

R. Miller  
Fall 2006

**PHILOSOPHY 346/GOVERNMENT 362  
MODERN POLITICAL PHILOSOPHY**

TR 2:55-4:10  
Rockefeller 104

Preview: In Philosophy 346/Government 362, we will examine the four books that figure (explicitly or implicitly, as models or as targets) in virtually every discussion in political philosophy today.

1. John Rawls, *A Theory of Justice* (1971) is the most influential and systematic attempt to provide a deep philosophical justification of the standpoint that Americans currently label "liberal", a commitment to economic equality, to broad civil and political liberties and to the separation of personal conceptions of the good from political choices. *A Theory of Justice* revived political philosophy (which had spent decades in the backwaters), in part by providing a unified moral underpinning for what had seemed just a politically important collection of diverse doctrines, in part by offering a systematic alternative to utilitarianism, which had long dominated English-speaking political philosophy in spite of growing awareness of its problems. In addition to its central importance in political philosophy, Rawls' perspective on civil liberty and civic equality has shaped the liberal conception of the U.S. Constitution; we will conclude our discussion of Rawls' approach to equality, freedom and tolerance in *A Theory of Justice* with a look at its implications for constitutional debates over the right to have an abortion and over the right to sell pornography.

2. Robert Nozick, *Anarchy, State and Utopia* (1974) is the most important philosophical expression of the sort of conservatism that insists that respect for capitalist free enterprise is a demand of justice. Nozick is well aware that the rules of self-advancement that he defends, on grounds of individual freedom, can generate large inequalities. Apart from offering an influential alternative to Rawls' liberal egalitarianism, his book includes important arguments against Rawls' case for equality in *A Theory of Justice*.

3. David Gauthier, *Morals by Agreement* (1985) is an attempt to base standards of justice on the least controversial aspect of practical rationality, mere rational self-interest, and argues for a conception of justice as based on mutual benefit with incorporates elements of both Rawls' and Nozick's theories. Gauthier makes extensive use of economists' analyses of rational choice, which will lead us to consider how alternative theories of market processes affect standards of economic justice.

4. John Rawls, *Political Liberalism* (1993) defends a conception of how political questions are resolved in a just society which differs in important ways from the foundations on which Rawls seemed to rely in his first book. In Rawls' final view, political justification should ultimately be based on purely political values of free and equal citizenship and mutually respectful discussion, with no ultimate preference among the variety of perspectives supporting this form of political interaction. So controversial views of autonomy and self-respect that seemed fundamental in *A Theory of Justice* must not play an essential role. Many have found this an attractive and realistic adjustment to the enduring pluralism of modern political culture (which, pretty clearly, is not evolving to a point at which all, or even most, accept a single moral theory.) But Rawls' final position has also inspired diverse criticisms. For example, many of those who support the standards of economic justice of *A Theory of Justice* -- which Rawls still favors -- doubt that these standards could be justified in the new, more neutral, purely political way. Others have proposed that shared commitment to liberal political values cannot supply adequate motivations for political justice or a sufficient basis for a fulfilling political life. Finally, some (both to the right and to the left of Rawls) have proposed that Rawls' political liberalism cannot respond, in an effective and honest way, to the political demands of people who do not embrace pluralism in the traditional liberal spirit -- for example, many people in fundamentalist religious groups. Here, the philosophical and political battleground has often been public education, and we will consider the implications of political liberalism for an important case concerning the demand that public schools accommodate the outlooks of Christian fundamentalist

families, *Mozert v. Hawkins Country Board of Education*.

The controversies over these four books are currently generating much rethinking of traditional liberal goals. We will conclude with a brief look at two very recent reconceptions of the importance of economic equality: Elizabeth Anderson's revision of economic egalitarianism to fit an ideal of equal citizenship that emerges from political liberalism and my own effort to show how respect for persons can require the reduction of economic inequality in response to specific features of modern economic life.

**(There is a detailed schedule of class topics and readings at the end of this syllabus.)**

A Note on the Enrollment Cap:

To keep the course small enough for class discussion and make sure that there can be adequate comments on papers given available resources, I have had to limit the enrollment. The limits of enrollment software and the different registration procedures for graduate students and undergraduates make it hard to leave adequate room for graduate students without special measures. I have told the relevant staff in both departments (Veronica Ikeshoji-Orlati in Philosophy, Charlene Lee in Government) to **admit all graduate students who want to register** (i.e., graduate students have my permission in advance to register manually with either department if they cannot enroll online.) I would like undergraduate enrollment to be online, which is subject to a cap. The gap may well pose no obstacle to anyone – in any case, none that persistence and normal turnover won't overcome. After the first two classes, I will review any undergraduate requests for special permission to enroll beyond the cap.

Format:

The course will intersperse lectures with class discussions. I will sometimes ask for volunteers for brief class presentations. I may lead a discussion section for graduate students taking the course. There will be no regular or required section for undergraduates. However, toward the end of each of our major units, I will arrange optional sections for discussion of questions and views concerning the work we have discussed. These sections will also be a help in developing ideas for our two major written assignments.

Prerequisites:

There is no formal prerequisite for this course, since a variety of backgrounds have turned out to be good preparation. Normally, people taking the course either have taken a philosophy course or have done some prior coursework involving discussions of equality, justice, civil liberties, the general welfare or political obligation. This work might be in Government, Sociology, History, Economics, Law or ILR, for example. I'd be glad to give further advice on what preparation would be useful

Books:

The following books are required. They are on sale for this course at the Campus Store.  
John Rawls, *A Theory of Justice* (Harvard) – i.e., the revised edition, which appeared in 1999, but incorporates revisions that Rawls made in 1975.  
John Rawls, *Political Liberalism* (Columbia)  
Robert Nozick, *Anarchy, State and Utopia* (Basic Books)  
David Gauthier, *Morals by Agreement* (Oxford.)

In addition, I urge you to buy the *Philosophy 346/Government 462 Course Anthology*, which is on sale as an optional purchase at the Campus Store. It contains the vast majority of our other assigned readings, as well as some that I will recommend without assigning them. I have put two copies of the Course Anthology on Two-Hour Reserve at Uris.

To reduce the cost of the Course Anthology, I will use the course Blackboard site (phil346) for the other assigned readings, which will be posted as Course Documents. I have also put on reserve at Uris some books that are useful supplements to assigned readings, as well as sources of additional readings for papers. I will refer to this material when it becomes relevant to our topics –

and, of course, I would always be glad to give advice about further reading

Since we will start the course by discussing Rawls' *A Theory of Justice*, this is as good a place as any to mention one useful supplement, which is on Two Hour Reserve: John Rawls, *Justice as Fairness: A Restatement*. Although this book was published in 2001, it was substantially complete by 1989. It is Rawls' most extensive effort to clarify the arguments and claims of *A Theory of Justice* in response to the initial debates over his book. I don't want anyone to overdose on Rawls. And this book has its own obscurities – partly reflecting its origins in handouts accompanying a course Rawls taught, partly reflecting his intellectual situation in the 1980's, a time in which he was moving toward his final, "political liberal" phase. Still, Rawls' self-commentary (which includes some admissions of mistakes) is often helpful. I will sometimes make explicit use of this book in our discussions of *A Theory of Justice*.

#### Course Requirements:

1. Participation in discussions is an important part of the course. The different perspectives and backgrounds that people bring to our topics always enrich understanding of our difficult material. Everyone enrolled in the course is expected to attend classes, coming prepared to participate on the basis of the reading assignment.

2. At the start of class each Thursday, except for 10/12 (Fall Break week), 11/23 (Thanksgiving) and, of course, 8/24, I will collect sheets with responses to the week's readings: at least one question or comment on the material in Tuesday's assignment and at least one on Thursday's. These should not be longer than a single-spaced, typewritten page. Don't think of this as an essay or quiz, but as an opportunity to state what is on your mind as an issue worth pressing in criticizing or clarifying readings. Describe points that you found unclear yet significant, criticisms that you think a writer needs to address, or gaps in the writer's argument. Handwritten sheets are acceptable, if legible. I will read and grade all of these responses, and use them in devising my lectures and singling out points for discussion. **At least nine response sheets should be turned in during the semester. They are due at the start of class, and may not be submitted by e-mail.** If more than nine are submitted, this part of your grade will be based on the best nine. Graded response sheets will be returned along with the mid-term and the term papers.

3. A midterm paper, about eight pages long, will be due at class on October 19. The midterm paper will be on one of a long list of topics that I will distribute on September 28.

4. A term paper, 12-15 pages long, will be due December 6, the last day of study period. I will distribute a list of possible term paper topics on November 9, asking people to consult with me before committing themselves to topics far removed from the list.

The course grade will primarily be based on the following weights: response sheets, 10%; midterm paper, 30%; term paper, 60%. If this results in a borderline grade, class participation will be taken into account in arriving at the assigned grade.

#### Office Hours:

My office is 329 Goldwin Smith (e-mail: [rwm5@cornell.edu](mailto:rwm5@cornell.edu)). My office hours are Tuesday and Thursday, 4:30-5:30.

Course website: On [blackboard.cornell.edu](http://blackboard.cornell.edu), our site is phil346. Please self-enroll, and let me know if you have any problems doing so.

#### Course Schedule:

8/24: Introduction

##### I. RAWLS, *A THEORY OF JUSTICE*

8/29: The elements of justice as fairness – ATJ, secs. 1-4, 11, 13, 14. Sections are the basic, small units of the book. E.g., sec. 1 = pp. 3-6. Don't worry if the discussions of graphs captioned "The Difference Principle" (pp. 65-67) and "Chain Connection" (pp. 70f.) don't strike you as helpful. Few find them illuminating, and these representations are not important in the book as a whole. (Also recommended, but not assigned: Nagel, "Rawls on Justice", ca [= Course Anthology, originally in *Philosophical Review* 82 (1973): 220-34. This proved to be the most influential of the initial reviews.)

8/31: The principles of justice and the original position -- ATJ, secs. 15-17, 24, 26.  
 9/5: Further arguments for equality, and against utilitarianism – ATJ, secs. 27-30, 5.  
 9/7: A utilitarian critique, and Rawls' reply -- Harsanyi, "Can the Maximin Principle Serve as a Basis for Morality?" (ca; orig.: *American Political Science Review* 69 (1975): 564-606); Rawls, *Justice as Fairness: A Restatement* (excerpts) (ca; = Rawls, *Justice as Fairness*, pp. 94-104, 116-20, 126-30.)  
 9/12: The priority of liberty: defined and justified – ATJ, secs. 31-33, 39- 40, 82.  
 9/14: The priority of liberty: challenged and revised – Daniels, "Equal Liberty and Unequal Worth of Liberty" (ca, originally in Daniels, ed. *Reading Rawls*); and Rawls, PL [= *Political Liberalism*], pp. 299-330, 357-61, in Lecture VIII.  
 9/19: Rawls and civil liberties: abortion rights – Supreme Court, *Roe v. Wade*; Dworkin, "Roe in Danger" (ca, also in his *Freedom's Law*).  
 9/21: Rawls and civil liberties: the legal status of pornography – Supreme Court, *Paris Adult Theatre I v. Slaton* (ca); MacKinnon, "Francis Biddle's Sister" (excerpts) (ca, orig.: in her *Feminism Unmodified*)  
 II. NOZICK, *ANARCHY, STATE AND UTOPIA*  
 9/26: Side-constraints and economic entitlements – ASU: Preface; chapter 2; pp. 26-35 in ch. 3; pp. 110-18 in ch. 5; pp. 149-60 in ch. 7.  
 9/28: Freedom versus equality -- ASU, pp. 160-82, 235-38.  
 10/3: Problems for Nozick – Scanlon, "Nozick on Rights, Liberty and Property" (ca, orig: *Philosophy & Public Affairs* 6 (1976): 3-25); ASU, pp. 183-97 [the latter just to get a head start on the humongous critique of Rawls in ch. 7, sec 2, the topic of our next class]  
 10/5: Problems for Rawls – ASU, pp. 198-231  
 [10/10: Fall Break]  
 10/12: Rawls replies – PL, Lecture VII, secs. 1, 3-9. (Also recommended, but not assigned: ATJ, sec. 47.)  
 III. GAUTHIER, *MORALS BY AGREEMENT*  
 10/17: Morality, self-interest and mutual benefit – MBA: ch. I.; ch. II, pp. 21-26, 46-59 (i.e., omitting secs. 2 and 3); ch. III, pp. 60-68, 75-82 (i.e., omitting sec. 2.).  
 10/19: The market as morally stainless – MBA: ch. IV, pp. 83-104, 110-112. [And, if possible, get a headstart on the next reading, from the central chapter.] Depending on plane schedules, I may have to reschedule this class so that I can get to a West Coast conference. I'll work this out with the class well in advance.  
 10/24: Rational self-interest and cooperative norms – MBA: Ch. V, pp. 113-21, 128-46, 150-56 (i.e., omitting 2.1, 2.2, and 3.4.)  
 10/26: Initial assets and the Proviso – MBA: Chapter VII omitting 2.2  
 10/31: For and Against Equality -- MBA: pp. 233-35, 250-62, 268-74, 300-302.  
 11/2: Why it is foolish not to be moral – MBA: pp. 157f., 165-87 (i.e., omitting 1.2, 1.3 and 3.3.)  
 IV. RAWLS, *POLITICAL LIBERALISM*  
 11/7: New foundations for justice – PL: Introduction, pp. xvi-xxiii; Lecture I  
 11/9: Justice as reasonableness – PL, Lecture II  
 11/14: Pluralism and political legitimacy – PL, Lecture IV; David Smolin, "Regulating Religious and Cultural Conflict in Postmodern America" (excerpt - Blackboard, orig., *Iowa Law Review* 76 (1991), pp. 1094-1104.)  
 11/16: Liberal neutrality – Rawls, "The Idea of Public Reason Revisited" (ca); 6th Circuit Court of Appeals, *Mozert v. Hawkins County Board of Education* (Blackboard)  
 11/21: Should liberals care about goodness? – PL, Lecture V; Sandel, *Democracy's Discontent* (excerpt –Blackboard) and "Morality and the Liberal Ideal" (ca)  
 [11/23: Thanksgiving]  
 V. Revising Equality  
 11/28: Economic justice as civic equality – Anderson, "What Is the Point of Equality?" (ca, orig.: *Ethics* 109 (1999): 287-337.  
 11/30: Miller, "'Too Much Inequality'" (Blackboard, orig.: *Social Philosophy and Policy* 19 (2002): 275-313.)