

R. Miller
Fall 2015
TR 2:55-4:10
106 White

PHILOSOPHY 3460/GOVERNMENT 3625
MODERN POLITICAL PHILOSOPHY

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

We will begin at the core of contemporary political philosophy, with the book that people routinely discuss, to define and defend their own views, even (indeed especially) if they strongly disagree with it: John Rawls' *A Theory of Justice* (1971). It 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 conceptions of how best to live 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.

The formative controversy for contemporary political philosophy is the confrontation between *A Theory of Justice* and the next book that we will discuss, Robert Nozick's *Anarchy, State and Utopia* (1974). Nozick's book is the most important philosophical expression of libertarianism. He argues that respect for capitalist free enterprise is a demand of justice, even if it generates economic inequalities that Rawls would oppose. Apart from developing an influential alternative to Rawls' liberal egalitarianism, Nozick presents important arguments against Rawls' case for equality in *A Theory of Justice*.

Political philosophers have responded to this formative controversy by developing a rich array of alternative conceptions of the role of equality, liberty and property rights in a just society. We will next look at some of these new options, which challenge both Rawls and Nozick. These include Joseph Raz's attempt to base liberalism on an ethic of autonomy, Elizabeth Anderson's construal of the ideal of equality in terms of equality of status, and appeals to a duty of concern for unmet needs as the basis for reducing inequality.

In *Political Liberalism* (1993), the next book that we will discuss, Rawls transformed the field of political philosophy a second time, defending 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 his final view, political justification should ultimately be based on purely political values of free and equal citizenship and mutually respectful discussion; further, controversial moral commitments that seemed fundamental in *A Theory of Justice* must not play an essential role. While many have found this an attractive and realistic adjustment to the enduring pluralism of modern political culture, others have argued that the new basis for public political justification does not resolve urgent questions, cannot effectively motivate the pursuit of justice or 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.

The emphasis on free and equal citizenship in Rawls' later work should encourage deeper consideration of democracy, i.e., why it is valuable and what these values imply for justice as a whole. Going beyond Rawls' own skimpy discussion, we will consider classical and modern

arguments about the value and implications of democracy, by Edmund Burke, John Stuart Mill and Robert Dahl, including Dahl's argument that a proper valuing of democracy in government entails an aspiration to democracy in the workplace.

We will conclude by examining the radical standard of equality and community, based on ideals of personal life, that G.A. Cohen developed in the course of criticizing Rawls for half-way measures.

A Note on the Enrollment Cap: To keep the course small enough for lots of class discussion and make sure that there can be adequate comments on papers given available resources, I have had to limit the enrollment. However, graduate and law students who cannot register on-line have my permission to register, over the cap. Pam Hanna, in the Philosophy Department office (218 GS), can implement this permission, by manual enrollment.

Format:

The course will intersperse lectures with class discussions. I may lead a discussion section for graduate students taking the course. There will be occasional optional sections for discussion of questions and views concerning the work we have discussed.

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*, revised edition (Harvard) -- i.e., the edition which appeared in 1999, but incorporates revisions that Rawls made in 1975.

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

John Rawls, *Political Liberalism* (Columbia) -- i.e., the 2005 edition, which ends with the important essay, "The Idea of Public Reason Revisited."

The rest of our assigned readings will be posted in the Content section of our Blackboard site.

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 8/27, I will collect sheets with responses to the week's readings: at least one question or comment on the material in the assignment for each class that week. 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, the grades for the best nine will count toward your final grade. 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 20. The midterm paper will be on one of a list of topics that I will distribute on September 29.

4. A term paper, 12-15 pages long, will be due December 10. I will distribute a list of possible term paper topics on November 10, asking people to consult with me before committing themselves to topics far removed from the list.

The weight of factors contributing to the final grade will be, approximately: participation and response sheets, 15%; short paper, 25%; term paper, 60%.

Office Hours:

My office is 329 Goldwin Smith (e-mail: rwm5@cornell.edu). My office hours are Tuesdays 4:30-5:30 and by appointment.

Course Schedule:

8/25: Introduction

I. RAWLS, *A THEORY OF JUSTICE*

8/27: The elements of justice as fairness: ATJ, secs. 1-4, 11-14. 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.

9/1: The principles of justice and the original position -- ATJ, pp. xviii., xi-xvi (from the Prefaces, clarifying today's sections and others, too), secs. 15-17, 24, 26.

9/3: Further arguments for equality, and against utilitarianism -- ATJ, secs. 27-30, 5.

9/8: A utilitarian critique, and Rawls' reply -- Harsanyi, "Can the Maximin Principle Serve as a Basis for Morality?" (orig.: *American Political Science Review* 69 (1975): 564-606); Rawls, *Justice as Fairness: A Restatement* (excerpts) (pp. 94-104, 116-20, 126-33.)

9/10: The priority of liberty: defined and justified -- ATJ, secs. 31-33, 39-40, 82.

9/15: The priority of liberty: challenged and revised -- Daniels, "Equal Liberty and Unequal Worth of Liberty" (orig.: in Daniels, ed. *Reading Rawls*); and Rawls, PL [= *Political Liberalism*], pp. 299-330, 357-61, in Lecture VIII.

9/17: Rawls and the U.S. Constitution: Supreme Court, *Roe v. Wade*; Dworkin, "Roe in Danger" (also in his *Freedom's Law*.)

II. NOZICK, *ANARCHY, STATE AND UTOPIA*

9/22: 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.

9/24: Freedom versus equality -- ASU, pp. 160-82, 235-38.

9/29: Problems for Nozick -- Scanlon, "Nozick on Rights, Liberty and Property" [*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]

10/1: Problems for Rawls -- ASU, pp. 198-231

10/6: Rawls replies -- PL, Lecture VII, secs. 1, 3-9.

III. EQUALITY AND LIBERTY: NEW DIRECTIONS

10/8 Freedom as autonomy -- Joseph Raz, *The Morality of Freedom* (1986), pp. 369-395, 407-421. [10/13: Fall Break]

10/15: From equality to sufficiency: Raz, *The Morality of Freedom*, pp. 145-57; Harry Frankfurt, "Equality as a Moral Ideal," [*Ethics* 98 (1987): 21-43. This is a punchier statement of Raz's anti-egalitarianism, which he advances in a section of *The Morality of Freedom* that I recommend, but

won't assign, pp. 233-44.]

10/20: The sufficiency of equal status -- Elizabeth Anderson, "What Is the Point of Equality?" [*Ethics* 109 (1999): 287-337.]

10/22: The politics of concern -- Richard Miller, "The Ethics of Social Democracy"

III. POLITICAL LIBERALISM

10/27: New foundations for justice -- PL: Introduction, pp. xvi-xxiii; Lecture I to p. 43 (ending at start of sec. 8), Lecture II to p. 66 (ending at start of sec. 4)

10/29: Pluralism and political legitimacy -- PL, Lecture IV; David Smolin, "Regulating Religious and Cultural Conflict in Postmodern America" (excerpt) [*Iowa Law Review* 76 (1991), pp. 1094-1104.]

11/3: Liberal neutrality -- Rawls, "The Idea of Public Reason Revisited"; 6th Circuit Court of Appeals, *Mozert v. Hawkins County Board of Education*.

11/5: Liberalism, goodness and community -- PL, Lecture V; Michael Sandel, *Democracy's Discontent* (1996), pp. 4-17, 317-33.

IV. DEMOCRATIC VALUES AND THEIR CONSEQUENCES

11/10: Debating democracy -- Edmund Burke, "Appeal from the New to the Old Whigs," excerpt; John Stuart Mill, *Considerations on Representative Government*, chapter 3 and part of chapter 8

11/12: Democratic equality and unequal influence -- Ronald Dworkin "What Is Equality? Part 4: Political Equality" (1987)

11/17: Democracy as a way of life: Walt Whitman, "Mannahatta," Preface to *Leaves of Grass* (1855) (excerpt); Elizabeth Anderson, "Democracy: Instrumental vs. Non-Instrumental Value."

11/19: Political equality and the critique of corporate power -- Robert Dahl, *A Preface to Economic Democracy* (1985), pp. 52-75, 111-23, 162-63. [Don't worry. These excerpts are from a book with small pages.]

11/24: Democracy and Development -- People's Republic of China, White Paper, *Human Rights in China* (1991 -- excerpts); Thomas Christiano, "A Non-Instrumental Argument for a Human Right to Democracy" (excerpt); Ching Kwan Lee and Richard Miller, "Has China's One Party System Been Justifiable?" (a videoed debate).

[11/26: Thanksgiving]

V. EQUALITY, COMMUNITY AND PERSONAL LIFE

12/1: A critique of selfishness (and Rawls) -- G.A. Cohen, "Where the Action Is: On the Site of Egalitarian Justice" [*Philosophy & Public Affairs* 26 (1997): 3-30.]

12/3: Comprehensive equality and personal solidarity -- G.A. Cohen, *Rescuing Justice and Equality* (2008), pp. 1-8, 152-61; G.A. Cohen, *Why Not Socialism?* (2009), pp. 3-6 [just to introduce the parable that to which Cohen refers in the next excerpts], 34-52 [reassuring note: this is from another small-page book].