

The Consequences of Pragmatism

Liberal Studies 454
Summer 2008

home page: www9.georgetown.edu/faculty/blattnew/cons/index.htm

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Office Hours: Weds., 3.30 - 4.30
(only on days when class meets)

Course Syllabus

Course Description:

In this course we will examine the viability of American pragmatism by measuring it by its own yardstick: its consequences. We will explore “applied pragmatism” (which is itself probably a pleonasm). We shall look into pragmatic philosophy of law (Justice Oliver Wendell Holmes, Jr. and the American Legal Realists), pragmatic political philosophy (John Dewey's theory of participatory democracy), and the connection between Dewey's political philosophy and his theory of education.

In assessing American pragmatism, we are evaluating America's distinctive contribution to twentieth century philosophical thought. We will be looking at the classical era of American pragmatism, the first half of the 20th century. Pragmatism, esp. Holmes, Dewey, and William James, played an essential role in twentieth century, American, intellectual history. What can we learn from it? How much does it really have to offer?

Course Requirements:

Two medium-length papers, one on American Legal Realism (due July 2^d) and one on Dewey's political philosophy (due July 23^d, submitted *via* Blackboard). There will also be *one short writing assignment* due June 11th (which I'll use to give you some guidance on how you present an argument).

Late papers: unexcused late papers will be graded down one grade step (e.g., B+ to B) per two business days late (weekends count as one business day). Please discuss legitimate excuses with me as early as possible.

Attendance policy: Attendance is required by the Liberal Studies program.

Academic Integrity: Although the Liberal Studies program is not formally part of the G.U. Honor System, I will apply the standards of the honor system to this class. In particular, students should familiarize themselves with the concept of plagiarism, as defined in the Honor Code. I will record and “F” for the course, if a violation of the Honor Code takes place.

Texts:

- Dewey, John. *Political Writings*, ed. Morris and Shapiro. (Hackett) – abbrev. as **Dewey**
- Fisher, William W., III, et al., eds. *American Legal Realism*. (Oxford) – **Fisher**
- Strunk, William, Jr. and E.B. White, *The Elements of Style*. (Longman)
- further readings on electronic reserve through Lauinger Library

Blackboard: I will use Blackboard for day-to-day course management.

Schedule of Readings

Wednesday, May 28 : Introduction

William James, "What Pragmatism Means," *available by electronic reserve from Lauinger.*

Part I. Holmes and American Legal Realism

Wednesday, June 4: Oliver Wendell Holmes's Jurisprudence

Oliver Wendell Holmes, Jr., "The Path of the Law," *Fisher*, pp. 15-24.

Pound, "Law in Books and Law in Action," *Fisher*, pp. 39-44.

Wednesday, June 11: The Flowering of American Legal Realism

Karl N. Llewellyn, "A Realistic Jurisprudence – The Next Step," *Fisher*, pp. 53-8.

Pound, "The Call for a Realistic Jurisprudence," *Fisher*, pp. 59-67.

Felix Cohen, "Transcendental Nonsense and the Functional Approach," *Fisher*, pp. 212-227.

Max Radin, "The Theory of Judicial Decision: Or How Judges Think," *Fisher*, pp. 195-198.

Wednesday, June 18: Challenging Legal Realism: Hart's Critique of the Realists

H.L.A. Hart, *The Concept of Law*, ch. 7, *on reserve.*

Walter Cook, "Scientific Method and the Law," *Fisher*, pp. 242-250.

Wednesday, June 25: Legal Realism in the Contemporary Context

Hasnas, John (1995). "Back To The Future: From Critical Legal Studies Forward To Legal Realism, Or How Not To Miss The Point Of The Indeterminacy Argument." *Duke Law Review* 45.

Fischl, Richard Michael (1986-87). "Some Realism About Critical Legal Studies." *University of Miami Law Review* 41: 505-532.

Part II. Dewey's Philosophy of Participatory Democracy

Wednesday, July 2: Liberalism and Democracy in Dewey's Thought

"I Believe," in *Dewey*, pp. 234-239.

"Creative Democracy – The Task Before Us," *Dewey*, pp. 240-245.

"Renascent Liberalism," *Dewey*, pp. 142-152.

"Liberty and Social Control," *Dewey*, pp. 158-160.

The readings from and on Dewey may change. I will have made final decisions by the first day of class.

Wednesday, July 9: Implementing Participatory Democracy

TBA

Saturday, July 12: Is Participatory Democracy Too Idealistic? Dewey and His Critics

Reinhold Niebuhr, "The Pathos of Liberalism," *Dewey*, pp. 153-7.

Walter Lippmann, *The Phantom Public*, chs. 2-4, *on reserve*.

Dewey, "The Problem of Method," *Dewey*, pp. 184-191.

"The Democratic Conception in Education," *Dewey*, pp. 110-120.

"Ethical Principles Underlying Education," *Dewey*, pp. 97-109

Wednesday, July 16: Concluding Discussion

no new readings

Disabilities Statement:

If you believe you have a disability, then you should contact the Academic Resource Center (arc@georgetown.edu) for further information. The Center is located in the Leavey Center, Suite 335. The Academic Resource Center is the campus office responsible for reviewing documentation provided by students with disabilities and for determining reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) and University policies.