

Theories of Justice

Legal Studies 107/Pol. Sci. 117
Fall 2018

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Office hours: Tu. & Th., 2-3pm.

Class meetings: Tues.-Thurs., 11:10 -12:30

Graduate Student Instructors:

Room: 50 Birge

Yan Fang
Shterna Friedman
Kavitha Iyengar

Required Texts:

John Stuart Mill, *On Liberty and Other Essays* (Oxford 1991).

Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Cambridge 1998)

Robert Nozick, *Anarchy, State, and Utopia* (Basic Books 1977).

John Rawls, *A Theory of Justice* (rev. ed. 1999). Hereafter 'TJ.'

_____, *Political Liberalism* (Columbia 1996). Hereafter 'PL.'

Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge 2d. ed. 1998).

Secondary reading

The following texts may be helpful:

Jean Hampton. *Political Philosophy* (Westview Press, 1997).

Will Kymlicka. *Contemporary Political Philosophy* (Oxford, 1990)

John Rawls, *Justice as Fairness* (Harvard, 2001).

Course Description

This is a course in political philosophy, focussing on the particular tradition of liberal political theory. Liberal political theories emphasize, to varying degrees, the protection of individual freedom as against social demands, the maintenance of social and economic equality, and the neutrality of the state in conditions of cultural and religious pluralism. By studying a range of modern authors, we will attempt to understand the importance of these goals and the

possibility of their joint fulfillment. Special attention will be paid to the work of John Rawls, to the problem of moral and political disagreement, and the relation between “ideal” thinking about justice and thinking about justice in conditions of racial and gender hierarchies.

Learning objectives:

This course has four principal goals. The first is for you to learn that fundamental claims about politics, and political justice, can be the object of sustained rational argument, and not merely opinion-voicing. The second is to learn how to read long and complex arguments, to understand their strengths, and to identify their argumentative vulnerabilities. Third, we aim to help you develop your skills in writing analytical and argumentative essays, as a general model for producing well-reasoned analytical prose. Fourth, we hope that you will come to understand, critically, your own political commitments.

Attendance and classroom policies:

You are required to attend lectures as well as discussion sections, and are expected to participate actively in both. You are permitted three unexcused absences from lecture, and one unexcused absence from section; any further absences will require justification from the Tang Center or another educational authority. Observance of religious holidays will also, of course, be honored. You are responsible, however, for any material covered in class, whether or not your absence is excused.

Those with conflicting extra-curricular commitments (e.g., performance, athletics) will need to make specific arrangements, per the campus guidelines. In particular, you need to notify me as early as possible, and ideally in the first few weeks of class, with a proposed solution to any conflict with deadlines. The solution may involve an earlier deadline or test time.

The lecture meeting will make use of an exciting strategy for peer-to-peer and student-to-instructor active engagement and continuous self-assessment: listening and speaking. This will require your full attention to the words of each other and the instructor, as we discuss readings and topics. I will cold-call you on occasion as well.

In order to facilitate this classroom strategy, I have a no-technology policy. Cell phones are to be put away, and texting during class is not allowed. (If you are responsible for a dependent during class hours, emergencies can be accommodated.)

Unless you have a DSP accommodation (see below), **laptops are not allowed.** Instead, you will take notes with pen and paper, old school. Recent research confirms that not only does this avoid distractions, but that you retain more and better from the class when writing by hand.

In general, you should try to do all the readings for the week in advance of the Tuesday lecture, unless otherwise indicated in the syllabus. (I will adjust the syllabus over the semester as I gain an appreciation of the proper pace for work.)

DSP Accommodation:

If you have specific needs due to documented disabilities, we will make every effort to accommodate these needs, in collaboration with the Disabled Student's Office. For information on University policies regarding students with disabilities, and federal and state laws affecting people with disabilities, contact: <http://access.berkeley.edu/>. Please convey your DSP accommodation letter to your GSI early in the semester so that the teaching staff can make all appropriate arrangements.

Requirements and Grading

Your grade will be based on the following components: three 5 page papers, due in class on **Sept. 20th, Oct. 18th, and Nov. 29th**; a comprehensive final exam on **Weds., Dec. 12th, 8-12pm**; and section participation. You are also required to do a in-class, peer-shadow-graded midterm, on **Oct. 25th**. (The peer-given grade is for your information only. But we will assign a grade to your peer-grading, to be incorporated into the classroom participation component.)

Your attendance at lecture is expected, as is your prior completion of the reading assignments. (Although some of the reading assignments do not involve many pages, the readings are often very condensed, and will require re-reading for comprehension.) Attendance and participation at weekly section meetings are required, and will be recorded. You may be asked to complete brief written assignments for specific section meetings. Section discussions will often cover assigned course materials not discussed in lecture.

Please note carefully: you cannot pass the course without completing all written assignments, or if you have missed more than 30% of your section meetings. No papers will be accepted late without **prior** permission from the instructor.

University policies on plagiarism will be strictly enforced. Plagiarism consists in offering work as your own for a grade without acknowledging its source. Self-plagiarism, or offering your own work submitted for grading in another course, is also prohibited. This is the University policy:

*All written work submitted for a course, except for acknowledged quotations, must be expressed in the student's own words. It must also be constructed upon a plan of the student's own devising. Work copied without acknowledgement from a book, from another student's paper, from the internet, or from any other source is plagiarized. Plagiarism can range from wholesale copying of passages from another's work to using the views, opinions, and insights of another without acknowledgement, to paraphrasing another person's original phrases without acknowledgement. The submission of such work will, under University rules, render the offending **student** subject to an F grade for the work in question or for the entire course, at the discretion of the instructor, and will also make the student liable for referral to the SJA.*

Students who for any reason need special arrangements for exams are responsible for notifying me or the GSIs at the beginning of the semester. Students who notify us immediately prior to or after an exam cannot be accommodated.

Your final grade will be determined on roughly the following basis:

papers: 20% each
section participation - 10%
final exam - 30%.

Your participation in lecture is strongly encouraged. As you read the assignments, think about what questions the authors were attempting to answer. What answers do the authors suggest, and what arguments presented to support these answers? Ask yourself whether you agree with the answers: why or why not?

Course outline and readings:

(Note: the schedule of readings will vary with our actual progress.)

Introductory class: Aug. 23rd:

Discussion of syllabus, and the Liberal Tradition

Week of Aug. 28th: The liberal tradition and utilitarian social theory.

Tues: Mill, *Utilitarianism*, Ch. 1. (In *On Liberty and Other Essays*).

Thurs: Mill, *Util.*, Ch. 5; *On Liberty*, Chs. 1-2.

Week of Sept. 4th: The importance of individual liberty and its compatibility with utility.

Tues.: Mill, *On Liberty*, Ch 3.

Thurs.: Mill, Chs. 4-5

Week of Sept. 11th: Liberalism as a protection of autonomy (the Kantian tradition).

Tues: Reading: Kant, "Introduction," xvii-xxv; pp. 36-47 [4:418-440]

Thurs: Nozick, pp. 10-12, 28-35, 42-45, 48-51, 149-64, 178-82, 290-92

Week of Sept. 18th: Continuation of Nozick and Introduction to Rawls.

Tues.: Continue with Nozick, pp. 10-12, 28-35, 42-45, 48-51, 149-64, 178-82, 290-92

Thurs. Rawls, *Theory of Justice* (TJ), sections (not pages) 1-4

Paper #1 due in class Sept. 20th

Week of Sept. 25th: Justice as Fairness: Rawls; Is Justice Race-blind: Mills?

Tues. Continue with Rawls: TJ, sections (not pages) 1-4, 20-25, 8.

Thurs.: Charles Mills, *The Racial Contract*, Ch. 2. (Bcourses).

Week of Oct. 2nd: Utility vs. the Difference Principle

Tues. & Thurs.: Continuation of Mills; TJ, sections 5-6, 11-17, 26-31

Week of Oct. 9th: Challenging the Original Position

Tues. & Thurs.: Nozick, pp. 183-231.

Week of Oct. 16th: The priority of liberty and the good life.

Tues. & Thurs.: *TJ*, sections 33-35, 39-40, 50, 63-65, 82-83, 85.
Paper #2 due in class Oct. 18th

Week of Oct. 23rd: Catch-up/Review/Midterm
Midterm exam in class, Oct. 25th

Week of Oct. 30th: Deeper foundations for the Theory of Justice: psychological and social.
Tues. & Thurs.: *TJ*, sections 18-19, 51-52, 69-71, 74-77, 80-81.

Week of Nov. 6th: The communitarian challenge.
Tues. & Thurs.: Sandel, pp. 1-103.

Week of Nov. 13th: Liberalism and community.
Tues: Sandel, pp. 133-83,
Thurs.: *PL*, Lectures I (esp. secs. 5-8) and II (esp. secs. 3-6).

Week of Nov. 20th: A test case for justice: affirmative action
Tuesday: Ronald Dworkin, Affirming affirmative action, Claude M. Steele,
“Understanding the Performance Gap,” in *Who’s Qualified*, 60-7, Briefs in *Fisher v. Texas*
(US Sup. Ct., 2015-16). (Bcourses)

Thursday: Happy Thanksgiving!

Week of Nov. 27th: Pluralism and the foundation of liberalism.
Tues.: *PL*, Lecture IV
Thurs.: *PL* Lecture VI (esp. secs. 1-4,6-8)
Paper #3, due Nov. 29th

Week of Dec. 3rd: RRR week

Wednesday, Dec. 12th, 8am-12pm: Final exam