

# 203 Theory of Politics: Course Outline and Bibliography

## Departmental Rubric

### Syllabus

The formal syllabus in the *Examination Decrees and Regulations* states:

The critical study of political values and of the concepts used in political analysis: the concept of the political; power, authority, and related concepts; the state; law; liberty and rights; justice and equality; public interest and common good; democracy and representation; political obligation and civil disobedience; ideology; liberalism, socialism, and conservatism.

*Examination Decrees 2005*

### Content and Structure

The course is designed to acquaint students with the political concepts central to the theoretical, normative and interpretative analysis of politics. As a core paper, it is emphasized that a study of concepts such as liberty, justice, authority or power provides the foundation for understanding the nature of political thought, and that they underpin the study of politics in general and are therefore crucial to enhancing the awareness of the relation between political thought and action. Students are also directed towards discursive ideologies displaying complex conceptual arrangements such as liberalism or socialism.

### Course Objectives

The course is devised so as to develop a manifold range of skills necessary for constructing critical arguments in political theory, for working with problems of consistency and justification, for analysing the complexities of the usage of political language, for understanding the principal forms through which political thought presents itself, both as theory and as ideology, and for appreciating the main current and recent debates that command attention in the field.

To those ends philosophical, ideological and historical analyses are all appropriate, and the merits of each type may be assessed and contrasted. Students are therefore encouraged to explore different ways of approaching these issues, though they are also enabled, if they so wish, to choose a specific strategy from among these approaches. Students are also invited, in consultation with their tutors, to balance a broad appreciation of the field with a development of their own interests within the wide choice of available concepts and ideologies. The literature to which they are directed is therefore diverse, encompassing classical texts, seminal philosophers and theorists, significant journal articles, and typical examples of ideological debate. Both substantive arguments and methodological issues are consequently aired.

By extending the initial understanding of political thought gained by students in the first year introduction to politics, or by building on other related introductory lectures and papers, the course provides the basis for specialization in political theory, as well as tools that other specializations may draw upon. It will enable students to reflect on the principles underlying politics, to make reasoned assessments of political discourse, and to develop their own arguments at a requisite degree of sophistication.

### Additional Remarks

## Our Approach

As the departmental rubric suggests there are at least three different types of political theory: explanatory, normative, and interpretative. We will specialise in normative political theory: the analysis of political concepts, and their implementation in making moral arguments for specific principled conclusions.

The vacation and first week are devoted to trying to work out just how we ought to be doing political theory, especially within what can broadly be described as the liberal tradition. Before we can start making any arguments, we have to establish just what sorts of reasons are admissible, and what criteria of justification can be applied in the absence of any real certainty about most hard questions in moral and political philosophy.

In the following two weeks we turn to more substantive, less methodological issues, and explore the fundamental building blocks of liberal political theory: liberty and rights. There are two core aims: to develop a defensible definition of these terms, and to assess their relative value in political life.

In fourth week we turn to what some consider the fundamental problem of political theory: what justifies the state in overriding our natural liberty? Does the state have the right to coerce us? Do we have a duty or obligation to obey? Are our rights a side-constraint on state action, or can it be justifiable for the state to override those rights?

If state action can be justified, what should the state aim at? One goal prominent in the tradition of western liberalism is some form of distributive justice, aimed at securing not only the liberty, but also the well-being of all citizens. Is private property a natural right, which the state cannot override? What justifies the state in taking taxes from some to pay for services for others? What distinguishes between this and forced labour? If we accept that private property can be constrained in various ways by the state, what should be the goal of this redistribution: should we aim to ensure everyone has equal resources? Or that everyone's well-being should be equal? Or is it equality of opportunity for well-being? Or should we focus on some other criterion of distribution than equality, for example securing for each person a minimum level of well-being?

The last two weeks provide an opportunity to use the skills and concepts developed in the rest of the term in two areas of public policy of great contemporary concern: transnational justice, and the challenges posed by modern multicultural societies. Are the principles of distributive justice espoused in the previous weeks applicable globally or only within states? Do we have any special obligations to our compatriots that we do not owe to people simply in virtue of their common humanity? And do western liberals need to compromise their liberal principles with communities who reject the principles of justificatory neutrality espoused in the first week? Should freedom of speech, for example, be curtailed to avoid offence to religious communities?

## Notes on Essays and Reading

You will write one essay for at least six of the tutorials, you can take two weeks off writing, in the second half of term. Essays will be 2500 words minimum, and must be emailed to be before 1700 on the Sunday before your tutorial, preferably earlier. You are expected to have read and considered the guide to writing essays, and the sample essays provided, before you start writing. I would also like you to submit, along with the essay, the plan from which you wrote, as well as a short statement indicating how you have responded, each week, to the suggestions made in my comments on the previous week's essay, and indicating if there were any areas of the topic that you found particularly difficult.

You can choose your question from the list, though I will often point you to one that I think you will need to address. The questions are taken from past papers. If you have your own question

that you would like to answer, just email me to approve it, and I'll let you know if it's okay. If you are not writing an essay, you will be expected to have spent extra time reading, and you should come to the tutorial prepared with questions and ideas that you have cultivated during the week. The bibliography is divided by theme to give you some freedom to follow up topics that interest you most. The starred readings are especially important, and the readings are placed, within themes, in the order that they should be read in. You should aim to read and note about 200 pages per week. Concentrate, however, on understanding things and noting them properly: within a few weeks you will simply forget texts you read without taking proper notes.

## Bibliography

### Week 1: John Rawls and Political Neutrality

#### Overview

By what class of reasons can a public policy be justified? What is the nature of political argument? Are there truths about political morality which can be deduced if only we look hard enough? Is there evidence with which we can decisively confute our adversaries? Are there any types of argument which are inadmissible at the bar of public reason? Before we can start considering the fundamental questions of political theory, we have to ask ourselves what we are doing when we attempt that task, and by what standards our attempt should be judged. One philosopher has done more than any other to promote a distinctive account of these standards: John Rawls has argued, in a number of hugely influential texts, that what defines us as political liberals is our commitment to *justificatory neutrality*—that is, the view that public policies must be justifiable by appeal to premisses which nobody could reasonably reject. In a number of different theoretical contexts, and in different jargons, Rawls has repeatedly made the point that the impossibility of producing conclusive arguments for any one overarching worldview—the fact, that is, of reasonable pluralism—means that by grounding public policy in such a worldview, we are disrespecting those who adhere to some other, by coercing them in the name of principles that they could reasonably reject. He has developed different devices for screening out inadmissible reasons from the domain of political discourse—the original position, for example, or the concept of overlapping consensus and public reason. And he has been criticised, by communitarians, multiculturalists, perfectionist liberals, and many others, for attempting a task that is both impossible and unnecessary: impossible because we cannot purge political argument of our comprehensive convictions; unnecessary because we do not need to, moreover in some cases, where public policy cannot be justified without taking comprehensive positions, for example about the moral status of the foetus, or the importance of communal goods, it is positively pernicious to do so. The goal of this week is to get to grips with Rawls' unparalleled contribution to contemporary political theory, through the specific lens of justificatory neutrality, and in so doing to identify both its strengths and its weaknesses. Essays must show familiarity with *both A Theory of Justice, and Political Liberalism*. Since this is your vacation work, the mandatory reading is considerably more than is required during the rest of the term. However, since this provides you with the methodological equipment to deal with the rest of the term's material, it is necessary to go the extra mile while you have the time.

#### Questions

1. 'Given the fact of reasonable pluralism, it is necessary to justify all public policies by appealing to an overlapping consensus between comprehensive doctrines.' Discuss.
2. Compare and contrast Rawls' use of the original position in *A Theory of Justice* with the concepts of overlapping consensus and public reason in *Political Liberalism*.
3. Is liberalism committed to a state without 'any sort of collective goals beyond the personal freedom and the physical security, welfare and safety of its citizens' (Walzer)?
4. 'A state that meets the criteria for justificatory neutrality will fail to promote the well-being of its citizens.' Discuss.
5. 'Since fundamental principles of justice cannot depend for their truth or falsehood on the truth or falsehood of any facts, Rawls' commitment to justificatory neutrality, grounded in the fact of reasonable pluralism, cannot be a fundamental principle of justice.' Discuss.
6. 'Rawlsian liberalism is incapable of realising the values of a solidaristic community'. Discuss.
7. 'The line between the political and the comprehensive, between conceptions of justice and conceptions of the good, between the right and the good, is impossible to draw, therefore justificatory neutrality is an impossible goal.' Discuss.
8. 'Public policy often requires us to take sides in diametrically opposed debates about issues which cannot be resolved within a "purely political" conception of justice: abortion, stem cell research, genetic enhancement, the values of family and community, religion and education; policy decisions in these areas are unavoidable, and cannot be made without appealing to comprehensive worldviews. The Rawlsian goal of justificatory neutrality, then, is not only unachievable, it is positively undesirable.' Discuss.
9. 'The original position may serve to draw out beliefs that we already have, but it cannot provide any positive justification for those beliefs.' Discuss.
10. 'The government can no more act to advance human excellence, or the values of perfection, than it can to advance Catholicism or Protestantism, or any other religion.' (John Rawls). Discuss.
11. 'Justificatory neutrality is grounded in the impossibility of definitively knowing which ways of life are better than others.' Discuss.
12. 'Since each person knows best what is best for him, the state should not interfere in his choices unless they harm others.' Discuss.
13. If the state should endorse no particular view of abortion, does it follow that it should neither forbid it nor fund it?

## Mandatory Reading

### a. *Rawls*

J. Rawls, *A Theory of Justice*, (Oxford: Oxford University Press, 1999), Chapters 1-4.

J. Rawls, *Political Liberalism*, (New York ; Chichester: Columbia University Press, 1996), Lectures 1-6.

### b. *Other Neutralists*

R. Dworkin, *A Matter of Principle*, (London: Harvard University Press, 1985), Chapter 8.

D. Knowles, *Political Philosophy*, (London: Taylor and Francis, 2001), Chapter 1.

### c. *Critiques of Liberal Neutrality*

G. Sher, *Beyond Neutrality: Perfectionism and Politics*, (Cambridge: Cambridge University Press, 1997), Chapters 1, 2, 4.

C. Taylor, 'Cross-Purposes: The Liberal Communitarian Debate', in N. L. Rosenblum (ed.), *Liberalism and the Moral Life* (London: Harvard University Press, 1989), 159-182.  
M. Freedman, *Ideologies and Political Theory*, (Oxford: Oxford University Press, 1996), Chapter 6.  
M. Sandel, *Liberalism and the Limits of Justice*, (Cambridge: Cambridge University Press, 1998), pp.1-65, 133-218.

#### *d. Critique of Constructivism*

G.A. Cohen, 'Facts and Principles', *Philosophy & Public Affairs*, 31/3 (2003), 211-245.

## **Week 2: Liberty**

### **Overview**

We will focus on two aspects of the liberty debate: what is liberty? And why is it valuable? The core text will be chapters 14 and 15 of Joseph Raz's *The Morality of Freedom*. In these chapters Raz identifies three elements within the concept of freedom: independence from coercion, a range of reasonable options, and the capacity to make an informed choice. The different conceptions of liberty voiced by other writers can all be understood within this rubric: each emphasises one component at the expense of the others. We too will ask which of these components is most important, and whether how we ground the value of liberty influences that judgment.

### **Questions**

1. 'If I am forced to do X, then I am free to do X.' So is liberty worth having?
2. 'There are important differences between conceptions of liberty, but the distinction between "freedom from" and "freedom to" does not capture any of them.' Do you agree?
3. How would you adjudicate between liberty as an opportunity concept and liberty as an exercise concept?
4. Do traffic lights restrict people's freedom?
5. 'No theory of liberty can eliminate judgments about the relative value of human activities.' Discuss.
6. If liberty is held to consist in the absence of constraints on action, what should count as a constraint?
7. 'Your money or your life.' Is this a free choice?
8. Are disadvantaged workers who take hazardous jobs forced to take hazardous jobs?
9. Explain and evaluate John Rawls' thesis of the priority of liberty.

### **Reading**

#### *a. Freedom as Personal Autonomy*

J. Raz, *The Morality of Freedom*, (Oxford: Clarendon Press, 1986), Chapters 1, \*14, 15.

#### *b. Freedom as Self-Realisation*

D. Miller (ed.), *Liberty* (Oxford: Oxford University Press, 1991), Chapter by Taylor.

### c. *Negative Theories of Liberty*

D. Miller (ed.), *Liberty* (Oxford: Oxford University Press, 1991), Chapters by Berlin, \*Steiner, MacCullum.

### d. *The Importance of Freedom*

\*J. Waldron, 'Homelessness and the Issue of Freedom', *UCLA Law Review*, 30 (1991), 295-324.

J. Rawls, *A Theory of Justice*, (Oxford: Oxford University Press, 1999), Chapter 4 and §82.

\*G.A. Cohen, *History, Labour and Freedom : Themes from Marx*, (Oxford: Clarendon Press, 1988), Chapter 12.

### e. *Overview*

D. Knowles, *Political Philosophy*, (London: Taylor and Francis, 2001), Chapter 3.

## Week 3: Rights

### Overview

To answer the core question, what is a right, we must ask two other questions: why do rights matter? And how do they matter? Analyses of rights can be distinguished according to the values in which the right is grounded—broadly speaking, whether in a person's wellbeing, or his status as an end in himself. They can also be distinguished according to how rights are held to measure up against other values. Are rights absolute constraints on action? Or are they susceptible to, for example, interpersonal aggregation? Once we have pinned down a general definition, we can discuss their implementation. What is the relationship between rights and obligations? What is the distinction between positive and moral rights? Are there rights we possess merely as humans, distinct from those we possess as members of a society? What happens when rights conflict? Who can have rights? Can groups have rights?

### Questions

1. Who, or what, can have rights?
2. What are the advantages of formulating a claim as a right?
3. Are rights side constraints?
4. How do we decide who should bear the duties corresponding to a right?
5. Explain and evaluate the difference between interest-based theories of rights (e.g. Raz, Feinberg, Griffin) and status-based theories of rights (e.g. Nagel, Nozick).
6. Is there a theory of rights that explains how conflicts between rights are to be resolved?
7. Is it possible for a group to have rights over and above the rights of its individual members?
8. 'Emphasis on the moral discourse of rights fosters passivity and self-interest, and is inimical to the development of a good society.' Discuss.
9. 'Moral and political argument should focus on duties, not rights.' Discuss.
10. 'All rights entail at least one duty; most rights entail many different duties.' Discuss.

### Reading

#### *a. Interest-Based Theories of Rights*

- \*J. Raz, *The Morality of Freedom*, (Oxford: Clarendon Press, 1986), Chapter 7.
- J. Feinberg, 'The Nature and Value of Rights', *Journal of Value Inquiry*, 4/4 (1970), 243-260.
- T. Pogge (ed.), *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?*, Chapter by Tasioulas.
- J. Griffin, *Well-Being: Its Meaning, Measurement and Moral Importance*, (Oxford: Clarendon Press, 1986), Chapter 11.

#### *b. Status-Based Theories of Rights*

- \*T. Nagel, 'Personal Rights and Public Space', *Philosophy and Public Affairs*, 24/2 (1995), 83-107.
- H. Steiner, *An Essay on Rights*, (Oxford: Blackwell, 1994), Chapter 3.
- D. Rodin, *War and Self-Defence*, (Oxford: Clarendon Press, 2002), Chapter 1.
- H.L.A. Hart, 'Are There Any Natural Rights?' *The Philosophical Review*, 64/2 (1955), 175-191.

#### *c. The Clash Between Rights and Other Values*

- \*R. Nozick, *Anarchy, State and Utopia*, (Oxford: Basil Blackwell, 1974), Chapter 3.
- \*A. Sen, 'Rights and Agency', *Philosophy and Public Affairs*, 11/1 (1982), 3-39, Sections 1 and 2.
- J. Waldron, *Liberal Rights: Collected Papers 1981-1991*, (Cambridge: Cambridge University Press, 1993), pp. 203-224.
- J. Raz, *The Morality of Freedom*, Chapters 8 and 10.
- K. Marx, *Early Writings*, ed. L. Colletti, (London: Penguin, 1992), pp. 211-241.

#### *d. Rights and Duties*

- \*O. O'Neill, *Bounds of Justice*, (Cambridge: Cambridge University Press, 2000), pp.97-111.
- J. Griffin, *On Human Rights*, (Oxford: Oxford University Press, 2008), Chapter 5.
- S. James, 'Rights as Enforceable Claims', *Proceedings of the Aristotelian Society*, 103 (2003), 133-147.
- T. Pogge (ed.), *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?*, Chapters by Ashford, Gewirth, Caney.

#### *e. Group Rights*

- \*J. Griffin, *On Human Rights*, (Oxford: Oxford University Press, 2008), Chapter 15.

#### *f. Overview*

- D. Knowles, *Political Philosophy*, (London: Taylor and Francis, 2001), Chapter 4.

## **Week 4: Political Obligation**

### **Overview**

What justifies the state in exercising authority over me? Why do I not have a right of liberty against the state? There are four main arguments to consider: first, the argument from a natural duty to uphold just institutions. If the state is just, then it can exert authority over me. Second,

the argument from fair play: if I have received benefits from the state, I have a duty to do my part in sustaining it. Third, the argument from hypothetical or tacit consent, according to which the state can only exercise authority over me if it would have my consent had I had the opportunity to give it, or if my consent is somehow manifest in my actions. Finally, the argument from actual consent, according to which the state is only justified in exerting authority over me with my actual, manifest consent. We must also consider at what point a state whose authority is otherwise legitimate loses that legitimacy, and can permissibly be disobeyed.

## Questions

1. If doing  $x$  is against the law, and doing  $y$  is commanded by law, then do those two facts give me any additional reason not to do  $x$  or to do  $y$ ?
2. 'If political obligation is grounded in a natural duty to create and support just institutions, then I am equally obligated to all equally just states.' Discuss.
3. 'Benefits involuntarily received cannot provide a ground for political obligation.' Discuss.
4. 'Hypothetical consent isn't worth the paper it isn't written on.' Do you agree?
5. 'Prudence may explain why I obey an authority, it can never justify that obedience.' Do you agree?
6. Does the fact that a law has been democratically enacted give it a special authority?
7. When is civil disobedience justified?
8. If citizens in a liberal democracy have a duty to obey just laws, do they also have a duty to disobey unjust laws?
9. How, if at all, is political obligation different from the generality of moral and social obligations?

## Reading

### a. Fair Play

\*H.L.A. Hart, 'Are There Any Natural Rights?' *The Philosophical Review*, 64/2 (1955), 175-191.

J. Rawls, *A Theory of Justice*, (Oxford: Oxford University Press, 1999), §18.

\*R. Nozick, *Anarchy, State and Utopia*, (Oxford: Basil Blackwell, 1974), pp. 90-95.

M.B.E. Smith, 'Is There a Prima Facie Obligation to Obey the Law?' *The Yale Law Journal*, 82/5 (1973), 950-976.

G. Klosko, 'Presumptive Benefit, Fairness, and Political Obligation', *Philosophy and Public Affairs*, 16/3 (1987), 241-259.

\*R. Dagger, 'Membership, Fair Play, and Political Obligation', *Political Studies*, 48/1 (2000), 104-117.

\*D. McDermott, 'Fair-Play Obligations', *Political Studies*, 52/2 (2004), 216-232.

### b. Hypothetical Consent

J. Rawls, *Political Liberalism*, (Chichester: Columbia University Press, 1996), Lecture 6.

\*A.J. Simmons, 'Justification and Legitimacy', *Ethics*, 109/4 (1999), 739-771.

### c. Natural Duty of Justice

J. Rawls, *A Theory of Justice*, (Oxford: Oxford University Press, 1999), §19, Chapter 6.

\*Y. Tamir, *Liberal Nationalism*, (Princeton: Princeton University Press, 1993), Chapter 6.

J. Waldron, 'Special Ties and Natural Duties', *Philosophy and Public Affairs*, 22/1 (1993), 3-30.

#### *d. Associative Political Obligations*

\*R.M. Dworkin, *Law's Empire*, (London: Fontana, 1986), pp. 190-216.

A.J. Simmons, 'Associative Political Obligations', *Ethics*, 106/2 (1996), 247-273.

J. Horton, 'In Defence of Associative Political Obligations: Part One', *Political Studies*, 54/3 (2006), 427-443.

J. Horton, 'In Defence of Associative Political Obligations: Part Two', *Political Studies*, 55/1 (2007), 1-19.

#### *e. Rational Authority*

J. Raz, *The Morality of Freedom*, (Oxford: Clarendon Press, 1986), Chapter 4.

C. McMahon, 'Autonomy and Authority', *Philosophy and Public Affairs*, 16/4 (1987), 303-328.

#### *f. Overviews*

D. Knowles, *Political Philosophy*, (London: Taylor and Francis, 2001), Chapter 6.

A.J. Simmons, *Moral Principles and Political Obligations*, (Princeton: Princeton University Press, 1979).

## **Week 5: The Justification of Redistribution**

### **Overview**

Given what we know so far about liberty, rights, political obligation, and the importance of neutrality, is it permissible for the state to pursue a just distribution of the resources conducive to well-being by redistributing privately owned and earned property? Many debates about distributive justice, such as those we will consider next week, depend on the premiss that this sort of redistribution is permissible, yet this is not universally accepted, and must indeed be argued for. There are two readily identifiable arguments for the redistribution of property. The first, and most common, is some version of the natural lottery argument: nobody deserves their earning power, they are just lucky or unlucky according to the genes they have received from their parents, therefore resource differentials based on these differences should be eliminated. The second argument is premised on the value of freedom, as discussed in week 1: without the redistribution of property some people will be left propertyless. Without property, a person cannot be free. Since all have an equal right to be free, property must be redistributed to ensure none are propertyless. The core objection is, very simply, that my right to property is part of my natural liberty, so my property cannot be taken without my consent. This week we are going to follow a debate through three books: first, John Rawls' defence of the difference principle, in *A Theory of Justice*; second, Nozick's critique of Rawls; and third, Cohen's critique of Nozick.

### **Questions**

1. 'Nozick's libertarian critique of redistribution is undermined by his inability to provide a defensible account of initial acquisition.' Discuss.
2. 'Since my natural talents are only arbitrarily mine, I have no more moral claim on them than you do, and likewise no moral entitlement to the product of their exercise.' Discuss.
3. 'Propertylessness is only to be regretted if we adopt a positive theory of freedom; for negative libertarians, it is not a problem.' Discuss.

4. Explain and evaluate the difference between grounding distributive justice in the value of freedom, and in the arbitrariness of our holdings and abilities.
5. Explain and evaluate Nozick's critique of Rawls.
6. Explain and evaluate Cohen's critique of Nozick.
7. Would the difference principle be chosen in Rawls' original position?
8. Does the fact that it would be chosen by representative individuals behind a veil of ignorance justify Rawls' difference principle?
9. Does self-ownership entail the right to private property?
10. If private property is legitimate, is taxation robbery?

*a. Rawls*

- \*J. Rawls, *A Theory of Justice*, (Oxford: Oxford University Press, 1999), Chapters 2, 3, and 5.  
 B. Barry, *A Treatise on Social Justice, Vol. Ii: Justice as Impartiality*, (Oxford Clarendon Press, 1995), Chapters 1-3.  
 N. Daniels (ed.), *Reading Rawls* (Stanford: Stanford University Press, 1975), Chapter by Dworkin.  
 T.M. Scanlon, 'Rawls on Justification', in S. Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press 2002).

*b. Nozick against Rawls*

- \*R. Nozick, *Anarchy, State and Utopia*, (Oxford: Basil Blackwell, 1974), Chapter 7.  
 J. Paul (ed.), *Reading Nozick* (Oxford: Blackwell Press, 1982).  
 J. Wolff, *Robert Nozick: Property, Justice, and the Minimal State*, (Stanford: Stanford University Press, 1992).

*c. Cohen against Nozick*

- \*G.A. Cohen, *Self-Ownership, Freedom, and Equality*, (Cambridge: Cambridge University Press, 1995), Chapters 1-4, and 10.  
 H. Steiner, *An Essay on Rights*, (Oxford: Blackwell, 1994), Chapter 7.

*d. Overview*

- D. Knowles, *Political Philosophy*, (London: Taylor and Francis, 2001), Chapter 5.

## **Week 6: Intricacies of Distributive Justice**

### **Overview**

What follows if we accept Cohen and Rawls' basic conclusions, and reject Nozick? If we are to redistribute property, on what principle should we do it? If we aim at equality, is it equality of welfare that we seek, so that everyone is equally well off, or equality of opportunity for welfare, so that we take into account people's responsibility for their own actions? Should we really be aiming at equality at all, or is it more important simply to ensure that everyone reaches a level of sufficient well-being, above which differences are irrelevant? Is the real goal of distributive justice to give priority to the worst off, not to seek some patterned end-distribution? Should we actually focus on a more social conception of equality, instead of concentrating on divisible material resources? There is also a more technical debate over what good it is that we should

seek to distribute—whether resources, or welfare, or some other variant. Should we apply our principle of distributive justice to our day to day conduct, or should we aim to build institutions to realise distributive justice, within which we can operate without concern for justice?

## Questions

1. 'The value of responsibility is overrated: egalitarians should aim at equal welfare, not equal opportunity for welfare.' Discuss.
2. In an egalitarian society, would individuals be compensated for the costs of their own mistakes that leave them badly off?
3. 'Egalitarianism, in all its formulations, is fatally undermined by the levelling down objection.' Discuss.
4. Explain and evaluate Derek Parfit's 'Priority View'.
5. 'Sufficiency is not a valid goal for distributive justice because it is impossible to determine what counts as sufficient.' Discuss.
6. 'The distribution of resources should only be a peripheral concern of egalitarians; their real priority should be social, not material equality.' Discuss.
7. Elizabeth Anderson asks, 'what is the point of equality?' Must equality have a point?
8. Is there any point in giving equality of opportunity to unequally talented individuals?
9. 'The purpose of egalitarianism is to annul the differences between people that constitute exactly what makes life worth living.' Discuss.
10. 'Principles of distributive justice should govern the basic structure of society; we need do no more than obey the dictates of that structure fully to perform our distributive duties.' Discuss.
11. What should be the currency of egalitarian justice?
12. What is the levelling down objection, and is it a problem for egalitarians?

## Reading

### *a. Equality of Outcome*

I. Persson, 'The Badness of Unjust Inequality', *Theoria*, 69 (2003), 109-124.

### *b. Equality of Opportunity*

\*R.J. Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies*, 56/1 (1989), 77-93.

G.A. Cohen, 'On the Currency of Egalitarian Justice', *Ethics*, 99/4 (1989), 906-944.

### *c. Sufficiency*

\*H.G. Frankfurt, *The Importance of What We Care About : Philosophical Essays*, (Cambridge: Cambridge University Press, 1988), pp. 134-158.

H.G. Frankfurt, 'Equality and Respect', *Social Research*, 64/1 (1997), 3-13.

\*P. Casal, 'Why Sufficiency Is Not Enough', *Ethics*, 117/2 (2007), 296-326.

### *d. Priority*

\*D. Parfit, 'Equality or Priority', in M. Clayton et al. (eds.), *The Ideal of Equality* (Basingstoke: Palgrave, 2000), 81-125.

\*R.J. Arneson, 'Luck Egalitarianism and Prioritarianism', *Ethics*, 110/2 (2000), 339-349.

L.S. Temkin, 'Equality, Priority, and the Levelling Down Objection', in M. Clayton et al. (eds.), *The Ideal of Equality* (Basingstoke: Palgrave, 2000), 126-161.  
J. Raz, *The Morality of Freedom*, (Oxford: Clarendon Press, 1986), Chapter 9.

*e. Against Distributivism*

\*E. Anderson, 'What Is the Point of Equality', *Ethics*, 109/2 (1999), 287-337.

*f. The Currency of Distributive Justice*

R.M. Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, (Cambridge, Mass. ; London: Harvard University Press, 2000), Chapters 1, 2.

G.A. Cohen, 'On the Currency of Egalitarian Justice', *Ethics*, 99/4 (1989), 906-944.

R.M. Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, (Cambridge, Mass. ; London: Harvard University Press, 2000), Chapter 7.

G.A. Cohen, 'Expensive Taste Rides Again', in J. Burley (ed.), *Dworkin and His Critics : With Replies by Dworkin* (Malden, Mass. ; Oxford: Blackwell 2004), 3-29.

R.M. Dworkin, 'Ronald Dworkin Replies', in J. Burley (ed.), *Dworkin and His Critics : With Replies by Dworkin* (Malden, Mass. ; Oxford: Blackwell 2004), 339-398.

*g. The Site of Distributive Justice*

\*G.A. Cohen, 'Incentives, Inequality, and Community', *The Tanner Lectures on Human Values* <<http://www.tannerlectures.utah.edu/documents/cohen92.pdf>>.

G.A. Cohen, *If You're an Egalitarian, How Come You're So Rich?*, (Cambridge, MA.: Harvard University Press, 2000), Chapters 8 and 9.

A. Williams, 'Incentives, Inequality, and Publicity', *Philosophy and Public Affairs*, 27/3 (1998), 225-247.

L. Murphy, 'Institutions and the Demands of Justice', *Philosophy and Public Affairs*, 27/4 (1998), 251-291.

T. Pogge, 'On the Site of Distributive Justice: Reflections on Cohen and Murphy', *Philosophy and Public Affairs*, 29/2 (2000), 137-169.

## Week 7: Transnational Justice

### Overview

Undoubtedly the greatest failing of analytical political theory has been its indifference to political questions of global import. And yet, besides climate change, the most pressing political problem facing the world today is undoubtedly the fact that almost half the world's population live in conditions of grinding poverty, with a third of annual deaths (18m) being from poverty related causes. This week, we will address the problem of global poverty, and the demand for transnational justice, and deploy the concepts that have been developed during the rest of the term. What possible grounds are there for our comparative inaction with respect to global poverty? Should we pursue global equality? Is there a difference between the standards of justice aimed at domestically and those we should aim at internationally? Do I have duties to my fellow citizens that are different from, or stronger than, those I owe to people simply in virtue of their humanity? How relevant is responsibility to the problem of global poverty: are the poor justifiably bearing the consequences of their actions, or unjustifiably bearing the consequences of

ours? If the world's poor are not only suffering, but being harmed, then what is owed them by way of rectification?

## Questions

1. Do citizens of different states owe anything to one another?
2. Are there any duties that I owe only to my compatriots?
3. 'Since the country into which we are born is morally arbitrary, it is unjust for us to receive benefits solely attendant on nationality.' Discuss.
4. Explain and adjudicate the difference between institutionalist and non-institutionalist cosmopolitanisms.
5. 'Where two parties are more affluent than a third, it is unjust for them to form or preserve a special relationship which increases their advantage over the third.' Discuss.
6. 'The global economic order is harming the world's poor, therefore those who design, sustain, and benefit from it are culpable, and owe rectification.' Discuss.
7. If we have duties to remedy the condition of the global poor, should these be understood as duties of assistance, or duties of rectification?
8. What role does the value of national self-determination play in arguments for, or against, global distributive justice?
9. 'Rawls deploys a double standard in his discussion of the problems of global and social justice.' Discuss.
10. 'Justice is owed by the state only to those whom it coerces, so we do not owe justice to non-citizens.' Discuss.

## Reading

### *a. Non-Institutionalist Cosmopolitanism*

\*S. Caney, *Justice Beyond Borders: A Global Political Theory*, (Oxford: Oxford University Press, 2005), Chapter 4.

H. Shue, *Basic Rights: Subsistence, Affluence, and Us Foreign Policy (Second Edition)*, (Princeton: Princeton University Press, 1996).

O. O'Neill, *Bounds of Justice*, (Cambridge: Cambridge University Press, 2000), pp.115-142.

D. Miller, 'Justice and Global Inequality', in A. Hurrell et al. (eds.), *Inequality, Globalization, and World Politics* (1999), 187-211.

D. Miller, *National Responsibility and Global Justice*, (Oxford: Oxford University Press, 2007), Chapters 2, 3 and 7.

### *b. Institutional Cosmopolitanism - For Global Redistribution*

\*T. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, (Cambridge: Polity Press, 2002), Introduction and Chapters 4, 5, and 8.

C.R. Beitz, *Political Theory and International Relations (Second Edition)*, (Guildford: Princeton University Press, 1999).

\*A. Patten, 'Should We Stop Thinking About Poverty in Terms of Helping the Poor?' *Ethics and International Affairs*, 19/1 (2005), 19-27.

M. Risse, 'Do We Owe the Global Poor Assistance or Rectification?' *Ethics & International Affairs*, 19/1 (2005), 9-18.

B. Haydar, 'Extreme Poverty and Global Responsibility', *Metaphilosophy*, 36/1-2 (2005), 240-253.

\*T. Pogge, 'Severe Poverty as a Violation of Negative Duties', *Ethics and International Affairs*, 19/1 (2005), 55-83.

T. Pogge (ed.), *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* (Oxford: Oxford University Press, 2007), Chapter by Pogge.

*c. Institutional Cosmopolitanism - Against Global Redistribution*

- \*T. Nagel, 'The Problem of Global Justice', *Philosophy and Public Affairs*, 33/2 (2005), 113-147.  
A. Sangiovanni, 'Global Justice, Reciprocity, and the State', *Philosophy and Public Affairs*, 35/1 (2007), 3-39.  
J. Cohen and C. Sabel, 'Extra Rempublicam Nulla Justitia?' *Philosophy & Public Affairs*, 34/2 (2006), 147-175.

*d. Rawls' Law of Peoples*

- J. Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited*, (Cambridge, MA.: Harvard University Press, 1999).  
T. Pogge, 'The Incoherence between Rawls' Theories of Justice', *Fordham Law Review*, 72 (2003-4), 1739-1759.  
K.-C. Tan, *Toleration, Diversity, and Global Justice*, (University Park, Pa.: Pennsylvania State University Press, 2000).  
J. Tasioulas, 'From Utopia to Kazanistan: John Rawls and the Law of Peoples', *Oxford Journal of Legal Studies*, 22/2 (2002), 367-396.

*e. Associative Duties - Limits on Global Justice?*

- \*S. Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, (Oxford: Oxford University Press, 2002), Chapters 3-7.  
\*D. Miller, 'Reasonable Partiality Towards Compatriots', *Ethical Theory and Moral Practice*, 8/1 (2005), 63-81.  
A. Mason, 'Special Obligations to Compatriots', *Ethics*, 107/3 (1997), 427-447.  
D. Miller, *National Responsibility and Global Justice*, (Oxford: Oxford University Press, 2007), Chapter 5.  
Y. Tamir, *Liberal Nationalism*, (Princeton: Princeton University Press, 1993).  
D. Miller, *On Nationality*, (Oxford: Clarendon Press, 1995), Chapter 3.

*f. Against Associative Duties*

- \*C.H. Wellman, 'Friends, Compatriots, and Special Political Obligations', *Political Theory*, 29/2 (2001), 217-236.  
\*R.E. Goodin, 'What Is So Special About Our Fellow Countrymen?' *Ethics*, 98/4 (1988), 663-686.  
C.R. Beitz, 'Cosmopolitan Ideals and National Sentiment', *The Journal of Philosophy*, 80/10 (1983), 591-600.  
C.H. Wellman, 'Relational Facts in Liberal Political Theory: Is There Magic in the Pronoun 'My'?' *Ethics*, 110/3 (2000), 537-562.

## **Week 8: Multiculturalism**

### **Overview**

First we must settle the conceptual issues surrounding multiculturalism. What is the difference between descriptive and normative uses of the word? What counts as a culture in the appropriate sense? What is the difference between ethnic groups and national minorities? How should we conceive of the majority culture? We must then address the normative aspects of the problem. The fundamental problem of multiculturalism is, I think, this: to what extent should a majority culture accommodate itself to minority cultures, and vice versa? Some argue that accommodation should be exclusively one way: advocating either integration, or at the other extreme the politics of difference and diversity. Undoubtedly the answer lies somewhere between the two. A narrower debate focuses on the relationship between multiculturalism and liberalism. Specifically, is the claim to universal truth implicit in some forms of liberalism intrinsically inimical to multiculturalism? Or, conversely, is a full regime of liberal rights actually sufficient to ensure the success of a multicultural society? One's answer to this question will lead on to further questions: should we advocate group-differentiated rights as well as individual rights to protect minorities? Are rights all that matters?

This is a massive topic, and there are a lot of very interesting philosophical and practical issues to deal with. I would encourage you to use this week to do a presentation, rather than an essay. This will enable you to do more reading. I would like your presentation to focus on one practical issue in British or American politics to which the debates over multiculturalism are relevant. Your goal is to apply the concepts and arguments that you cover in the literature to this practical problem. I recommend looking at the internet, newspapers, and television for inspiration. If you prefer, however, you can write an essay, choosing from the questions below.

## Questions

1. Should the right to freedom of speech be curtailed in order to accommodate the sensitivities of minority groups?
2. Should government policies foster the integration of minority groups into the majority community, or the recognition and celebration of their differences?
3. Is multiculturalism, as a normative position, predicated on relativism about value judgments?
4. Is the discourse of minority rights a necessary and/or sufficient tool for achieving a successful multicultural society?
5. If the wearing of face veils, and slander of prophets, undermine social cohesion, should both be banned?
6. 'Nationalism and multiculturalism are incompatible doctrines.' Discuss.
7. 'The normative doctrine of multiculturalism entails permitting some members of a cultural minority to violate the rights of others.' Discuss.
8. Is multiculturalism bad for women?
9. 'The goodness or badness of anything derives ultimately from its contribution, actual or possible, to human life and its quality' (Raz). Do you agree? What are the implications of your answer for multiculturalism?
10. Are cultural minorities treated fairly under a regime of liberal equality?
11. Should the rights of minorities be thought of as collective rights or as individual rights?
12. Is it inconsistent to desire a richer and more diverse cultural life, and yet insist on maintaining distinct cultures?
13. Can groups have rights over and above the rights of their individual members?

## Reading

### *a. Liberal Multiculturalism*

\*W. Kymlicka, *Multicultural Citizenship : A Liberal Theory of Minority Rights*, (Oxford: Clarendon Press, 1995), Chapters 2, 3, 5, 6 and 8.

A. Margalit and J. Raz, 'National Self-Determination', *The Journal of Philosophy*, 87/9 (1990), 439-461.

*b. Communitarian Multiculturalism*

\*C. Taylor, *Multiculturalism and 'the Politics of Recognition': An Essay*, (Princeton: Princeton University Press, 1992).

I.M. Young, 'Polity and Group Difference: A Critique of the Ideal of Universal Citizenship', *Ethics*, 99/2 (1989), 250-274.

B. Parekh, *Rethinking Multiculturalism*, (Basingstoke: Palgrave, 2000), Chapters 9 and 10.

*c. Liberal Critiques of Multiculturalism*

\*B. Barry, *Culture and Equality*, (Cambridge: Polity Press, 2001), Chapters 3, 5 and 6.

\*S.M. Okin, 'Is Multiculturalism Bad for Women?' in J. Cohen (ed.), *Is Multiculturalism Bad for Women* (Princeton: Princeton University Press, 1999), 7-26.

D. Miller, *Citizenship and National Identity*, (Cambridge: Polity Press, 2000), Chapters 3 and 4.

C. Kukathas, 'Are There Any Cultural Rights?' in W. Kymlicka (ed.), *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995), 228-255.

M. Hartney, 'Some Confusions Concerning Collective Rights', in W. Kymlicka (ed.), *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995), 202-227.

*d. Responses to Barry*

P. Kelly (ed.), *Multiculturalism Reconsidered* (Cambridge: Polity Press, 2002), Chapters by Freeman, Caney, Miller, Parekh, Kukathas, and Barry.