

PHIL 535/635: Political Philosophy

THE PHILOSOPHY OF JOHN RAWLS

Mondays 4:00 – 6:45 P.M.

HUM 224

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www.louisville.edu/~ahkole01/rawls.html

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'Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that a loss of freedom for some is made right by a greater good shared by others.'

Purpose & Aims of the Course

John Rawls is the most important political philosopher of the 20th Century. His work revived political philosophy as a systematic and wide-ranging discipline in its own right, one that asked fundamental questions about human nature, the justification of social institutions, the best interpretations of welfare, equality, liberty, and right. Not since Marx and Mill had there been a theory that was at once so deep, subtle, and wide-ranging. Nothing has approached it since.

Most philosophers now disagree with at least large chunks of Rawls's *Theory of Justice*. But his work remains central to contemporary debates. No one can claim to know political theory without at least a passing knowledge of Rawls's Original Position and two principles of justice.

At the same time, Rawls's theory is one of the most thoroughly misunderstood political theories of its time. To some degree, its scope and subtlety make this inevitable; perhaps even Rawls himself could not keep all aspects of the theory in mind at once.

This seminar is designed to introduce you to Rawls's work up to and including the *Theory of Justice*, though brief attention will be paid to later work. Through this work you will achieve an understanding of Rawls's deepest ideas and some of the debates they ignited; this will provide a topography of contemporary political philosophy. There will be significant room for independent work. Through presentations and papers, you will be encouraged to develop your own ideas and/or do independent research on specific debates that you find particularly interesting.

| Requirements | UG | G-535 | G-635 |
|---------------------|-----------|--------------|--------------|
| Participation: | 10 | 10 | 10 |
| Midterm: | 15 | 15 | n/a |
| Presentation: | n/a | n/a | 15 |
| Reaction papers: | 30 | 30 | 30 |
| Paper Draft: | 15 | 15 | 15 |
| Term Paper: | <u>30</u> | <u>30</u> | <u>30</u> |
| Total: | 100 | 100 | 100 |

Participation: We only have 13 substantive meetings. I expect you to attend every time. If you cannot attend, please let me know in advance. I will expect a good reason. Nonetheless, even perfect attendance will provide only 5 points. The other participation grades will be based on your contribution to discussions, willingness to read reaction papers aloud, and participation in any miscellaneous class activities. **NOTE:** I reserve the right to give pop quizzes if it appears that no one is reading, and these pop quizzes will be part of your participation grade.

Midterm: This will be a take-home assignment, for students at the 500 level, **due Friday, October 10.** I will distribute it in class on **Monday October 6.** Note that we have no meeting on 10/13, and the last day to withdraw is 10/16, so if you need to make a decision you should contact me about your grade. Distinct requirements for undergraduates and graduates will be indicated on the midterm assignment sheet. Note: students who prefer to do a presentation **instead of** the midterm may do so if they **let me know before 9/29.**

Presentation: Graduate students at the 600 level (and others who elect to do one) will lead discussion for one 45-minute section of one class. The presentation will be based on outside reading as well as reading of the assigned texts for that day. You may, but need not, do a presentation on the same topic as your term paper. Presentation topics and suggested readings will be distributed early in the semester.

Reaction papers: these are short discussions of about 2 pages, due **four** times (undergrads), **five** times (g-5's), or **six** times (g-6's) in the semester. When possible, we will start class with someone's paper. Most often I will try to hand out some reading questions the week before each reading, suggesting topics, so you have some guidance. Your reaction paper need not be based on these questions.

Term paper and draft: This is a major paper [undergraduates: **8-12 pages**, outside research **optional**; g-5's: **10-14 pages**, outside research **required**; g-6's, **12-16 pages**, outside research **required**] that takes up a particular issue relevant to the philosophy of John Rawls. You must articulate and defend a clear, controversial thesis. Your topic may, but need not, be something we discuss in-depth. I will hand out paper guidelines and some topic/reading suggestions early in the semester. The draft is due 2 weeks before the term paper is due, and **you must resubmit the draft with the term paper.** Of the 15 points devoted to the draft, 10 are for the draft itself and 5 are for improvement from draft to final.

Evaluation

This course uses the +/- grading system for both graduates and undergraduates. Letter grades will be assigned based on the following percentages:

| | | | | | |
|----|-----------|---|-----------|----|---------|
| A+ | 97-100 | A | 92.1-96.9 | A- | 89.5-92 |
| B+ | 87.5-89.4 | B | 82.1-87.4 | B- | 79.5-82 |
| C+ | 77.5-79.4 | C | 72.1-77.4 | C- | 69.5-72 |
| D+ | 67.5-69.4 | D | 59.5-67.4 | F | 0-59.4 |

Handing in Assignments

Each assignment is due on a specific day; except for the midterm and the final paper, assignments are due by **6:45 p.m.** on the relevant day. Reaction papers are due on the day the topic is discussed. Late papers will be penalized one grade per school day, **starting at 6:46 p.m. of the due date.** I am not flexible on this policy. In general, the only acceptable reason for failure to complete or submit an assignment on time is physical impossibility or a death in the family. Even in these cases, if at all possible you must communicate with me in advance about your situation. In such dire (and rare!) circumstances, lateness will be excused.

You may hand in assignments on paper, on a disk, or by e-mail (as attachment or in the body of the message). However you choose to hand in your assignments, please minimize the amount of extra paper you use, and avoid any adornments. If you cannot hand in your paper in class, leave it in the little plastic file folder on my office door.

Academic Integrity

According to the University of Louisville's *Code of Student Conduct*, Section 5 ("Academic Dishonesty"), "Academic dishonesty is prohibited at the University of Louisville. It is a serious offense because it diminishes the quality of scholarship, makes accurate evaluation of student progress impossible, and defrauds those in society who must ultimately depend upon the knowledge and integrity of the institution and its students and faculty."

It is your responsibility to know this code and comply with its requirements. If I discover violations of this policy I will pursue the required disciplinary channels. If you have any questions about how to comply with this policy, ask me *in advance*.

Texts:

TJ – John Rawls, *A Theory of Justice*, revised ed. Cambridge, Mass: Belknap/Harvard University Press, 1999. **Note: you must use the revised edition.**

CP – John Rawls, *Collected Papers*, edited by Samuel Freeman. Cambridge, Mass: Harvard University Press, 1999.

ER – articles or selections available on E-Reserve from Ekstrom Library.

8/25 **INTRODUCTION**

9/1 **LABOR DAY—NO CLASS**

9/8 *Early Systematic Work:*

“Two Concepts of Rules,” “The Independence of Moral Theory” (CP)

9/15 *Early Ethics in Practice:*

“Legal Obligation and the Duty of Fair Play” (CP)

“The Justification of Civil Disobedience” (CP)

TJ sections on conscientious refusal: *TJ* ss. 56, 58 (pp. 323-26, 331-35)

9/22 *Initial Work toward a Theory of Justice:*

“Justice as Fairness” (CP)

“Constitutional Liberty and the Concept of Justice” (CP)

9/29 *Theory of Justice: Initial Systematic Contrasts*

“Distributive Justice” (CP), ss 1-3 (pp. 130-137)

TJ ss. 3-8 (pp. 10-40)

10/6 **Midterm Exams distributed**

Theory of Justice: Foundations

TJ ss. 1-2, 11-17 (pp. 3-10, 52-93)

Eva Feder Kittay, “The Idealization that ‘all citizens are fully cooperating members of society’” (ER)

Hermann Lubbe, “The Social Consequences of Attempts to Create Equality” (ER)

Midterm exams due Friday, 10/10 by 5:00 p.m.

10/13 **MIDTERM BREAK/INDIGENOUS PEOPLES’ DAY—NO CLASS**
THIS THURSDAY, 10/16, IS THE LAST DAY TO WITHDRAW

10/20 *The Original Position*

TJ ss. 20-26, 29 (pp. 102-139, 153-60)

Michael Sandel, “Justice and the Moral Subject,” pp. 15-28 and 49-64 (ER)

Read (at least) one of:

Jean Hampton, “Contracts and Choices: Does Rawls have a Social Contract Theory?” **OR** John C. Harsanyi, “Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls’s Theory” (both ER)

10/27 *The Priority of Liberty*

TJ ss. 32-36, 39-40 (pp. 176-200, 214-227)

Alasdair MacIntyre, “Liberalism Becomes a Tradition” (ER)

11/3 *Distribution (I) and the Critique from the “left”*

TJ ss. 42-45 (pp. 234-263)

Iris Marion Young, “Displacing the Distributive Paradigm” (ER)

Read (at least) one of:

Jane English, “Justice Between Generations” (ER)

G.A. Cohen, “Where the Action is: on the Site of Distributive Justice” (ER)

11/10 *Distribution (II) and the Critique from the “right”*

TJ ss. 46-50 (pp. 263-292)

Robert Nozick, “Distributive Justice, section II” (ER)

Alasdair MacIntyre, “Is Patriotism a Virtue?” (ER)

11/17 *Goodness as Rationality*

TJ ss. 60, 63, 65-67 (pp. 347-50, 358-65, 372-92)

Amartya Sen, “Equality of What?” (ER)

Michael Sandel, “Justice and the Good,” pp. 147-54 (ER)

11/24 *The Currency of Egalitarian Justice*

“Social Unity and Primary Goods” (CP)

Eva Feder Kittay, “The Two Powers of a Moral Person and the Index of Primary Goods” (ER)

Richard Arneson, “Primary Goods Reconsidered” (ER)

12/1 **Term Paper Drafts Due**

Citizens

TJ ss. 70, 76-77, 78-79, 82, 85-86 (pp. 405-09, 434-64, 474-80, 491-505)

Iris Marion Young, “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship” (ER)

12/8 *Conclusions*

“Fifty Years After Hiroshima” (CP)

Anthony Simon Laden, “The House that Jack Built: Thirty Years of Reading Rawls” (ER)

Term papers are due by 5:30 P.M., MONDAY, DECEMBER 15.

Note: the schedule may change as we move along. Changes will be duly announced. At no point will you be responsible for any material that is not clearly indicated on this syllabus or a published update to it.