



John Rawls' *Theory of Justice* and Its Critics

Prof. Christine Chwaszcza, Christian Schemmel, PhD (appointed Max Weber
Fellow)

Seminar Autumn term 2009

Thursday: 3-5pm, room 3

Please register with Monika Rzemieniecka
(Monika.Rzemieniecka@eui.eu) between Sept. 1st and Oct. 5th

Rawls' *Theory of Justice* has become an ubiquitous point of either reference or criticism for political theorists of all *couleurs* and philosophical temperaments. In order to provide a path through the still growing jungle of interpretations and variations of "Rawlsianisms," the seminar offers a critical discussion of three main ideas behind Rawls' *Theory of Justice*: Liberal egalitarianism, the problem of justification in ethics, and the Kantian ideal of the person.

All interested students are welcome. Credits will be given for regular (intellectual) participation (which includes the preparation of the readings). Term papers will be accepted.

References to Rawls' *Theory of Justice* (TJ) refer to the revised edition, Cambridge, Mass.: Harvard University Press 1999; citations indicate sections.

I. The basic ethical claims:

Oct. 8th: Rights-consequentialism: "Justice as Fairness" and the claim of the priority of the Right over the Good

Readings:

TJ, sect. 1-3, 9, 30.

JOHN RAWLS: "Justice as Fairness," *Philosophical Review* 67/2 (1958) 164-194 [repr. in: Samuel Freeman (ed.): *John Rawls. Collected Papers*, Cambridge, Mass.: Harvard University Press 1999, 47-72].

H.L.A.HART: "Rawls on Liberty and Its Priority," *University of Chicago Law Review* 40/3 (1973) 534-555.



Oct. 15th: The liberal limits of (in)equality: “Distributive Justice”

TJ, sect. 11-15.

Readings: JOHN RAWLS: “Distributive Justice: Some Addenda,” in: Samuel Freeman (ed.): *John Rawls. Collected Papers*, Cambridge, Mass.: Harvard University Press 1999, 154-175.

PHILIPPE VAN PARIJS: “Difference Principles,” in: Samuel Freeman (ed.): *The Cambridge Companion to Rawls*, Cambridge: CUP 2003, 200-240.

Suggested further reading:

T.M. SCANLON: “Rawls’ Theory of Justice,” in: Norman Daniels (ed.): *Reading Rawls*, Stanford, Cal.: Stanford University Press, 1983, 169-205.

II. The status of the contractarian argument in reflective equilibrium

Oct. 22nd: Conflicting interests and the problem of justification in ethical theory

Readings:

TJ, sect. 4, chap. III (sect. 20-23), sect. 87.

JOHN RAWLS: “Outline of a Decision Procedure for Ethics,” *Philosophical Review* 60/2 (1951) 177-191 [repr. in: Samuel Freeman (ed.): *John Rawls. Collected Papers*, Cambridge, Mass.: Harvard University Press 1999, 1-19].

THOMAS NAGEL: “Rawls on Justice,” *Philosophical Review* 82/2 (1973), 220-234 [repr. in: Norman Daniels (ed.): *Reading Rawls*, Stanford, Cal.: Stanford University Press, 1983, 1-15].

Suggested further reading:

DAVID LYONS: “Nature and Soundness of the Contract and Coherence Arguments,” in: Norman Daniels (ed.): *Reading Rawls*, Stanford, Cal.: Stanford University Press, 1983, 141-167.

Oct. 29th: The basic structure

What does it mean to assert that the basic structure is the primary subject of justice? Should it be its *exclusive* subject? (Christian Schemmel)

Readings:

TJ, sect. 1-2, 10.

JOHN RAWLS: *Political Liberalism*, Lecture VII: “The Basic Structure as Subject”, New York: Columbia University Press 1993, 257-288.



G.A. COHEN: “Where the Action Is: On the Site of Distributive Justice”, *Philosophy and Public Affairs* 26 (1997), 3-30 [repr. in: G.A. Cohen: *If You’re an Egalitarian, How Come You’re So Rich*, Cambridge (MA): Harvard University Press 2000, 122-147].

Suggested further readings:

LIAM MURPHY: “Institutions and the Demands of Justice”, *Philosophy and Public Affairs* 27 (1998), 251-291.

THOMAS POGGE: “On the Site of Distributive Justice: Reflections on Cohen and Murphy”, *Philosophy and Public Affairs* 29 (2000), 137-169.

MIRIAM RONZONI: “What Makes a Basic Structure Just?”, *Res Publica* 14 (2008), 203-218.

III. Ethical theory and the concept of a person

Nov. 5th: What is a Kantian theory of the person about?

Readings:

TJ, sect. 40.

JOHN RAWLS: “Kantian Constructivism in Moral Theory,” parts I and III (also referred to as “Dewey Lectures,” lectures I and III), *Journal of Philosophy* 77 (1980) 515-572 [repr. in: Samuel Freeman (ed.): *John Rawls. Collected Papers*, Cambridge, Mass.: Harvard University Press 1999, 303-322 and 340-358].

ONORA O’NEILL: “Constructivism in Rawls and Kant,” in: Samuel Freeman (ed.): *The Cambridge Companion to Rawls*, Cambridge: CUP 2003, 347-367.

Nov. 12th: Persons as citizens in liberal democracy

Readings:

TJ, chap. VIII (sect. 69-77) and chap. IX (sect. 78, 79).

JOHN RAWLS: *Political Liberalism*, §§ 6,7, New York: Columbia University Press, 1993, 35-43.

JOHN RAWLS/ Erin Kelly (ed.): *Justice as Fairness. A Restatement*, part V. “The Question of Stability,” Cambridge, Mass.: Harvard University Press 2001, 180-201.

BRIAN BARRY: “John Rawls and the Search for Stability,” *Ethics* 105/4 (1995) 874-915.



Nov. 19th: Self-respect

What kind of good is self-respect, or its ‘social bases’, and what is its relationship to the other ‘primary goods’? In particular, what is its relationship to equal basic liberties on the one hand, and to distributive (in)equality, on the other? (Christian Schemmel)

Readings:

TJ, sect. 67, 80-82.

JOSHUA COHEN: “Democratic Equality”, *Ethics* 99 (1989), 727-751.

STEPHEN DARWALL: “Two Kinds of Respect”, *Ethics* 88 (1977), 36-49.

Suggested further readings:

STEPHEN J. MASSEY: “Is Self-Respect a Moral or a Psychological Concept?”, *Ethics* 93 (1983), 246-261.

HENRY SHUE: “Liberty and Self-Respect”, *Ethics* 85 (1975), 195-203.

Nov. 26th: How egalitarian is Rawls’ egalitarianism? Some Criticisms from the Right and from the Left

Readings:

ROBERT NOZICK: “Distributive Justice, sect. 1-3” *Philosophy and Public Affairs* 3 (1973), 45-61.

G.A. COHEN: “Robert Nozick and Wilt Chamberlain: How Patterns Preserve Liberty,” *Erkenntnis* 11 (1977) 5-23 [repr. in: G.A. Cohen: *Self-Ownership, Freedom, and Equality*, Cambridge (UK): Cambridge University Press 1995, 19-37].

Suggested further readings:

ALAN H. GOLDMAN: “Responses to Rawls from the Political Right,” in: H. Gene Blocker/Elizabeth H. Smith (eds.): *John Rawls’ Theory of Social Justice. An Introduction*, Athens: Ohio University Press, 1980, 431-462.

LESLIE PICKERING FRANCIS: “Responses to Rawls from the Left,” in: H. Gene Blocker/Elizabeth H. Smith (eds.): *John Rawls’ Theory of Social Justice. An Introduction*, Athens: Ohio University Press, 1980, 463-494.



Dec.: 3rd: Extensions and criticisms of Rawls' idea of persons and reasonableness

Readings:

BERNARD WILLIAMS: "Internal and External Reasons," in: *ibid: Moral Luck*,
Cambridge: Cambridge University Press, 1981, chap. 8, 101-113.

CHRISTINE M. KORSGAARD: "Skepticism about Practical Reason," *Journal of
Philosophy* 86 (1983) 5-25.

Dec.10th: Synopsis and further discussion