

Legal Studies 107: Theories of Justice
Fall 2019

Lectures: Tuesdays & Thursdays, 8:00am-9:29am, LeConte 2
Instructor: Prof. Sarah Song (ssong@law.berkeley.edu)
Office hours: Thursdays 11:30-12:30 or by appointment

GSIs: Mr. Jorge Cortes-Monroy (jorgecortesmonroy@berkeley.edu)
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Course description:

This is a course in political and legal theory, which is about ideas. Ideas matter because they shape our actions and our institutions and they frame the terms of public debate. Our focus is on the idea of justice. What is justice? Is it about maximizing happiness? Protecting individual liberty? Promoting equality? What kind of equality? Are liberty and equality conflicting political values? In a just society, how would basic liberties, educational opportunities, and income and wealth be distributed? How should we conceive of equality across racial and gender lines? We will pursue these questions by examining four leading theories in Western political thought: utilitarianism, libertarianism, egalitarian liberalism, and Marxism. To assess the strengths and weaknesses of these theories, we will examine critiques of these theories as well as consider their implications for a range of issues, including the regulation of sex, minimum wage laws, public funding for education, affirmative action, immigration, and global labor justice.

Books, Course Reader, and Notebook:

The following books are available for purchase at Cal Bookstore. If you decide to purchase at another bookstore or online, please get the following editions:

1. John Stuart Mill, *On Liberty, Utilitarianism, and Other Essays*, eds. Mark Philp and Frederick Rosen (Oxford, 2015). ISBN-13: 978-0199670802
2. Robert Nozick, *Anarchy, State, and Utopia* (Basic Books, [1974], 2013). ISBN-13: 978-0465051007
3. Milton Friedman, *Capitalism and Freedom* (University of Chicago Press, [1962] 2002). ISBN-13: 978-0226264219
4. John Rawls, *A Theory of Justice* (Belknap Press, [1971] original edition, 2005). Get the “original edition” (the cover has a picture of ripples on a pond), not the “revised edition.” ISBN-13: 978-0674017726

A couple of copies of each book will be on reserve at Moffit Library. All the other readings are in the Course Reader, which is available for purchase at Copy Central. You should purchase the Course Reader and a notebook to take notes by hand in lecture and section.

Course Requirements

Attendance and Participation: There will be two lectures per week and one GSI-led discussion section per week, all of which are required. We will take attendance in lectures throughout the semester by asking you to pen your signature on sign-in sheets, which will be collected by your GSIs. Lectures will include time for questions and discussion. In section, you are expected to be prepared and participate thoughtfully. If you have to miss a lecture or section, please notify your GSI in advance of your absence and provide your reason for having to miss class. Unexcused absences will count against your grade.

Reading: The syllabus lists the reading *to be completed* by the date listed. You will get more out of lectures if you do the reading in advance. Before you start reading, look over the Study Questions and try to answer them as you do the reading. Some of the texts are difficult and abstract; they will require slow and careful reading. Plan to set aside 4-5 hours per week for reading.

Papers and Exams: In order to pass the course, you must attend class and complete the following requirements:

- 1) Paper #1 (5 double-spaced pages): The first paper is due on Friday, September 27.
- 2) Paper #2 (5 double-spaced pages): The second paper is due on Friday, November 8.
- 3) Final Exam: The final exam will be on Wednesday, December 18, 3-6pm. It will consist of short answer questions and one longer essay. The topics for the essay will be distributed in advance of the exam. It is a closed-book exam (i.e. no notes or texts allowed).

Grading: Grading will be based on attendance and participation in discussion section (20%), Paper #1 (20%), Paper #2 (30%), and the final exam (30%).

DSP accommodations:

If you need special accommodations for the final exam or any other aspect of the course, please contact the Disabled Students' Program (DSP) directly. They will forward all approved DSP accommodations to me and then your GSIs and I will make the necessary accommodations.

Policy on late papers:

If you need additional time to write your paper, you must ask your GSI at least one week in advance of the due date. If your paper is late and you have not received an extension, the final grade of your paper will be reduced by one letter grade for every day your paper is late. If the reason for a late paper is illness, you must provide a doctor's note to your GSI.

Plagiarism:

If you are caught plagiarizing, you will receive an F for the assignment and the matter will be referred to the Office of Student Conduct for disciplinary action. One goal of this course is to help you develop your critical thinking and writing skills. Plagiarism is not only wrong; it robs you of the opportunity to improve your critical thinking and writing skills. In case you have any doubts about what plagiarism is, it is the presentation of another's words and ideas as your own without attributing the proper source. Plagiarism includes buying or obtaining papers from others and presenting it as your own work, and copying material from the Internet, books, articles, and any other material

without citing the source. Any material taken word-for-word from another source must be placed in quotation marks and properly cited. You can use ideas and information from other authors without directly quoting from them (i.e. by paraphrasing), but you must acknowledge them in your footnotes or parenthetical documentation.

Support for students in need:

If you are in need of economic, food, or housing support, you can find help at basicneeds.berkeley.edu. You may be eligible for money to buy groceries via calfresh.berkeley.edu or the [Food Assistance Program](#). If you are in need of food immediately, please visit the UC Berkeley Food Pantry at pantry.berkeley.edu.

Class comporment:

1. Be punctual:

Lectures and sections will begin promptly. You should plan to be in your seats and ready for lecture by 8:10am. I will begin lecture at 8:10. Class ends at 9:29. Please do not leave early. Comings and goings are disruptive in large classes, where concentration is already a challenge.

2. Do not use electronic devices in class:

Not only do I want you to attend class; I also want your attention and engagement in every class. To minimize distractions and maximize engagement, all electronic devices are prohibited in lecture and section. This includes laptops, tablets, phones, and the like. I know that writing by hand is difficult for some, but many are also bothered by keyboard tapping. There is the inevitable temptation to surf the web. As with other temptations subversive of our aims, it is best to remove them. So before I begin lecture and before your GSI begins section, please turn off and put away your devices. I ask that you take notes the old-fashioned way, with pen and paper. Think of class time as an opportunity to be offline and think uninterrupted!

Please purchase a notebook for this class. To assist you in your note-taking, I will provide lecture outlines and use Powerpoint slides during lecture. I will post the outlines and slides on bCourse after each lecture.

3. Eating and drinking in class:

Please try not to eat during lecture unless absolutely necessary; it is distracting. Liquids are fine.

4. Communicating with instructors:

I am available during office hours, after class, and by appointment. Your GSIs will provide you with contact parameters for reaching them.

5. Discussion and debate: The lectures will include time for you to ask questions and make arguments. The sections will provide much more time for you to ask questions and engage in debate. The most important thing you can do to support your learning is to do the reading *before* class. The more you read in advance of class, the more you will understand the lecture/section and be able to participate in discussion.

Being a Cal student is a privileged opportunity. Make the most of it. Study hard, think carefully, and discover the pleasure of learning!

SCHEDULE OF LECTURES AND READING ASSIGNMENTS

Aug 29. No lecture – Get a head start on the readings for next week

Sep 3. Introduction: What is justice & why should we study it?

Reading: Ursula Le Guin, “The Ones Who Walk Away from Omelas”

Study Questions: (1) What comes to mind when you hear the word “justice”? (2) Is justice about producing good consequences for the greatest number of people, or is there a constraint against doing or permitting harm that it is always wrong to violate even if it benefits the vast majority of people? (3) Le Guin’s story explores whether it is ever right to sacrifice one person (or a few people) for the good of many people. What do you think of those who remain in Omelas? What about those who leave? If you lived in Omelas, what would you do?

I. UTILITARIANISM

Sep 5. Bentham’s utilitarianism and cannibalism on the high seas

Reading: (1) Jeremy Bentham, *Introduction to the Principles of Morals & Legislation*, chs 1, 4, 13, 17 (section 1); (2) *R. v. Dudley & Stephens* (1884)

Study Questions: (1) What is Bentham’s “principle of utility” or “greatest happiness principle”? (2) Bentham says that pleasure is the only thing that is good in itself. Is he right? What about knowledge? Or beauty? Or achieving the goals you set for yourself? (3) How could Bentham make a utilitarian argument against slavery or against punishing innocent people? Consider three cases: (i) the slave population is small; (ii) the slaves are members of a socially outcast group; (iii) the slaves are paid little, do backbreaking work, and are very productive. (4) Should a community enforce its public morals through legal sanctions in Bentham’s view? Why or why not? Can you think of laws that regulate conduct *because* the conduct is considered immoral? What do you think of those laws? (5) The case *R. v. Dudley & Stephens* asks whether it is ever justifiable to sacrifice one person so that a greater number may survive. Do you think the legal ruling was just? What might Bentham say about the case?

Sep 10. Mill’s revisionist utilitarianism: The value of self-development

Reading: John Stuart Mill, *Utilitarianism*, chs 1, 2, & 5

Study Questions: (1) What does it mean to say that the *quality* of a pleasure is “higher,” not just that the quantity is greater? How does Mill distinguish between higher and lower quality pleasures?

(2) Is Mill right about the kinds of pleasures that those “competent” to judge would prefer? Who is “competent” to judge the quality of pleasures and the goodness of lives, and why should their judgments provide a basis for deciding about the quality of pleasures and the goodness of lives? (3) Does Mill’s distinction between higher and lower quality pleasures reflect an objectionable elitism or an undue emphasis on intellectual pleasures? (4) Mill famously said, “[I]t is better to be a human being dissatisfied than a pig satisfied, better to be Socrates dissatisfied than a fool satisfied.” What does this mean? Do you agree? (4) In ch 5, Mill surveys some common views about what justice is. What view of justice does Mill endorse?

Sep 12. The legal enforcement of morality: The case of anti-sodomy laws

Reading: *Lawrence v. Texas* (2003), excerpt of the Opinion of the Court and Justice Scalia’s dissent

Study Questions: (1) Does the fact that sodomy violates the community’s morals (assuming that it does) provide a legitimate reason for criminalizing it? (2) What is the distinction between the claim that sodomy violates the common morality in a society and the claim that it is condemned by the moral views of the majority in society? Does that distinction make a difference? (3) Utilitarians, including Bentham and Mill, have tended to oppose the legal enforcement of morals, but do they have a convincing utilitarian argument against it? (4) Is there an argument against the legal enforcement of morals that strikes you as more convincing than the utilitarian argument?

Sep 17. Mill’s defense of liberty: Reconciling individual liberty and utilitarianism

Reading: John Stuart Mill, *On Liberty*, chs 1 & 2

Study Questions: (1) Mill says that *On Liberty* defends “one very simple principle”: the Harm Principle. What does this principle say? (2) Consider Mill’s utilitarian argument for the Harm Principle. How is the general welfare improved by tolerating religious, philosophical, and moral dissent? What are the costs of such toleration? Why does he think the benefits of tolerating dissent outweigh the costs? (3) Mill is known as an ardent defender of freedom of speech. Why is freedom of speech valuable in his view? When, if ever, can freedom of speech be restricted?

Sep 19. Limits on individual freedom

Reading: Mill, *On Liberty*, chs 3 & 5

Study Questions: (1) In ch 3, Mill discusses the freedom to *act* upon one’s beliefs and opinions. When it comes to *self-regarding* acts, Mill argues that one should be permitted great freedom in carrying one’s beliefs into practice. Why? Be sure to examine Mill’s discussion of individuality. (2) Do you think that conduct should only be regulated if it is *harmful* to others? What about regulating conduct out of a concern for the person’s own welfare (e.g. drugs, seat belts), or because it is repulsive (e.g. bestiality), or because it is offensive to others (e.g. public nudity), or because some judge it to be morally wrong (e.g. suicide, physician-assisted suicide)? (3) In ch 5, Mill discusses the sale and use of drugs, gambling, prostitution, the decision to procreate, and education. Does he think any of these activities should be subject to government regulation? Why or why not? (4) What might Mill say about legal restrictions on racist hate speech or restrictions on pornography?

II. LIBERTARIANISM

Sep 24. Locke's theory of private property

Reading: John Locke, *Second Treatise on Government*, ch 5

Study Questions: (1) According to Locke, how do you come to have a right of ownership in something? (2) Do you agree with Locke that most of the value of an appropriated thing, such as a cultivated piece of land, derives from human labor? (3) What moral constraints does Locke place on the acquisition of private property? Can one acquire as much as one wants?

Sep 26. Possessive libertarianism I: Defending a minimal state

Reading: Robert Nozick, *Anarchy, State, & Utopia*, Preface (pp. ix-xiv); all of ch 2; pp. 26-35 and 48-53 of ch 3; pp. 113-119 of ch 5

Study Questions: (1) What is a "minimal state"? Does Nozick provide a plausible story of how the state could emerge in a morally permissible way without violating anyone's rights? (2) Nozick views individual rights as "side constraints" (p. 30). What is this idea? (3) Nozick criticizes utilitarianism for failing to respect that each person is a "separate person." What does he mean by this? (4) How does Nozick respond to the problem of the individual anarchist or "independent" who refuses to accept the protective services of the state? Do you find his response convincing?

*** Paper #1 due: Friday, Sep 27** (Your GSI will let you know where/how to submit your paper)

Oct 1. Possessive libertarianism II: Nozick's historical entitlement theory of justice

Reading: Nozick, *Anarchy, State, & Utopia*, pp. 149-64 and pp. 167-82 of ch 7

Study Questions: (1) What three principles make up Nozick's theory of justice? (2) What is the difference between "historical" and "end-state" principles of justice? Which type of theory is Nozick's? (3) Playing off Marx, Nozick sums up his theory with the following slogan/maxim: "From each as they choose, to each as they are chosen." In prizing individual choice and liberty above all else, does Nozick's theory fail to account for anything important? (4) Nozick famously said, "Taxation of earnings from labor is on a par with forced labor" (p. 169). Do you agree? Do you see any morally significant differences between taxing someone's earnings and forcing someone to labor?

Oct 3. Liberty and labor market regulation

Reading: (1) *Lochner v. New York* (1905), Opinion of the Court & Justice Holmes's dissent; (2) *West Coast Hotel v. Parrish* (1937), Opinion of the Court

Study Questions: (1) Why does the *Lochner* Court think it is illegitimate for the state to regulate labor markets in order to redress inequalities of bargaining power between employers and

employees? Do you think inequalities of bargaining power exist? What effects might such inequalities have for wages and working conditions? (2) Is it paternalistic to try to correct for inequalities of bargaining power? Do such regulations make workers “wards of the state”? Is it also paternalistic to protect a person from physical assault? (3) Are minimum wage laws or workplace health and safety regulations objectionably paternalistic? What, if anything, is wrong with paternalism? (4) What might Nozick say about the outcome of *Lochner* and *West Coast Hotel*?

Oct 8. Choice-based libertarianism

Reading: Milton Friedman, *Capitalism and Freedom*, Introduction, ch 1, ch 2, ch 10 (only pp.161-168 of ch 10 is required), ch 12, Conclusion

Study Questions: (1) What does Friedman mean by “liberty”? (2) What is a “right to liberty” and why is there such a right? Are all kinds of liberty of equal importance? (3) It is sometimes said, as in the Preamble to the U.S. Constitution, that government ought to make laws that promote the general welfare. What does that mean? Does Friedman agree? Do laws promoting the general welfare violate the individual right to liberty? (4) Friedman accepts certain kinds of anti-poverty programs and public spending on education as a legitimate use of tax dollars. How does Friedman make the case that anti-poverty programs might promote the general welfare? How does it promote the welfare of people who are not poor? (5) By contrast, Friedman argues against promoting what he calls “equality of treatment.” Why, in Friedman’s view, is it illegitimate for the government to promote equality?

Oct 10. Equal opportunity and education

Reading: (1) *San Antonio Independent School District v. Rodriguez* (1973), Opinion of the Court & Justice Marshall’s dissent; (2) Friedman, *Capitalism and Freedom*, ch 6

Study Questions: (1) Justice Marshall says there is a right to an “equal start in life.” What does that mean? Do you agree that there is such a right? (2) Does education help to ensure that everyone has an equal start in life? (3) Does a system of school financing based on local property taxes violate that right? (4) Does a system of equal educational opportunity, financed out of taxes, violate the rights of parents to decide how much they want to spend on education? (5) Does a program of state-financed, universal education promote the general welfare? How does Friedman make the case that it does? Do you find his argument convincing? Why or why not?

III. EGALITARIAN LIBERALISM

Oct 15. Introducing Rawls’s theory of justice

Reading: John Rawls, *A Theory of Justice*, Sections 1-5

Study Questions: (1) Rawls presents an ideal of a fair society in which life chances are not determined by differences in social background or native endowments. Is this ideal attractive to you? Why or why not? (2) Are native endowments (one's natural talents) morally equivalent to the contingencies of social background (e.g. one's social class)? What does it mean to say that both are "arbitrary from a moral point of view"? (3) Following Locke, Rousseau, and Kant, Rawls's approach to justice is to imagine a social contract in which individuals come together to choose the basic principles that will govern their society. Is the idea of a hypothetical social contract a good way to think about justice? (4) What is the "original position" and what role does it play in Rawls's theory? (5) What does Rawls mean when he says, "Utilitarianism does not take seriously the distinction between persons" (p. 27)?

Oct 17. Writing workshop led by your GSIs

Oct 22. Reconciling liberty and equality: Rawl's two principles of justice

Reading: Rawls, *A Theory of Justice*, Sections 11-14

Study Questions: (1) Which specific liberties does Rawls include in his list of "basic liberties"? (2) In sections 12-13, Rawls provides an informal argument for his second principle of justice. He lays out three interpretations of the second principle, which states, "Social and economic inequalities are to be arranged so that they are (a) reasonably expected to be to *everyone's advantage*, and (b) attached to positions and offices *open to all*" (p. 60). He argues that "democratic equality" (a.k.a. the difference principle) is the best interpretation when compared with the systems of "natural liberty" and "liberal equality." What are the differences between these three systems? Which, in your view, is the most desirable? (3) Is the difference principle fair to people who would be better off under an alternative principle like utilitarianism? (4) What is *fair* equality of opportunity, and why does Rawls think it is a more compelling idea than *formal* equality of opportunity? (5) In section 14, Rawls distinguishes among "perfect," "imperfect," and "pure" procedural justice. What's the difference? Which type of procedural justice is Rawls's theory?

Oct 24. Rawls's social contract argument for his theory of justice, or why the parties in the original position would choose Rawls over Mill or Nozick

Reading: Rawls, *A Theory of Justice*, Sections 22, 24-26, 29

Study Questions: (1) In section 22, Rawls discusses the "circumstances of justice." What are they? What role do they play in his theory? (2) In section 24, Rawls discusses the "veil of ignorance." What kind of information is blocked by the veil? (3) What principles would people choose behind the veil of ignorance, in a hypothetical "original position"? Be sure to study Rawls's argument for his principles of justice over utilitarianism and libertarianism in sections 26 and 29. (4) Why should we care about what would be chosen in the original position? What, if anything, justifies the original position as the appropriate method for selecting principles of justice?

Oct 29. Gender and justice

Reading: (1) Susan Moller Okin, *Justice, Gender, and the Family*, ch 5;
(2) Carol Gilligan, "Moral Orientation and Moral Development" (1987)

Study Questions: (1) Okin criticizes Rawls's theory of justice for being insufficiently attentive to sex and gender. How exactly is Rawls's theory guilty of "blindness to sexism"? (2) Feminists have long criticized the distinction between public and private. What is this distinction and why is it a problem? (3) Rather than rejecting Rawls's theory, Okin seeks to revise it toward developing a liberal theory of gender justice. What revisions does she call for? Do her revisions answer the objections she raises against Rawls? (4) Gilligan finds gender differences in the moral development and moral orientation of women and men. What are these differences? What does she suggest is the source of these differences? Do Gilligan's findings pose any problems for Okin's liberal theory of gender justice?

Oct 31. Race and justice

Reading: (1) Charles Mills, "Racial Equality," in *The Equal Society*, ed. G. Hull (2015), 43-71

Study Questions: (1) How does Mills conceive of race? (2) He distinguishes between ideational racism and socio-institutional racism. What's the difference? (3) Mills suggests four different senses or dimensions of racial equality. What are they and how do they fit together? (4) Mills argues that Rawls and his followers have largely ignored race and racism in theorizing justice. What reasons does he give for this silence? (5) Mills proposes some revisions to Rawls's theory in order to address racial injustice. What specific revisionist principles does Mills propose?

Nov 5. Affirmative action

Reading: (1) *Grutter v. Bollinger*, 539 U.S. 306 (2003), Opinion of the Court & Justice Thomas's dissent; (2) Susan Sturm & Lani Guinier, "The Future of Affirmative Action," in *Who's Qualified* (2001), ed. 3-34

Study Questions: (1) Are all uses of racial classifications or color-conscious policies equally objectionable? For example, is it as objectionable to have an affirmative action program that benefits a historically disadvantaged minority group as to have a program that benefits the majority group in a society? (2) What is the value of diversity in the college classroom? Why does the majority of the Court in *Grutter* think it is so important? (3) Do affirmative action programs undertaken to promote racial diversity in universities rest on objectionable stereotypes or reinforce racial divisions, as Justice Thomas argues? (4) Sturm and Guinier challenge the idea that performance on standardized tests is a good measure of merit. What's their critique of standard narratives about affirmative action? What approach do they propose instead?

Nov 7. A pluralistic approach to justice: Walzer's complex equality

Reading: Michael Walzer, *Spheres of Justice*, read chs 1 & 3 for Nov 7 lecture; you can save ch 2 for Nov 12 lecture

Study Questions: (1) Walzer proposes a pluralistic theory of justice: “different social goods ought to be distributed for different reasons, in accordance with different procedures, and by different agents” (p. 6). What do you think of this pluralistic approach? (2) Walzer says the distribution of any social good is “just or unjust *relative* to the social meanings of the goods at stake” (p. 9). Are there any problems with this kind of relativism? (3) Walzer outlines three different principles for distributing social goods: free exchange, desert, and need. He also discusses the principle of equality. Think of examples of goods that might be distributed according to each of these principles. (5) In ch 3, Walzer discusses communal provision of basic goods, such as food and shelter. What kind of communal provision of basic goods does Walzer think is appropriate for a society like the U.S.? What about health care—how does he think it should be distributed?

*** Paper #2 due: Friday, Nov 8** (Your GSI will let you know where/how to submit your paper)

Nov 12. Membership and immigration

Reading: (1) Walzer, *Spheres of Justice*, ch 2; (2) Joseph Carens, “Aliens and Citizens: The Case for Open Borders”

Study Questions: (1) Walzer proposes we think about citizenship (or membership in a political community) as a “primary good that we distribute to one another” (p. 31). What do we gain by thinking of membership in this way? (2) Walzer defends a political community’s right to control immigration by appealing to the idea of cultural distinctiveness. What’s his argument? (3) Walzer argues that a state’s right to control immigration is not unlimited. What are the moral constraints on how a democratic state can treat noncitizens within its territory? What about noncitizens *outside* the territory? Can democratic states admit or exclude whomever they want? (4) Carens argues that the basic principles of utilitarianism, libertarianism, and egalitarian liberalism all support a policy of open borders. You’ve studied these theories and are well-positioned to assess his argument. Do you agree? Why or why not? (5) Are there any morally compelling reasons that support immigration restrictions?

IV. MARXISM: A MORE RADICAL EGALITARIANISM

Nov 14. Marx on alienation under capitalism

Reading: (1) Marx, *Economic & Philosophic Manuscripts of 1844*, pp. 70-81, 87-89 of *The Marx-Engels Reader* (MER); (2) “The Power of Money in Bourgeois Society,” pp. 101-105 of MER

Study Questions: (1) What are the different forms of alienation under capitalism? (2) What is the relationship between alienated/estranged labor and private property? (3) How would alienation be eliminated under communism? (4) In “The Power of Money in Bourgeois Society,” Marx says money in a capitalist society “appears as this overturning power both against the individual and

against the bonds of society” (105). What does he mean by this? What examples does he give of the power of money?

Nov 19. Principles of communism

Reading: (1) Marx and Engels, *Manifesto of the Communist Party*, pp. 469, 473-491 of MER; (2) Marx, “Critique of the Gotha Program,” pp. 528-532 of MER

Study Questions: (1) In the Manifesto, Marx and Engels present the basic principles of communism and their theory of history. What is the prime driver of history in their view? (2) Reflect on this passage: “The development of Modern Industry...cuts from under its feet the very foundation on which the bourgeoisie produces and appropriates products. What the bourgeoisie, therefore, produces, above all, is its own grave-diggers. Its fall and the victory of the proletariat are equally inevitable.” (483) How does capitalism produce its own “grave-diggers”? (3) They say “the theory of communism may be summed up in the single sentence: Abolition of private property” (488). What’s wrong with private property? (4) What do they mean when they say, “The working men have no country” (488)? (5) How do Marx and Engels critique the family under capitalism? How will things be different for women and children under communism? (6) In the excerpt from “Critique of the Gotha Program,” Marx presents his famous slogan/maxim of communism: “From each according to his ability, to each according to his needs!” What does this mean?

Nov 21. Marxism meets feminism: MacKinnon’s dominance feminism

Reading: (1) Catherine MacKinnon, “The Problem of Marxism and Feminism,” pp. 3-12 of *Toward a Feminist Theory of the State*; (2) MacKinnon, “Difference and Dominance: On Sex Discrimination,” pp. 32-45 of *Feminism Unmodified*

Study Questions: (1) What similarities and what conflicts does MacKinnon see between Marxism and feminism? (2) MacKinnon describes the mainstream liberal approach to sex equality in the U.S. as including only two paths for women – be the same as men or be different from men – which she labels “equality as sameness/difference.” What’s wrong with this approach in her view? Do you think Okin’s liberal feminism is a kind of sameness/difference feminism? (3) MacKinnon advances an alternative approach, which she calls the “dominance” approach. How is this approach different from “equality as sameness/difference”? What differences would there be in how the equality approach vs. the dominance approach respond to particular issues, such as workplace accommodations for pregnancy, pornography, prostitution, and sexual harassment?

V. GLOBAL JUSTICE

Nov 26. In-class screening of *China Blue*, a documentary film

Dec 3. Global labor justice

Reading: Iris Marion Young, "Responsibility and Global Labor Justice" (2004)

Study Questions: (1) Young argues that people in "relatively free and affluent countries" such as the U.S. "have responsibilities to try to improve working conditions and wages of workers in far-off parts of the world" (365). She bases her argument on the ideal of "political responsibility." What does this ideal require us to do? (2) How is the "political responsibility" model different from the "liability model"? (3) How might Young respond to someone who says, "I haven't harmed people in poor countries nor did I cause their poverty, so I don't have any responsibility to assist them. I can assist them as a matter of charity if I want to, but I am not required to do so as a matter of duty"?

Dec 5. Concluding lecture and course evaluations