

University of Toronto
Department of Political Science
2015-16
Thursday 10-12
University College, Room 255
POL 404/2314Y:
Private, Public 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 it seems at times almost invisible. Most of us instinctively obey the sign that says “Private: No Trespassing” and keep our eyes peeled instead for the Green P that signifies public parking. Lawyers organize their careers around the basic difference between public and private law. Filling potholes and collecting garbage keeps the Department of Public Works busy, and most of believe 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 it is in some fundamental way public, and that what is bad about the American system is that it builds on, and reproduces the inequalities of, the private market. And in both countries it is often said that politics is driven by 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. Garbage collection and other public works are being “privatized” as we speak. The public school system, tired of being under-financed and criticized for under-performance, has opened itself to various “private” initiatives. The health care systems on both sides of the border increasingly defy simple descriptions of “public” versus “private.” And even national defence – the classic “public good” – is subject to growing privatization.

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, developing a conceptual toolkit as we go. 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? And are these changes 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 be prepared to talk about them in class. The written assignments are meant to develop a range of skills and therefore require you to master a range of formats: 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. Research Essay: A longer (15-20 pages) essay in which you have the opportunity to explore in greater depth some facet or theme suggested by the course readings. The research essay has two parts:
 - i) Proposal: The first step is to identify your research question, explain how you propose to answer it, and explore some of the resources that you will turn to help you along the way. This is a crucial part of the exercise that you should be able to accomplish in no more than 3 pages. **Due Thursday, January 21, 2016** = 10%

ii) Essay: You will be expected to realize the goals you set out in the proposal in the form of a well-argued, coherent, theoretically informed essay. More details will follow as we approach the deadline, which is **Thursday, February 25, 2016. = 20%**

3. Take Home Test, Due **Thursday, March 31, 2016 = 20%**

4. Class Participation. = **10%**

All assignments are to be handed in in class and 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.

You are also strongly advised to keep rough and draft work and hard copies of your essays and assignments. These should be kept until the marked assignments have been returned and the grades are posted on ROSI.

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.writing.utoronto.ca/advice/using-sources>

“Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site”.

Course Readings:

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.

There are no books that need to be purchased for the course.

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: accessibility.services@utoronto.ca or
<http://studentlife.utoronto.ca/accessibility>.

POL404/2314Y--COURSE READINGS AND SCHEDULE
Private, Public and the Liberal State

Semester 1

I: INTRODUCTIONS

Week 1 (September 17) Introduction

No assigned readings

Week 2 (September 24) 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:

In a poll taken on the occasion of Canada Day 2014, Canadians were asked what made them proud to be Canadian. The answers most frequently given were a) Medicare; and b) the Charter of Rights. We’ll spend the first two weeks looking at these two themes – health care and rights – to try to establish a conceptual foundation for our enquiry into the meaning of “public” and “private.” Since comparisons often illuminate, we’ll compare Canadian with American “takes” on these themes.

Week 3 (October 1) 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.

Recommended:

Commonwealth Fund, “International Profiles of Health Care Systems, 2013;” and “Mirror, Mirror on the Wall, 2014 Update: How the U.S. Health Care System Compares Internationally.” These reports can be found at www.commonwealthfund.org.

Week 4 (October 8) Rights

Supreme Court of Canada, *Multani v. Commission Scolaire Marguerite-Bourgeois* 2006 SCC 6, (2006) 1 S.C.R. 256 in Thomas Bateman, Janet Hiebert, Rainer Knopff and Peter Russell (eds), *The Court and the Charter* (Emond Montgomery, 2008), pp. 123-131.

***Hutterian Brethren* case (2009)**

United States Supreme Court, *Burwell v. Hobby Lobby Stores* (2014) in Howard Gillman, Mark Graber and Keith Whittington (eds.), *American Constitutionalism: Volume 2 – Rights and Liberties* (Oxford, 2012), supplementary materials for the 2013 term, pp. 1-8 (used with permission.

Obergefell (2015)

United States Bill of Rights (easily accessible online; please bring a copy to class).

Canadian Charter of Rights and Freedoms (easily accessible online; please bring a copy to class.)

III: The Conceptual Building Blocks of Public and Private

Having seen a couple of the ways public and private play out in two areas of endeavour in two countries, it’s time to begin assembling a sort of conceptual toolkit to understand how these terms are conventionally understood in North America (and, fleetingly, Europe.)

Week 5 (October 15) Individualism and Choice

John Stuart Mill, *On Liberty* – “Introductory” and chapter 4 “Of the Limits to the Authority of Society over the Individual.” The Spitz edition of *On Liberty* (Norton: 1975) is the most popular, but any edition will do.

Paul Howe, *Citizens Adrift: The Democratic Disengagement of Young Canadians* (UBC Press: 2010), chapter 7, pp. 189-208.

Barry Schwartz, *The Paradox of Choice: Why More is Less* (HarperCollins: 2004), ch. 1, pp. 9-22.

Dennis et al, “Bicycle helmets,” *Injury Prevention* 2010: 16 (219-224).

Week 6 (October 22) Individualism, 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.

European Union, “Factsheet on the ‘Right to be Forgotten’ ruling,” available at www.ec.europa.eu/justice/data-protection/files/factsheets.

Week 7 (October 29) 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 8 (November 5) Equality and Inequality

Supreme Court of Canada, *Law v. Canada (Minister of Employment and Immigration)* (1999) 1 S.C.R. 497 in Thomas Bateman, Janet Hiebert,

Rainer Knopff and Peter Russell (eds), *The Court and the Charter* (Emond Montgomery, 2008), pp.394-402.

Robert Putnam *et al*, “Growing Class Gaps in Social Connectedness Among American Youth,” (August, 2012). Accessible at: www.hks.harvard.edu/saguaro/research/SaguaroReport_DivergingSocialConnectedness_20120808.pdf.

Week 9 (November 12) Public Space

Margaret Kohn, “Privatization and Protest: Occupy Wall Street, Occupy Toronto, and the Occupation of Public Space in a Democracy,” American Political Science Association, *Perspectives on Politics* (March 2013), pp. 99-110.

Batty v. City of Toronto 2011 ONSC 6862.

Week 10 (November 19) Markets and Efficiency

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

Week 11 (November 26) The Welfare State

Gosta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton: 1990), chapter 1, pp. 9-34.

Michael Katz, “The American Welfare State and Social Contract in hard Times,” *Journal of Policy History* (22)4, 2010, pp. 508-529.

Week 12 (December 3) The Welfare State (II)

Jacob Hacker, *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream* (revised and expanded), (Oxford: 2008), chapters 1 and 2.

Second Semester

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, welfare, and (even) professional sports.

IV: Health, Education, Welfare and Sports

Week 13 (January 7) Introduction: Social Investment and Early Child Education

Anthony Giddens, *The Third Way and Its Critics* (Polity, 2000), ch. 4 “The Question of Inequality,” pp. 85-121.

Linda A. White, “Must We All Be Paradigmatic? Social Investment Policies and Liberal Welfare States,” *Canadian Journal of Political Science*, 45(3), (September 2012), pp. 657-683.

Week 14 (January 14) Charter Schools

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

Richard Kahlenberg and Halley Potter, *Smarter Charter* (2014), chaps. 1 and 3.

**Week 15 (January 21) Private Intrusions into Public Schools:
Donations and Commercialization**

Andrew Stark, *Drawing the Line: Public and Private in America*, (Brookings Institution, 2009), Chapter 4 “What’s Wrong with Private Funding for Public Schools”, pp.57-69; and Chapter 6, “Commercialism in the Public Schools”, pp. 85-100.

Week 16 (January 28) 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.

Suzanne Mettler, *Degrees of Inequality* (2014) (excerpts)

Week 17 (February 4) Blurring the Boundaries in Health care

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.

Carolyn Hughes Tuohy, “Health Care Policy after Universality: Canada in Comparative Perspective,” in Keith Banting and John Myles (eds), *Inequality and the Fading of Redistributive Politics* (UBC, 2013), pp. 285-311.

Week 18 (February 11) 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.

Kelly D. Brownell and Thomas R. Frieden, "The Public Policy Case for Taxes on Sugared Beverages," *New England Journal of Medicine* 2009 April 360 (18) 1805-08.

John Seabrook, "Snacks for a Fat Planet," *New Yorker* May 16, 2011

February 18 No Class Reading Week

Week 19 (February 25) Risk, Redistribution, and the Current State of the Welfare State

Keith Banting and John Myles (eds.), *Inequality and the Fading of Redistributive Politics* (UBC, 2013), "Introduction," pp. 1-39.

Jacob Hacker, *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream* (revised and expanded), (Oxford: 2008), chapters 1 and 2 (reprise).

Week 20 (March 3) The State of/and Multiculturalism

Irene Bloemraad, "Invisible No More? Citizenship and Politics among Portuguese Canadians," in Carlos Teixeira and Victor M.P. Da Rosa (eds.), *The Portuguese in Canada: Diasporic Challenges and Adjustment* (second edition), (Toronto: 2009), pp. 161-190.

Bernard Yack, "Multiculturalism and the Political Theorists," *European Journal of Political Theory* 1(1), 2003, pp. 107-119.

Anna Korteweg and Triadafilos Triadafilopoulos, "Is multiculturalism dead? Groups, governments and the 'real work of integration.'" *Ethnic and Racial Studies*, 2014, pp. 1-21.

Week 21 (March 10) 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 22 (March 17) 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.

Week 23 (March 24) Privacy, Security, and Cyberspace

Ronald Deibert and Rafal Rohozinski, "Liberation vs. Control: The Future of Cyberspace," *Journal of Democracy* (Vol. 21, No. 4, October 2010), pp. 43-57.

Ronald Deibert, *Black Code: Surveillance, Privacy, and the Dark Side of the Internet* (Signal/McClelland and Stewart, 2013), pp. ix-xvi and 10-49.

Week 24 (March 31) Conclusion

Take-home test due.