Readings

- Arp, Kristana. 1999. 'Conceptions of Freedom in Beauvoir's *The Ethics of Ambiguity*.' *International Studies in Philosophy* 31(2): 25-34.

- de Beauvoir, Simone. (1944) 2004. *Pyrrhus and Cineas*. Translated by Marybeth Timmerman,. In *Simone de Beauvoir: Philosophical Writings*, edited by Margaret A. Simons, 89-149. Chicago: University of Illinois Press.
- Butler, Judith. 1986. 'Sex and Gender in Simone de Beauvoir's Second Sex.' *Yale French Studies* 72: 35-49.
- Dover, Daniela & Jonathan Gingerich. Forthcoming. 'Toward an Existentialist Metaethics: Beauvoir's *Groundwork*.' In *Analytic Existentialism*, edited by Berislav Marušić and Mark Schroeder. Oxford: Oxford University Press.
- Kant, Immanuel. (1785) 2011. *Groundwork of the Metaphysics of Morals*. Edited and translated by Mary Gregor and Jens Timmermann. Cambridge: Cambridge University Press.
- Kirkpatrick, Kate. 2023. 'Beauvoir and Sartre's "Disagreement" about Freedom.' *Philosophy Compass* 18(11): 1-14.
- Langley, Harvey. Forthcoming. 'Freedom and Agency in *The Second Sex*.' *European Journal of Philosophy* DOI:10.1111/ejop.12841.
- Sartre, Jean Paul. (1947) 2007. *Existentialism Is a Humanism*. Translated by Carol Macomber. New Haven: Yale University Press.
- Webber, Jonathan. 2018. *Rethinking Existentialism*. Oxford: Oxford University Press. Ch. 3, 39-56.

## 6. Freedom and Authority (February 26)

### Assigned Readings

- Arendt, Hannah. 'What is Authority?' In *Between Past and Future: Six Exercises in Political Thought*, 91-141. New York: Viking Press.
- Arendt, Hannah. 'What is Freedom?' In *Between Past and Future: Six Exercises in Political Thought*, 143-71. New York: Viking Press.
- Wolff, Robert Paul. (1970) 1998. *In Defense of Anarchism*. Berkeley: University of California Press. Ch. 1, 3-19.

### Further Readings

- Geuss, Raymond. 1995. 'Freedom as an Ideal.' *Proceedings of the Aristotelian Society Supplementary Volumes* 69: 87-100.
- Hershovitz, Scott. 2011. 'The Role of Authority.' *Philosophers' Imprint* 11(7): 1-19.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books. Ch. 5, 88-119.
- Owens, David. n.d. 'Command and Obedience' Unpublished manuscript.
- Rawls, John. 2001. *Justice as Fairness: A Restatement*. Edited by Erin Kelly. Cambridge, MA: Harvard University Press. Part II, 39-79.
- Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Oxford University Press. Ch. 4, 70-109.

## 7. Freedom and Resistance (March 4)

### Assigned Readings

- Davis, Angela Y. 1971. *Lectures on Liberation*. New York: Committee to Free Angela Davis.
- Roberts, Neil. 2015. *Freedom as Marronage*. Chicago: University of Chicago Press. Part I, 1-49.

## Further Readings

- Cohen, G.A. 1983. 'The Structure of Proletarian Unfreedom.' *Philosophy and Public Affairs* 12(1): 3-33.
- Combahee River Collective. 1977. *The Combahee River Collective Statement*. In *How We Get Free*, edited by Keeanga Yamahtta-Taylor, 15-27. Chicago: Haymarket Books.
- Freire, Paulo. (1968) 2000. *Pedagogy of the Oppressed*. Translated by Myra Bergman Ramos. New York: Continuum. Ch. 1, 43-69.
- Kelley, Robin D.G. 2003. *Freedom Dreams: The Black Radical Imagination*. Boston: Beacon Press. Ch. 1, 13-35.
- Roberts, Neil. 2004. 'Fanon, Sartre, Violence, and Freedom.' *Sartre Studies International* 10(2): 139-60.
- Roberts, Neil. 2015. *Freedom as Marronage*. Chicago: University of Chicago Press. Ch. 2, 53-88.

## **8. Freedom, Prediction, and Language (March 18)**

### Assigned Readings

- Butler, Judith. 2023. 'Categories by Which We Try to Live.' *European Journal of Philosophy* 31(1): 283-88.
- Hacking, Ian. 1990. *The Taming of Chance*. Cambridge: Cambridge University Press. Ch. 14 & 15, 115-32.
- Nguyen, Thi & Tim Sundell. n.d. 'Semantic Self Determination.' Unpublished manuscript.

### Further Readings

- Braunschweig, Lila. Forthcoming. 'The Art of Not Being Sexed Quite So Much: A Feminist Reading of Roland Barthes.' *Political Theory* DOI:10.1177/00905917231193106.
- Butler, Judith. 2013. 'Exercising Freedom.' Interview by Eliza Kania. *R/evolutions* 1(1): 32-41.
- Delacroix, Sylvie. 2022. *Habitual Ethics?* Oxford: Hart Publishing. Ch. 7, 113-33.
- Gingerich, Jonathan. 2022. 'Is Spotify Bad for Democracy? Artificial Intelligence, Cultural Democracy, and Law.' *Yale Journal of Law and Technology* 24: 227-316.
- Hacking, Ian. 2007. 'Kinds of People: Moving Targets.' *Proceedings of the British Academy* 151: 285-318.
- Hall, Stuart. 1983. 'The Problem of Ideology: Marxism without Guarantees.' In *Marx: 100 Years On*, edited by Betty Matthews, 57-84. London: Lawrence & Wishart.
- Pundik, Amit. 2017. 'Freedom and Generalisation.' *Oxford Journal of Legal Studies* 37(1): 189-216.
- Woodward, Kathleen. 1999. 'Statistical Panic.' *differences: A Journal of Feminist Cultural Studies* 11(2): 177-203.

## **9. Freedom and Culture (March 25)**

### Required Readings



- Cabral, Amilcar. (1970) 1973. 'National Liberation and Culture.' In *Return to the Source: Selected Sepeches by Amilcar Cabral*, edited by Africa Information Service, 39-56. New York: Monthly Review Press.
- Fanon, Frantz. (1959) 2004. 'On National Culture.' In *The Wretched of the Earth*, translated by Richard Philcox, 145-80. New York: Grove Press.
- Táiwò, Olúfẹ̀mí O. Reading TBD.

### Further Readings

- Bhattacharyya, K.C. (1928) 2011. 'Svaraj in Ideas.' In *Indian Philosophy in English: From Renaissance to Independence*, edited by Nalini Bhushan and Jay L Garfield, 102-12. Oxford: Oxford University Press.
- Chakrabarty, Dipesh. 2009. 'The Climate of History.' *Critical Inquiry* 35: 197-222.
- Gandhi, M.K. (1909) 1997. *Indian Home Rule [or Hind Swaraj]*. In *Hind Swaraj and Other Writings*, edited by Anthony J Parel. Cambridge: Cambridge University Press. Chapters 4-8, 11, 13-14, 16-17, pp. 26-45, 58-61, 66-74, and 79-99.
- Gingerich, Jonathan. 2019. 'Remixing Rawls: Constitutional Cultural Liberties in Liberal Democracies.' *Northeastern University Law Review* 11(2): 523-88.
- Julius, A.J. 2017. 'Independent People.' In *Freedom and Force: Essays on Kant's Legal Philosophy*, edited by Sari Kisilevsky and Martin Jay Stone, 91-112. Oxford: Bloomsbury Academic.
- Wynter, Sylvia. 2003. 'Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation—An Argument.' *CR: The New Centennial Review* 3(3): 257-337.

**Initial essay topic and outline due by 11:00 AM on Monday, April 1, 2024**

## **10. Freedom and the Law: Constitutions (April 1)**

### Required Readings

- Rana, Aziz. 2010. *The Two Faces of American Freedom*. Cambridge, MA: Harvard University Press. Introduction & Ch. 1, 1-98.
- Rana, Aziz. 2023. 'A Different Freedom.' *Boston Review*. December 12. <https://www.bostonreview.net/forum/a-different-freedom>.
- Rousseau, Jean-Jacques. (1762) 2002. *The Social Contract*. In *The Social Contract and the First and Second Discourses*, edited and translated by Susan Dunn, 149-254. New Haven: Yale University Press. Book I, 155-69.

### Further Readings

- Baars, Grietje. 2019. 'Queer Cases Unmake Gendered Law, Or, Fucking Law's Gendering Function.' *Australian Feminist Law Journal* 45(1): 15-62.
- Getachew, Adom. 2019. *Worldmaking after Empire: The Rise and Fall of Self-Determination*. Princeton: Princeton University Press. Ch. 1, 14-36
- Harris, Angela P. 1990. 'Race and Essentialism in Feminist Legal Theory.' *Stanford Law Review* 42: 581-616.
- Harris, Cheryl I. 1993. 'Whiteness As Property.' *Harvard Law Review* 106(8): 1707-91.

Joseph-Gabriel, Annette K. 2018. 'Gerty Archimède and the Struggle for Decolonial Citizenship in the French Antilles, 1946–51.' In *Black French Women and the Struggle for Equality, 1848-2016*, edited by Félix Germain and Silyane Larcher, 89-106. Lincoln: University of Nebraska Press.

Rana, Aziz. 2016. 'Race and the American Creed.' *n+1*. Winter.  
<https://www.nplusonemag.com/issue-24/politics/race-and-the-american-creed>.

## 11. Freedom and the Law: Consent (April 8)

### Required Readings

Garcia, Manon. (2021) 2023. *The Joy of Consent: A Philosophy of Good Sex*. Cambridge, MA: Harvard University Press. Introduction & Ch. 1, 1-35.

MacKinnon, Catherine A. 2016. 'Rape Redefined.' *Harvard Law and Policy Review* 10: 431-77.

### Further Readings

Bergelson, Vera. 2014. 'The Meaning of Consent.' *Ohio State Journal of Criminal Law* 12: 171-80.

Halley, Janet. 2016. 'The Move to Affirmative Consent.' *Signs: Journal of Women in Culture and Society* 42(1): 257-79.

Hirschman, Nancy J. 1996. 'Toward a Feminist Theory of Freedom.' *Political Theory* 24: 46-67.

Kukla, Quill R. 2021. 'A Nonideal Theory of Sexual Consent.' *Ethics* 131(1): 270-92.

Liberto, Hallie. 2017. 'The Problem with Sexual Promises.' *Ethics* 127: 383-414.

MacKinnon, Catherine A. 2006. 'A Sex Equality Approach to Sexual Assault.' *Annals of the New York Academy of Sciences* 989(1): 265-75.

Saketopoulou, Avgi. 2023. *Sexuality beyond Consent: Risk, Race, Traumatophilia*. New York: New York University Press. Ch. 3, 90-130.

Srinivasan, Amia. 2021. *The Right to Sex*. London: Bloomsbury Publishing. Ch. 3, 73-92.

West, Robin. 2010. 'Sex, Law, and Consent.' In *The Ethics of Consent: Theory and Practice*, edited by Franklin G. Miller and Alan Wertheimer, 221-50. Oxford: Oxford University Press.

## 12. Freedom and the Law: Property (April 15)

### Required Readings

Cohen, G.A. (2001) 2011. 'Freedom and Money.' In *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*, edited by Michael Otsuka, 166-99. Princeton: Princeton University Press.

Davis, Mike. 1991. 'Afterword—A Logic Like Hell's: Being Homeless in Los Angeles.' *UCLA Law Review* 39: 325-32.

Waldron, Jeremy. 1991. 'Homelessness and the Issue of Freedom.' *UCLA Law Review* 39: 295-324.

### Further Readings

- Dagan, Hanoch & Avihay Dorfman. Forthcoming. *Relational Justice: A Theory of Private Law*. Oxford: Oxford University Press. Ch. 1.
- Lawless, John. 2018. 'Gruesome Freedom: The Moral Limits of Non-Constraint.' *Philosophers' Imprint* 18(3): 1-19.
- Lawrence, Matthew. 2023. 'Addiction and Liberty.' *Cornell Law Review* 108: 259-343.
- Love, S.M. 2020. 'Socialism and Freedom.' *Philosophical Topics* 48(2): 131-57.
- Marx, Karl. (1846) 2000. 'The German Ideology.' In *Karl Marx: Selected Writings*, edited by David McLellan, 175-208. 2nd edition. Oxford: Oxford University Press.
- Orosco, José-Antonio M. 2002. 'Martin Luther King, Jr.'s Conception of Freedom and Radical Democracy.' *Journal of Social Philosophy* 32(3): 386-401.
- Schmidt, Andreas T. 2023. 'Does Collective Unfreedom Matter? Individualism, Power, and Proletarian Unfreedom.' *Critical Review of International Social and Political Philosophy* 26(6): 964-85.

***Rough draft of essay due by 11:00 AM on Monday, April 22, 2024  
(Writing-intensive students only)***

### **13. Spontaneous Freedom (April 22)**

#### Required Readings

- Gingerich, Jonathan. 2022. 'Spontaneous Freedom.' *Ethics* 133(1): 38-71.
- Gingerich, Jonathan. n.d. 'Freedom beyond Choice.' Unpublished manuscript.

#### Further Readings

- Fromm, Erich. (1941) 2001. *The Fear of Freedom*. London: Routledge. Ch. 7, 207-37.
- Gingerich, Jonathan. Forthcoming. 'Democratic Vibes.' *William and Mary Bill of Rights Law Journal* 32(4).
- Leferman, Alexander. Forthcoming. 'Joint Action and Spontaneity.' *European Journal of Philosophy* DOI: 10.1111/ejop.12926.
- Lorde, Audre. 1984. 'Uses of the Erotic: The Erotic as Power.' In *Sister Outsider: Essays and Speeches*, 53-59. Freedom, CA: Crossing Press.
- Luxemburg, Rosa. (1906) 2008. 'The Mass Strike.' In *The Essential Rosa Luxemburg*, edited by Helen Scott, 111-81. Chicago: Haymarket Books.
- Marx, Karl with Friedrich Engels. (1894) 2000. 'The Trinity Formula.' In *Karl Marx: Selected Writings*, edited by David McLellan, 530-45. 2nd edition. Oxford: Oxford University Press.
- McMahon, Laura. 2019. 'Freedom as (Self-)Expression: Natality and the Temporality of Action in Merleau-Ponty and Arendt.' *The Southern Journal of Philosophy* 57(1): 56-79.
- Ng, Karen. 2019. 'Social Freedom as Ideology.' *Philosophy and Social Criticism* 45(7): 795-818.
- Russell, Francey. Reading TBD.

***Final draft of essay due by 11:59 PM on Monday, May 13, 2024***