

PAR 392: **Morality, Conflict & Community**

TR 9:30-10:45 MK 135

Spring 2008

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**Course Description:** This course is an upper-level, in-depth study of recent debates in moral and political theory concerning the best way to live (possible justifications for the moral life), what sorts of human features that enable us to define our moral community (rationality, sentience, natural goodness, compassion), and perhaps also whether or not the moral life requires abstract knowledge of the good and right, a resolved will to act, a strong sense of duty, concern about consequences, a firmly established moral character, or a mere resignation to dominant cultural values. For such a study, we will examine some pre-eminent recent writings in moral and/or political philosophy, selecting pieces that represent the best insights of contemporary philosophers who argue for a particular moral and political tradition, along with some current critics of that tradition.

For my version of this course, I have chosen to present some of the key writings of John Rawls, the famed Harvard political philosopher who died at age 81 in 2002. Most of his fame emerged, rightly, as a result of his 1971 book, *A Theory of Justice*, but his later works also extend his main project earlier outlined. In his academic career, Rawls produced 8 books, and *A Theory of Justice*, by itself, sold over 250,000 copies and spawned 20 translations, quite an accomplishment for what some would call a 'dry, dense academic tome', and that written by one who was not even a 'public intellectual', Rawls stridently avoiding publicity and recognition. In the 1950's and 1960's, when Rawls first began publishing articles (26 altogether), meta-ethical theories, such as ordinary language philosophy (under the influence of Wittgenstein -- What is the meaning of our moral terms, like 'good', 'right', 'ought?'), and emotivism (moral judgments are not true or false, but merely express approval or disapproval) dominated the philosophical scene. But the primary moral theories were utilitarianism and intuitionism. So Rawls' work up till *Theory* responds to this context: his early (1955) article, "Two Concepts of Rules" set out to defend utilitarianism, but in *Theory of Justice*, he condemns it for failing to take seriously the separateness of persons, and so he targets for the rest of his career both utilitarianism and intuitionism. [Kantianism, of course, does take seriously moral personality and practical reason, and on its basis, Rawls creates his own Kantian constructivist position in moral & political philosophy.] But as Rawls reflected further on his earlier work, he recognized the need for revision. In *Theory of Justice*, he assumed that society was stable, citizens were relatively homogenous in their basic moral beliefs, and there was broad consensus on what constitutes the good life (he called this a 'well-ordered society'). However in modern democratic society, there is a plurality of incompatible and irreconcilable doctrines -- religious, philosophical, & moral -- that naturally coexist within the framework of democratic institutions. Indeed, he recognized that free institutions encourage this plurality of doctrines as a normal development of freedom over time. Recognizing this 'reasonable pluralism' as a permanent condition of democracy, Rawls then asks: 'How can a stable, just society of free & equal citizens live in harmony, even when deeply divided by these reasonable yet incompatible doctrines?' Thus his later (1993) book that captures these new insights is *Political Liberalism*. As a result of Rawls' defense of this sort of liberalism, some have suggested that Rawls almost singlehandedly brought back political philosophy to a paramount position of respect and import; still others regard him as arguably the most important moral & political philosopher of the 20<sup>th</sup> century, deeming *A Theory of Justice* comparable to Thomas Hobbes' *Leviathan* or John Stuart Mill's *On Liberty*. Thomas Nagel wrote his main political work in 1991, *Equality and Partiality*, and he dedicated it to 'John Rawls, who changed the subject'. I expect that none of you will be underwhelmed in reading and recognizing the importance of Rawls' work this semester, and you will find that it has generated its own secondary literature, estimated at over 5000 works. However, we will restrain our efforts: instead of reading the **magnum opus**, we will read his later restatement, *Justice as Fairness* (2001), since in it Rawls has refined his view in light of earlier objections from critics; and so we will consider a number of contemporary criticisms from utilitarians, libertarians, egalitarians, fellow democratic theorists, Kantians, economists, legal theorists, communitarians, feminists, Marxists, and religionists (or at least, some selection of these critics). [For more on Rawls' life and influence, see Samuel Freeman's introduction to *The Cambridge Companion to Rawls*, as well as "Life and Work" by Paul Graham in his *Rawls*, pp. 1-14.]

Schedule of Readings:

January 15 --

Revisiting the Reasonable Pluralism of Rawls: Outline of the course; syllabus, books; Rawls, John [Internet Encyclopedia of Philosophy]; Four Roles of Political

		Philosophy [ <i>Justice as Fairness</i> , 1-4]
I.	<b>Utilitarianism and its Discontents</b>	
	17,22 --	J. S. Mill: <i>On Liberty</i> [either buy ed. David Bromwich, George Kateb/Yale U Press, 2003; OR get online version <a href="http://www.utilitarianism.com/ol">http://www.utilitarianism.com/ol</a> ] Peter Singer: <i>Writings on an Ethical Life</i> , Introduction [xiii-xx]; About Ethics [7-17]
II.	<b>John Rawls: <i>Justice as Fairness: A Restatement</i></b>	
	24,29,31 --	Rawls: <i>Justice as Fairness</i> , Pt. I Fundamental Ideas [1-38]
February	5 --	<i>Justice as Fairness</i> , Pt. II Two Principles of Justice, §§12-14 [39-52]
	7 --	<i>Justice as Fairness</i> , Basic Structure, Least Advantaged [52-61]
	12 --	<i>Justice as Fairness</i> , Difference Principle, Objections [61-72]; Entitlement, Dessert [72-79]
	14,19 --	Kant: "What is Enlightenment?" [ <a href="http://paws.wcu.edu/dhale/PAR">http://paws.wcu.edu/dhale/PAR</a> 393]; Rawls: <i>Justice as Fairness</i> , Pt. III Original Position, Veil of Ignorance, Public Reason [80-94]; Habermas: "Reconciliation through Public Use of Reason" [pdf. document] Rawls: "Reply to Habermas" is Lecture IX of <i>Political Liberalism</i>
	21 --	<i>Justice as Fairness</i> , 1 <sup>st</sup> Comparison, Maximin Rule, Priority of Basic Liberties [94-106]
	26 --	<i>Justice as Fairness</i> , Objection, Arg. on 2 <sup>nd</sup> Condition [106-119]
	28 --	<i>Justice as Fairness</i> , 2 <sup>nd</sup> Comparison [119-134]
March	3-9 --	<b>SPRING BREAK: No Class</b>
	11 --	<i>Justice as Fairness</i> , Pt. IV Property, Regimes, Ideas of the Good [135-145]
	13 --	<b>No Class: Daryl at Duke Divinity School conference</b>
	18 --	<i>Justice as Fairness</i> , Constitutional v. Procedural Democracy, Political v. Comprehensive Liberalism [145-157]
	19-23 --	<b>Easter Break: No Class</b>
	25 --	<i>Justice as Fairness</i> , Economic Institutions, Family [157-168]
	27 --	<i>Justice as Fairness</i> , Index of Primary Goods, Marx's Critique of Liberalism [168- 179]
April	1 --	<b>No Class: Advising Day</b>
	3 --	<i>Justice as Fairness</i> , Pt. V Justice as Fairness [180-189]
	8 --	<i>Justice as Fairness</i> , Political Liberalism, Reasonable Moral Psychology, Good of Political Society [189-202]
III.	<b>Contemporary Commendations &amp; Criticisms of Rawls' Political Theory</b>	
	10 --	Rawls: <i>The Law of Peoples</i> , Idea of Public Reason Revisited: "Religion and Public Reason in Democracy" [140-152] Elstain: "Faith of our Fathers and Mothers: Religious Belief and American Democracy" [pdf. document or on website]
	15 --	Amy Gutmann: Rawls on Liberalism & Democracy [Freeman 168-197]
	17 --	Norman Daniels: Rawls' Complex Egalitarianism [F 241-271]
	22 --	Onora O'Neill: Constructivism in Rawls and Kant [F 347-363]
	24 --	Samuel Scheffler: Rawls and Utilitarianism [F 426-453]
	29 --	S. Mulhall, Adam Swift: Rawls and Communitarianism [F 460-485]
May	1 --	Martha Nussbaum: Rawls and Feminism [F 488-515]

**WEDNESDAY May 7 -- FINAL EXAM, 12:00-2:30 MK 135**

**COURSE OBJECTIVES:**

- Careful Reading:** Learning to read closely the actual words, commitments of the author, as distinct from alleged attributions; learning to detect ambiguities, subtleties in style, core ideas and arguments of complex texts.
- Critical Reasoning:** Increased ability at analyzing and assessing arguments; uncovering hidden

assumptions, faulty reasoning, logical organization of ideas and theories.

3. **Moral & Socio-Political Reflection:** Increased recognition of diverse moral & socio-political assumptions, theories, and implications of both conservatism and political liberalism
4. **Intensive Writing:** Stress on logically coherent, well-documented, interpretive outlines, and essays that centrally highlight pivotal arguments in classic moral and political texts.

**COURSE TEXTS:** No Rental Text.

**Required Texts:**

John Rawls, ed. Erin Kelly, *Justice as Fairness: A Restatement* (Harvard University Press, 2001)

Samuel Freeman, ed., *The Cambridge Companion to Rawls*

**Highly Recommended:**

John Stuart Mill, *On Liberty* – a classic foundation of modern democratic liberalism. And we will begin the course with this book. You cannot consider yourself well-educated in moral and political philosophy if you have not read this work. And it's available from Amazon for about \$10.

**Course Assignments:**

1. Is Mill right that the principle of liberty can be justified only on utilitarian grounds? Would you agree with him that one should reject the concept of natural rights (argued for by Locke)? In *On Liberty*, Mill warns of a modern form of tyrannical democracy, the 'tyranny of the majority' -- is Mill right to reject Locke's majoritarian form of democracy? Or, in *On Liberty*, Mill argues for the sovereignty of the individual: every educated adult should be free to do whatever s/he desires, so long as one harms no one else; otherwise, we are (and the state is) never justified in interfering with individual liberties (what is called the 'no harm principle' or 'non-interference model'). But do you agree with Mill? Should we, sometimes at least, act paternalistically, even with mature, educated adults? Isn't intervention sometimes needed in the case of someone abusing their body or destroying their family with alcohol or drugs? Write a 3-4 page paper, using at least 2 contemporary sources – due Jan. 31; counts for 10% of your grade.

2. For the rest of the semester, students will turn in writing summaries of Rawls' *Justice as Fairness*. These will be 1-2 page outlines of the readings, turned in every other week. The 1<sup>st</sup> reading for Rawls will be due Feb. 7; there will be a total of 5 of these assignments; these count for 25% of your grade, and all of them must be turned in (but will not be accepted at end of semester). Here are the topics from which you will write outline summaries of Rawls' position:

a. Explain the 2 fundamental ideas of the Original Position, and of a political conception of the person (as free and equal), as given in §6 and §7.

b. Elucidate the 2 Principles of Justice in §§12-14. Why does Rawls make the 1<sup>st</sup> principle prior to the 2<sup>nd</sup>? Does his argument priority convince you of the need for that prioritization of the principles?

c. Explain the role of the idea of Public Reason in eliciting agreement on a political conception of justice (§26). But consider also his discussion of the 'Two Main Differences' between Rawls and Habermas on public reason (*Political Liberalism*, pp. 373-385): this will help both your understanding & exposition of Rawls' view of public reason.

d. Why does Rawls prefer a property-owning democracy to a capitalist welfare state (§41)? Why does it not violate the 2 principles of justice, whereas other forms of regime do?

e. What is Rawls' argument for preferring a Political Liberalism to a Comprehensive moral, religious, or philosophical doctrine, and is it even feasible (§47, §§56-57)?

3. Discuss Rawls' idea of Public Reason, beginning with Kant's essay, "What is Enlightenment?". Be sure to include a discussion of the Rawls-Habermas debate on Public Reason. Who do you think has the more formidable position? This essay is to be 5-6 pages, and will count for 25% of your grade; due Feb. 28.

4. It has been objected that political liberalism favors autonomy & individuality and thus opposes community. Rawls begins considering this objection in §47 and concludes his reply to the objection in §60, "The Good of Society". Has Rawls made a good case for including the human social needs of community in his conception of political liberalism? Include some secondary sources in answering this question. This essay should be 5-6 pages, and will count for 25% of your grade; due April 15.

5. Finally, towards the end of the semester, each student will team up with another student to present one of the 7 articles by contemporary philosophers who respond to Rawls' political theory. You are free (and equal) to divide up your presentation of the article in whatever way both of you see fit, but each group will present an outline of the article, and some aspect(s) of Rawls' political liberalism and the shadow it casts over political thought, as your author sees it. This assignment counts for 15%, and will work toward your final paper (a written summary of that article, to be turned in for your final exam).

## **Bibliographical Resources**

### **I. Primary Sources**

#### John Rawls: A Bibliography of Main Works

*A Study on the Grounds of Ethical Knowledge: Considered with Reference to Judgments on the Moral Worth of Character.* Ph. D. Dissertation, Princeton University Press, 1950.

*A Theory of Justice.* Cambridge, MA: Harvard University Press, 1971. TJ has been translated into Chinese, Finnish, French, German, Italian, Japanese, Korean, Portuguese, and Spanish, as well as 18 other languages. For the 1<sup>st</sup> (German) translation of 1975, Rawls made some revisions, which were then incorporated into all of the translations.

*Political Liberalism.* New York: Columbia University Press, 1993; revised paperback ed., 1996, which includes additional preface, and Rawls' 1995 article, "Reply to Habermas."

*Collected Papers.* Ed. Samuel Freeman. Cambridge, MA: Harvard University Press, 1999.

*The Law of Peoples.* Cambridge, MA: Harvard University Press, 1999. Includes the paper "The Idea of Public Reason Revisited."

*Lectures on the History of Moral Philosophy.* Ed. Barbara Herman. Cambridge, MA: Harvard University Press, 2000.

*Justice as Fairness: A Restatement.* Ed. Erin Kelley. Cambridge, MA: Harvard University Press, 2001.

*Lectures on the History of Political Philosophy.* Ed. Samuel Freeman. Cambridge, MA: Harvard University Press, 2007.

*Political Liberalism.* New York: Columbia University Press, 1993; revised paperback ed., 1996, which includes additional preface, and Rawls 1995 article, "Reply to Habermas."

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*Justice as Fairness: A Restatement.* Ed. Erin Kelley. Cambridge, MA: Harvard University Press, 2001.

*Lectures on the History of Political Philosophy.* Ed. Samuel Freeman. Cambridge, MA: Harvard University Press, 2007.

### **II. Selected Secondary Sources** [For a more extensive bibliography that covers lots of subtopics, see our other text, Samuel Freeman, ed. *The Cambridge Companion to Rawls*, pp. 524-556.]

Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate*, Rowman & Littlefield, 1997

H. Gene Blocker and Elizabeth H. Smith, eds., *John Rawls' Theory of Social Justice*, Ohio U Press, 1980

Brian Barry, *The Liberal Theory of Justice*, Oxford U Press, 1972

Norman Daniels, *Justice and Justification*, Cambridge U Press, 1996

Daniel Dombrowski, *Rawls and Religion: The Case for Political Liberalism*, State University of New York Press, 2001

Robert George and Christopher Wolfe, eds., *Natural Law and Public Reason*, Georgetown U Press, 2000

Thomas Pogge, *Realizing Rawls*, Cornell U Press, 1989

Michael Sandel, *Liberalism and the Limits of Justice*, Cambridge U Press, 2<sup>nd</sup> ed., 1998  
Robert Paul Wolff, *Understanding Rawls*, Princeton U Press, 1977