

University of Toronto
Department of Political Science
2010-11
Wednesdays 10-12 noon
University College, Room 65
SII 199Y: Public, Private and the Liberal State

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Outline of the Course

The distinction between “public” and “private” is so deeply embedded in our social and political life that at times it is almost invisible. Most of us instinctively obey the sign that says “Private: No Trespassing” and keep our eyes peeled instead for the parking lot that advertises “Public Parking.” Lawyers organize their careers around the basic difference between public and private law. Some events are public and open to all where others are private and exclusive. Most of us think that filling potholes and collecting garbage are essential “public works,” and most of us also think that what we do in our “private” lives is no one else’s business. There is a public school system and a vast array of private schools, and most people seem to know which is which. Most Canadians believe that what is good about our health care system is that is in some fundamental way public, and that what is bad about the American health care system is that it builds on, and reproduces the inequalities of, the private market. And in both countries it is often said that political parties are organized around different views about where to draw the line between the market and the state, or between individual liberty and community values.

The public/private distinction, in other words, is second nature. Or is it? Over the past number of years, developments have occurred in various policy “sectors” that seem to challenge the usual way North Americans think about, categorize, and draw the line between public and private. The purpose of this course is to explore these changes. We will spend the first part of the course trying to understand why the public/private distinction is so important to liberal democracies like Canada and the U.S. We will pay particular attention to the diverse meanings of public and private currently in play in North America. What are the values that the public/private distinction serves or protects? What are the psychological engines that drive the need to create public and private spheres? What are the institutions that support and realize them? And, crucially, how do you draw the line between them?

We will then move, in the second semester, to understand how the categories of public and private are changing. One goal here will be to understand, policy sector by policy sector, what is actually happening “on the ground.” Is it that the boundary between public and private is shifting? Or is it that the boundary itself is eroding? Or both? Or neither? A second goal will be to understand why these changes are occurring – now. And a third goal will be to try to determine if these changes are good, bad, or something in between. In other words, we will look at the public/private question both as an empirical and as a normative question, and try to capture the dynamism or movement of these phenomena over time.

Grading and Assignments:

This is a seminar course, not a lecture, and throughout emphasis will be on directed discussion of the readings that have been assigned. It is absolutely crucial, therefore, that students do the readings beforehand and are prepared to talk about them in class. As this course is also meant to introduce students to the way social scientists approach their subjects, the assignments will attempt to develop several different sorts of skills that, as students, you will likely encounter in your university career. Here is the breakdown:

1. Four short reviews (max. 600 words or 2 typewritten pages each) tied to the principal reading in any given week. The goal is to learn how to summarize, contextualize, and critically evaluate some of the arguments that we will encounter over the course of the year. More details will be provided, but three basic rules are worth noting. Rule 1 is that you may choose the readings and weeks you wish to review, subject to Rule 2, which is that at least two of these reviews must be submitted in the first term (i.e. through Week 12) and Rule 3, which is that your reviews must be submitted **before** class on the week we are discussing the readings you have chosen to review. Each review is worth 10% of the final mark, making for a total of $4 \times 10\% = 40\%$.

2. A somewhat longer, but still short, analytical essay on an assigned topic. The topic or topics will permit you to bring to bear what you have learned in the first term on a topic of current interest in Canada and/or the U.S. = **30%**
Due: **January 19, 2011**

3. Take Home Test, Due **Wednesday, April 6.** **20%**

4. Class Participation. **10%**

No late papers are anticipated. A penalty of 2 points per late day will be assessed on papers that are not handed in by the deadlines specified.

Plagiarism is a serious academic offence and will be dealt with accordingly. For further clarification and information, please see the University of Toronto’s policy on Plagiarism at <http://www.utoronto.ca/writing/plagsep.html>.

Course Readings:

The readings for the course will be drawn from a variety of sources both scholarly and popular. As no one book contains all of the material we will need, I have put together a course reader which is available for purchase from Print City, 180 Bloor St. West (lower level). In addition, one book, *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream* (revised and expanded; Oxford, 2008), by Jacob S. Hacker is (or will be) available for purchase at the U of T Bookstore.

Blackboard:

Blackboard, which is a technological toolkit adopted by the U of T to support teaching, will be your constant companion throughout the course. Essential course documents (e.g. the course syllabus and assignments) will be posted to the course Blackboard site. In addition, I will regularly post short articles or documents that are timely and that shed light on a week's readings. If we get ambitious, we may even use Blackboard as a platform for facilitating ongoing discussion between our weekly course meetings. One way or another, you should get in the habit of referring to the course site on Blackboard on a regular basis.

Accessibility Needs: The University of Toronto is committed to accessibility. If you require accommodations for a disability, or have any accessibility concerns about the course, the classroom or course materials, please contact Accessibility Services as soon as possible: disability.services@utoronto.ca or <http://studentlife.utoronto.ca/accessibility>.

SII 199Y--COURSE READINGS AND SCHEDULE
Public, Private and the Liberal State

Semester 1

I: INTRODUCTIONS

Week 1 (September 15) Introduction

No assigned readings

Week 2 (September 22) Putting Ourselves in Context

Most of the class time will be given over to brief autobiographical sketches that weave together the “personal” (who you are) with the “political” (how you view and evaluate the relative importance of public and private space).

**II: DRAWING THE LINE BETWEEN PUBLIC AND PRIVATE:
THREE CASES: HEALTH, SEX, AND MALLS.**

Week 3 (September 29) Health

Roy Romanow, *Building on Values: The Future of Health Care in Canada* (2002), pp. 1-43.

David Leonhardt, “In Health Bill, Obama Tackles Wealth Inequality”, *The New York Times*, March 23, 2010. Available on Blackboard, and at:
<http://www.nytimes.com/2010/03/24/business/24leonhardt.html>

Recommended:

Elizabeth Docteur and Robert Berenson, “How Does the Quality of U.S. Health Care Compare Internationally?” *The Urban Institute*, pp. 1-14.

Available on Blackboard, and at:

http://www.urban.org/uploadedpdf/411947_ushealthcare_quality.pdf

Week 4 (October 6) Sex

Bowers v. Hardwick 478 U.S. 186, (1986), in “American Constitutional Law, Vol. 2., 3rd ed”, Kommers et al.

Lawrence v. Texas 123 S. Ct 1406, (2003), in “American Constitutional Law, Vol. 2., 3rd ed”, Kommers et al.

The U.S. Bill of Rights, in “American Government 10th ed.”, Lowi et al., A25-A34.

Week 5 (October 13) Malls

Margaret Kohn, *Brave New Neighbourhoods: The Privatization of Public Space* (Routledge, 2004), ch. 1 (pp. 1-22) and ch. 4 (pp. 69-92).

III: BUILDING BLOCKS OF PUBLIC AND PRIVATE

Week 6 (October 20) Individualism and Choice

John Stuart Mill, *On Liberty*, chapters 3 and 4.

L. W. Sumner, *The Hateful and the Obscene* (University of Toronto Press, 2004), chapter 2 (pp. 18-51).

Week 7 (October 27) Privacy and Control

David Lyon, “Under My Skin: From Identification Papers to Body Surveillance,” in Jane Caplan and John Torpey (eds.), *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton University Press, 2001), pp. 291-310.

Jonathan Shaw, “Exposed: The Erosion of Privacy in the Internet Era,” *Harvard Magazine*, September-October 2009, pp. 38-43.

Susan Krashinsky and Omar El Akkad, “The End of Online Privacy”, *The Globe and Mail*, August 13, 2010. Available on Blackboard, and at: <http://www.theglobeandmail.com/news/technology/the-end-of-online-privacy/article1672466/>

Week 8 (November 3) Social Trust and Community

Jane Jacobs, *The Death and Life of Great American Cities* (Vintage Books, 1992), chapter 3, pp. 55-73.

Robert Putnam, *Bowling Alone* (Simon and Schuster, 2000), pp. 15-28; 287-295; 336-349.

Week 9 (November 10) Equality

Law v. Canada (1999) (excerpt), The Supreme Court of Canada.

Reference re Same-Sex Marriage (2004) (excerpt), The Supreme Court of Canada.

The Canadian Charter of Rights and Freedoms

Week 10 (November 17) Markets and Efficiency

Michael Trebilcock and Edward M. Iacobucci, “Privatization and Accountability,” *Harvard Law Review* 116(5) (March 2003), pp. 1422-1453.

Leslie Wayne, “Politics and the Financial Crisis Slow the Drive to Privatize,” *New York Times*, June 5, 2009. Available on Blackboard, and at: http://www.nytimes.com/2009/06/05/business/economy/05private.html?_r=1&scp=4&sq=leslie%20wayne%20financial%20crisis&st=cse

Week 11 (November 24) Markets and Risk: The Great Shift

Jacob S. Hacker, *The Great Risk Shift*, chapters 1-2.

“FreedomWorks”, read “Issues” sections, available on Blackboard, and at:
<http://www.freedomworks.org/issues>

Recommended:

Kate Zernike, “Shaping Tea Party Passion Into Campaign Force” *The New York Times*, August 25, 2010. Available on Blackboard, and at:
http://www.nytimes.com/2010/08/26/us/politics/26freedom.html?ref=tea_party_movement

Week 12 (December 1) What is Government to Do?

Jacob S. Hacker, *The Great Risk Shift*, selected chapters and Conclusion.

Semester 2

In the second semester we will examine, in greater detail, recent developments in (policy) areas and fields where the boundaries between public and private are currently contested. These will include education, health, intellectual property, and war-making, but there will be enough flexibility to incorporate topics that are of special interest to a significant portion of the class.

IV: Health, Education, Welfare and Sports

Education

Week 13 (January 12) Early Child Education

Readings TBA

Week 14 (January 19) Charter Schools

Bruce Fuller (ed), *Inside Charter Schools: The Paradox of Radical Decentralization* (Harvard University Press, 2000), pp. 12-65.

Caroline M. Hoxby, “The Supply of Charter Schools,” in Paul T. Hill (ed.) *Charter Schools Against the Odds* (Hoover Institution Press, 2006), pp. 15-44.

Week 15 (January 26) Private Intrusions into Public Schools: Donations and Commercialization

Andrew Stark, *Drawing the Line: Public and Private in America*, Ch 4 “What’s Wrong with Private Funding for Public Schools”, pp.57-69, Ch. 6, “Commercialism in the Public Schools”, pp. 85-100.

Week 16 (February 2) Who Should Pay for Public Universities?

Arthur Ripstein, “Public and Private Benefits in Higher Education,” in Carolyn Tuohy and Frank Iacobucci (eds), *Taking Public Universities Seriously* (UTP, 2004), pp. 498-513.

Week 17 (February 9) Blurring the Boundaries in Healthcare

Colleen Flood and Bryan Thomas, “Blurring of the Public/Private Divide: The Canadian Chapter”, in *European Journal of Health Law*, 17 (2010) pp.257-278.

Elizabeth Docteur and Robert Berenson, “How Does the Quality of U.S. Health Care Compare Internationally?” *The Urban Institute*, pp. 1-14.

Available on Blackboard, and at:

http://www.urban.org/uploadedpdf/411947_ushealthcare_quality.pdf

Week 18 (February 16) Expanding the Definition of Public Health?

Richard Epstein, "Let the Shoemaker Stick to his Last: A Defense of the 'Old' Public Health," in *Perspectives in Biology and Medicine*, vol. 46, number 3 (summer 2003): S138-159.

Week 19 (March 2) Welfare, Work, and Charitable Choice

Andrew Stark, *Drawing the Line: Public and Private in America*, Ch 11 "Work and Welfare", pp. 155-176.

Week 20 (March 9) The Public Purposes of Professional Sport

John L. Crompton, "Public Subsidies to Professional Sports Facilities in the USA," in Chris Gratton and Ian P. Henry (eds), *Sports in the City: The Role of Sport in Economic and Social Regeneration* (Routledge, 2001), pp. 15-34.

Rick Eckstein and Kevin Delaney, "New Sports Stadiums, Community Self-Esteem and Community Collective Conscience," *Journal of Sport and Social Issues*, vol. 26, no. 3, August 2002, pp. 235-247.

V. The International Dimension of Public and Private

Week 21 (March 16) Outsourcing Sovereignty: Borders and Airports

Paul Verkuil, *Outsourcing Sovereignty*, Readings TBA

Week 22 (March 23) The Privatization of War

Peter Singer, "Corporate Warriors: The Rise of the Privatized Military Industry and Its Ramifications for International Security," *International Security*, vol. 26, no. 3, Winter 2001/02, pp. 186-220.

Ann R. Markusen, "The Case Against Privatizing National Security," *Governance* 16:4 (2003), 471-501.

The case of Blackwater, and other readings from Salon.com (TBA)

Week 23 (March 30) Consumerism and Globalization: Peas in a(n) iPod?

Benjamin R. Barber, "Shrunken Sovereign: Consumerism, Globalization, and American Emptiness," *World Affairs* (Spring 2008), pp. 73-81.

Ron Deibert and Rafal Rohozinski, "Google, China and a wake-up call to protect the net", *Globe and Mail*, January 14, 2010. Available on Blackboard, and at:

<http://www.theglobeandmail.com/news/opinions/google-china-and-a-wake-up-call-to-protect-the-net/article1431381/>

Ron Deibert, "Cyberspace Confidential", *Globe and Mail*, August 6, 2010. Available on Blackboard, and at:

<http://www.theglobeandmail.com/news/opinions/cyberspace-confidential/article1665125/>

Week 24 (April 6) Conclusion

Take-home test due.