

School of PEP

**Questions of Justice
Autumn Term 2011**

ESSAY LIST I

Professor T. Baldwin

Essays

You are expected to complete two short essays during the term, one chosen from the topics on this list and one from the topics on the list I will send you later. I don't expect you to read everything on these lists when writing your essays: read the relevant chunk(s) of Rawls, and then three or four other pieces.

In week 6, when there will be no lectures or seminars, I will see each of you for a meeting on Thursday or Friday (Nov. 17 or 18) to discuss your first essay; I will fix a precise time during the week before. Since I will need to have the essay in time to read it in advance of our meeting I must receive it **by the end of Tuesday November 15 at the latest**. You should send me your essay by email (thomas.baldwin@york.ac.uk). I am not fastidious about footnotes, bibliography etc. – though do acknowledge passages cited directly from others (please, please, don't plagiarise). What I want you to do is set down your own thoughts in a reasonably organised and coherent discussion.

The maximum acceptable length is about 1500 words – I won't be able to read 52 long essays in the time available.

Abbreviations used below:

(i) Books by Rawls

Copies of all of these are in the Key texts section of the Library except TJ, of which you must have your own copy

TJ = *A Theory of Justice* (revised edition)

*JF = *Justice as Fairness*

*CP = *Collected Papers*

*PL = *Political Liberalism*

*LP = *The Law of Peoples*

(the asterisk * indicates throughout that a book is in the Key Texts section of the Library)

(ii) Collections of papers about Rawls

Copies all of these are in the Key Texts section of the library:

*Daniels = *Reading Rawls* ed. N. Daniels

*Cambridge companion = *The Cambridge companion to Rawls* ed. S. Freeman (which has a useful bibliography)

*Kukathas I / II / III / IV = *John Rawls: Critical Assessments* ed. C. Kukathas (four volumes)

*Martin and Reidy = *Rawls' Law of Peoples* eds. R. Martin and D. A. Reidy

(iii) Critical Discussion of Rawls

*Freeman = *Rawls* by S. Freeman

Part I

1. How does Rawls use the idea of a social contract? Does his use of this idea contribute to his theory of justice?

TJ ch. 1 §§3-4, chapter 3, ch. 4 §40, ch. 9 §87

*JF part I

*CP 'Justice as Fairness', 'Justice as Reciprocity', 'Kantian Constructivism in Moral Theory'

*Freeman chs. 1, 4

R. Dworkin 'The Original Position' in *Daniels

T. Scanlon 'Contractualism and Utilitarianism' in A. Sen & B. Williams *Utilitarianism and Beyond*

T. Nagel 'Rawls on Justice' in *Daniels and *Kukathas I

J. Chapman 'Justice and Fairness' in *Kukathas I

2. What does the 'priority of liberty' amount to? In what way in Rawls a liberal?

TJ chapters 2, 4

*PL Lecture 8 'The Basic Liberties and their priority'

*Freeman ch. 2

H. L. A. Hart 'Rawls on liberty and its priority' in coursepack

T. Nagel 'Rawls and Liberalism' in *Cambridge Companion

T. Hurley 'Liberal Neutrality' in *Kukathas IV

T. Scanlon 'Rawls' Theory of Justice' in *Daniels

J. Raz 'Liberalism, Autonomy ..' (etc.) in *Midwest Studies in Philosophy 7* eds. S. French & T. Uehling

3a. What is the 'Difference Principle'? Does Rawls give good reasons for thinking that it is a requirement of justice?

TJ chapters 2, 5

*JF Part II

*Freeman ch. 3

'Equality' – entry in Stanford Encyclopedia of Philosophy

J. Harsanyi 'Can the Maximin Principle serve as a basis ...?' in coursepack

P. van Parijs 'Difference Principles' in *Cambridge Companion

N. Daniels 'Democratic Equality' (etc.) in *Cambridge Companion

S. Scheffler 'Rawls and Utilitarianism' in *Cambridge Companion

D. Gauthier 'Justice and Natural Endowments' in *Kukathas I; & in D. Gauthier & R. Sugden (eds.) *Rationality, Justice and the Social Contract*

G. A. Cohen *If You're an Egalitarian, How come You're So Rich?* chs. 8, 9

G.A. Cohen *Rescuing Justice & Equality* chs. 1, 3, 4.

J. Altham 'The Difference Principle' in *Kukathas II; & in *Philosophy* 1973 75-8

J. Waldron 'John Rawls and the Social Minimum' in *Kukathas II; & in J. Waldron ed. *Liberal Rights*

M. Slote 'Desert' (etc.) in *Kukathas II; & in L. Pojman (ed.) *What do we deserve?*

W. Marty 'Rawls and the hurried mother' in *Kukathas II

B. Barry *Theories of Justice* chapter 6

3b Other related theories of distributive justice

Nozick

R. Nozick *Anarchy State and Utopia* chapter 7 (mostly in coursepack)

J. Paul *Reading Nozick* – essays by Nagel, O'Neill

G. A. Cohen *Robert Nozick and Wilt Chamberlain* – available via Springerlink (campus PCs only, I think)

Sen

A.K. Sen *Inequality Reexamined*

'Capability and Well-Being' in *The Quality of Life* eds. M. Nussbaum & A. Sen
The Idea of Justice part III

M. Nussbaum *Frontiers of Justice* chs. 1-3.

R. Arneson 'Equality and Equal opportunity for welfare' – available as pdf. on my QoJ website

4. What is Rawls' method of argument? What is 'reflective equilibrium' and what are its potential weaknesses?

TJ chapter 1

*JF Part I

*CP 'The Independence of Moral theory', 'Justice as Fairness: Political not Metaphysical'

*Freeman ch. 1

T. Scanlon 'Rawls on Justification' in *Cambridge Companion

R. M. Hare 'Rawls' Theory of Justice' in *Daniels

J. Feinberg 'Rawls and Intuitionism' in *Daniels and *Kukathas I

N. Daniels 'Wide Reflective Equilibrium' in *Kukathas I; & in *Journal of Philosophy* 1979 256-282 (JSTOR)

J. Raz 'The claims of reflective equilibrium' in *Kukathas I; & in J. Raz *Ethics in the Public Domain*

5. What is Rawls' account of Political Obligation? What is the connection between liberalism and democracy? What attitude should democratic states take towards to civil disobedience?

TJ chapter 6

*JF Part IV

*CP 'The Justification of civil disobedience'

J. Feinberg 'Duty and Obligation in the Non-Ideal World' in *Daniels

J. Cohen 'For a Democratic Society' in *Cambridge Companion

A. Gutman 'Rawls on the Relationship between Liberalism and Democracy' in *Cambridge Companion

A. Sabl 'Civil Disobedience' (etc.) in *Kukathas II

J. Wolff 'Democracy' (etc.) in *Kukathas III; & in A. Carter & G. Stokes *Liberal Democracy and its critics*