

PHILOSOPHY 224 SOCIAL AND POLITICAL PHILOSOPHY
Richard Arneson Spring, 2000
Tuesdays 2:20-5:10 in HSS 7077 revised version 4/3

This course is an introduction to contemporary theories of justice by way of examination of the views of John Rawls and Robert Nozick. The texts will be *A Theory of Justice* (1971) and *Political Liberalism* (1993) by Rawls and *Anarchy, State, and Utopia* (1974) by Nozick. Both authors are concerned to develop a theory of justice that can stand as a rival to utilitarianism. Both develop theories of individual rights of a broadly Kantian inspiration. Rawls elaborates left-wing strands in Kantianism and Nozick develops a right-wing Kantianism that emphasizes its affinities with the doctrines of John Locke. Rawls aims to provide a rational reconstruction and defense of principles he finds to be latent in constitutional democracy. Nozick is less concerned to interpret the ideal of democracy than to articulate moral limits on what any government including a democratic government may legitimately do to its citizens and subjects. Many developments in contemporary theories of justice have emerged as responses and reactions to Rawls—Nozick's work also falls in this category—so we survey some of these responses and reactions. But our focus will be on the interpretation and assessment of the main arguments advanced by Rawls and Nozick.

Course Requirements: Each enrolled student is to give two brief seminar presentations, about 15 minutes in length, introducing some aspect of that week's readings. Auditors are welcome, and encouraged to give a presentation. For enrolled students, a term paper of about 15-20 pages is due at the end of the quarter.

I will put copies of required readings (and some recommended readings) other than course texts in the Philosophy Library. If this mode of access is inconvenient for you, we can make another arrangement.

Week 1.

Introduction to Rawls. Reading: Thomas Nagel, "Rawls on Justice," *Philosophical Review*, 1973. John Rawls, *A Theory of Justice*, chapter 1.

Week 2.

Two principles of justice.

Reading: John Rawls, *A Theory of Justice*, chapter 2; Rawls, "Social Unity and Primary Goods," in John Rawls, *Collected Papers* (1999); also Thomas Nagel, "Justice and Nature," *Oxford Journal of Legal Studies* (1998).

Week 3.

The original position argument.

Reading: Rawls, *A Theory of Justice*, chapter 3.

Week 4.

Basic liberties.

Reading: Rawls, *A Theory of Justice* chapter 4 (especially sections 31-35 and 39-40); along with chapter 9, section 82; also Rawls, *Political Liberalism*, Lecture VIII, "The Basic Liberties and Their Priority."

Week 5.

Distributive Shares.

Reading: Rawls, *A Theory of Justice*, chapter 5; Brian Barry, "Rawls on Justice (1): International and Intergenerational Justice." In his *Theories of Justice* (1989).

Week 6.

Nozick versus Rawls.

Reading: Nozick, *Anarchy, State, and Utopia*, chapter 7, "Distributive Justice."

Week 7.

Rawls Revised.

Reading: Rawls, *Political Liberalism*, "Introduction" and "Introduction to the Paperback Edition," also Lectures I-III.

Week 8.

Lockean individual rights.

Reading: Nozick, *Anarchy, State, and Utopia*, chapters 3 and 4.

Week 9.

Nozick versus anarchism; the argument for the minimal state.

Reading: Nozick, *Anarchy, State, and Utopia*, chapters 2, 4, and 5.

Week 10.

Against equality and egalitarianism.

Reading: Nozick, *Anarchy, State, and Utopia*, chapter 8; also Harry Frankfurt, "Equality as a Moral Ideal."

Alternate week 10.

Self-ownership and world ownership; left-wing and right-wing libertarianism.

Reading: Hillel Steiner, "The Natural Right to the Means of Production," *Philosophical Quarterly* (1977); Steiner, "Liberty and Equality," *Political Studies* (1981); Steiner, "Choice and Circumstance," *Ratio* (1997); also G. A. Cohen, "Self-Ownership, World Ownership, and Equality," in Frank Lucash, ed., *Justice and Equality Here and Now*; Cohen, "Self-Ownership, World Ownership, and Equality: Part II," *Social Philosophy and Policy* (1986).

Short list of further readings

Reviews of *a Theory of Justice*

T. M. Scanlon, "Rawls' Theory of Justice," *University of Pennsylvania Law Review* (May, 1973).

R.M. Hare, "Rawls' Theory of Justice," reprinted in Norman Daniels, *Reading Rawls*.

The original position.

David Lyons, "Nature and Soundness of the Contract and Coherence Arguments," in *Reading Rawls*.

John Harsanyi, "Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls' Theory," *American Political Science Review* (1975).

Primary goods as the basis of interpersonal comparison for the theory of justice.

T.M. Scanlon, "Preference and Urgency," *Journal of Philosophy* (1975).

Amartya Sen, "Justice: Means versus Freedoms," *Philosophy and Public Affairs* (1990); also Sen, *Inequality Reexamined* (1992), chapters 3-5; and Sen, "Well-being, Agency and Freedom," *Journal of Philosophy* (1984).

Robert Sugden, "Welfare, Resources, and Capabilities: A Review of *Inequality Reexamined* by Amartya Sen," *Journal of Economic Literature* (December, 1993).

Joshua Cohen, Review of *Inequality Reexamined*, *Journal of Philosophy*.

R. Arneson, "Primary Goods Reconsidered," *Nous* (June, 1990); Arneson, "Welfare Should Be the Currency of Justice," forthcoming.

The basic liberties.

HLA Hart, "Rawls on Liberty and Its Priority," *University of Chicago Law Review* (Spring, 1973).

Arneson, "Democratic Rights at National and Workplace Levels," in *The Idea of Democracy*, ed. by David Copp, Jean Hampton, and John Roemer.

Arneson, "Against Rawlsian Equality of Opportunity," *Philosophical Studies* (1999).

Neutrality on the good.

Joseph Raz, *The Morality of Freedom* (1986), chapters 5-6.

George Sher, *Beyond Neutrality: Perfectionism and Politics* (1997).

Martha Nussbaum, "Aristotelian Social Democracy," in *Liberalism and the Good* (1990), ed. by R. Bruce Douglas, Gerald Mara, and Henry Richardson; Nussbaum, "Human Flourishing and Social Justice: In Defense of Aristotelian Essentialism," *Political Theory* (1992); also Nussbaum, "Women and Cultural Universals," in her *Sex and Social Justice* (1999).

Communitarian critiques.

Michael Sandel, *Liberalism and the Limits of Justice*.

Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (1983).

The basic structure of society as the primary subject of justice.

John Rawls, *Political Liberalism*, Lecture VII.

Liam Murphy, "Institutions and the Demands of Justice," *Philosophy and Public Affairs* (1998).

G. A. Cohen, "Where the Action Is: On the Site of Distributive Justice," *Philosophy and Public Affairs* (1998).

Individual responsibility, brute versus option luck, and egalitarian justice.

Ronald Dworkin, "What Is Equality? Part 2: Equality of Resources," *Philosophy and Public Affairs* (1982).

John Roemer, *Theories of Distributive Justice* (1996), chapters 5, 7, and 8.

John Roemer and responders, "Equality of Opportunity," *Boston Review* (April/May, 1995).

R. Arneson, "Rawls, Responsibility, and Distributive Justice," forthcoming; Arneson, "The Currency of Justice: Part II: Problems with Opportunity for Welfare," forthcoming.

Elizabeth Anderson, "What Is the Point of Equality?," *Ethics* (1999).

T. M. Scanlon, "The Significance of Choice," in *The Tanner Lectures on Human Value*, vol. 8 (1988).

International justice.

Thomas Pogge, *Realizing Rawls* (1989), chapters 5-6.

Charles Beitz, *Political Theory and International Relations* (1979).

John Rawls, *The Law of Peoples* (1999)

Reviews of *Anarchy, State, and Utopia*.

Thomas Nagel, "Libertarianism without Foundations," *Yale Law Journal* (1975).

T. M. Scanlon, "Nozick on Rights, Liberty, and Property," *Philosophy and Public Affairs* (1976).

G. A. Cohen, "Robert Nozick and Wilt Chamberlain: How Patterns Preserve Liberty," in John Arthur and William Shaw, *Justice and Economic Distribution*.

The nature of rights.

Jeremy Waldron, *Theories of Rights*, "Introduction."

Joseph Raz, *The Morality of Freedom*, chapter 7, "The Nature of Rights."

David Lyons, *Rights, Utility, and Mill's Moral Theory*.

Judith Jarvis Thomson, *The Realm of Rights* (1990), chapters 1-7.

Amartya Sen, "Rights and Agency," *Philosophy and Public Affairs* (1982).

Lockean property rights.

A. John Simmons, *The Lockean Theory of Rights* (1992), chapters 2 and 5.

Allan Gibbard, "Natural Property Rights," *Nous* (1976).

G. A. Cohen, "Self-Ownership, World-Ownership, and Equality," in F. Lucash, ed. *Justice and Equality Here and Now* (1986).

The “principle of fairness.”

Rawls, *A Theory of Justice*, pages 93-98 and 293-308.

A. John Simmons, “The Principle of Fair Play,” *Philosophy and Public Affairs* (Summer, 1979).

George Klosko, *The Principle of fairness and Political Obligation* (1992).

Garrett Cullity, “Moral Free Riding,” *Philosophy and Public Affairs* (Winter, 1995).

Infringements and violations of rights; rights not to be harmed versus rights not to be harmed without compensation.

Arthur Ripstein, *Equality, Responsibility, and the Law* (chapter 5).

Egalitarianism.

Thomas Nagel, *Equality and Partiality*.

Larry Temkin, *Inequality*.

Left Libertarianism.

Hillel Steiner, *An Essay on Rights* (1994); Steiner, “Choice and Circumstance,” *Ratio* (1997);

Steiner, “Equalities and Responsibility,” *Politeia* (1999).

Philippe Van Parijs, *Real Freedom for All* (1995).

G. A. Cohen, *Self-Ownership, Freedom, and Equality* (1995).

Peter Vallentyne, “Left-Libertarianism: A Primer,” Introduction to vol. 2 of Vallentyne and Hillel Steiner, eds., *Left-Libertarianism: Its History and Future* (forthcoming).

Arneson, “Lockean Self-Ownership: Towards a Demolition,” *Political Studies* (1991); Arneson,

“Property Rights in Persons,” *Social Philosophy and Policy* (1992).

John Roemer, “A Challenge to Neo-Lockeanism,” *Canadian Journal of Philosophy* (1988);

Roemer, “A Public Ownership Resolution of the Tragedy of the Commons,” *Social Philosophy and Policy* (1989); Roemer, *Theories of Distributive Justice* (1996), chapter 6.

Jeremy Waldron, *The Right to Private Property* (1988).