Contemporary Theories of Justice: JUSTICE IN DEMOCRATIC SOCIETY

In this course we will examine some of the most influential contemporary theories of justice. The principle readings for the course will be selections from texts by John Rawls, Ronald Dworkin, Thomas Nagel, Milton Friedman, Robert Nozick, Peter Singer, Derek Parfit, Charles Taylor, Michael Sandel, Alasdair MacIntyre, Michael Walzer, Michel Foucault, Jürgen Habermas, Richard Rorty, and William Connolly. Each week of this course will consist of two lecture classes, usually on Mon. & Wed., and one discussion class, usually on Friday. The regular Friday discussion will take up present-day moral controversies, which are listed on the lecture, reading, and writing assignment schedule (below), and you are required to participate in class discussions and to share your views on these issues. All assigned texts for our course are directly downloadable from the course website on the Blackboard Learning System (BLS). To access the course please log into Blackboard Learning System (BLS) at: http://bls.its.albany.edu with your Net ID and UNIX password.

Course Requirements

• A 15-20 Page “Term Paper:”

You are required to write a term paper on justice. While you are permitted to choose your own topics with my consent, you are encouraged to write on problems raised in lectures and class discussions. This approach will offer you weekly opportunities to think and talk about the topics on which you are writing and also help to enrich the seminar overall. You are encouraged to build your regular oral contributions to our seminar around your research papers. Dates for submission of a research paper prospectus and submission of the final draft are indicated in the course schedule below. You are also encouraged to visit me during office hours to discuss possible topics and the topic after it is chosen.

The term paper is valued at 50% of the final grade. No late papers will be accepted. You are to submit a hard copy in class and an online copy by email. Papers are to be 15-20 pages in length, double-spaced, and are to include a bibliography of all works used, regardless of whether they are cited. Topics are to be approved by me in advance by a prospectus of 250 words that (1) will identify the topic on which you intend to write; (2) describe the approach to be taken in the paper; (3) list primary and secondary sources to be used. The prospectus is to be submitted in class, but will not be accepted by email.
• **A 10-20 Page “Reading” Assignment for Each Lecture Class:**

Reading assignments are due on the dates of the course schedule below.

• **A 125 Word “Opinion Paper” Once a Week for the Discussion Class:**

There is one discussion section each week of our course, usually on Friday, and 1 or 2 topics for the discussion section are listed on the syllabus assignment schedule (below). Each student is required to submit an opinion paper of roughly 125 words for the “Friday Discussion Section.” Your opinion papers are based on the reading for the lecture classes of that week. You must complete the readings in order to write your opinion. Opinion papers are to be handed in at the beginning of each discussion section. No late papers are accepted. Your opinion papers must do two things: 1) very briefly state what opinion on the day’s topic you have formed on the basis of the day's reading; 2) indicate how the reading helps you to justify your opinion.

The opinion papers are valued at 30% of the final grade.

• **Active “Participation:”**

Regular week-to-week class participation is valued at 20% of the final grade. No student can receive an A or B as a final grade without having established a record of class participation.

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**Rules of Engagement**

You may bring beverages to class, but are not permitted to eat food of any sort during class time. Classes begin and end promptly at the designated hour. You are not to be late to class, as it is disruptive of class proceedings. You may not miss class more than twice during the semester without a note from the Office of the Dean of Undergraduate Affairs. Attendance will be taken during the first five minutes of each class. No grades of “Incomplete” will be given without appropriate medical and administrative excuses.

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**Lecture, Reading, and Writing Assignment Schedule**

I. **Introduction**

Jan. 21st Wed (Lecture 1): What is justice?

Jan. 23rd Fri (Lecture 2): Liberal democracy as a justice system (Liberalism and/or Democracy)


Jan. 26th Mon (Lecture 3): Desert and Higher Justice (equality and partiality)


II. **Utilitarianism**
Jan. 28th Wed (Lecture 4): Traditional Utilitarianism  
Reading: John Stuart Mill, *Utilitarianism* (1861), Ch. 2.

Jan. 30th Fri (Discussion 1): A Critical Moral Choice  
Case 1: Whom should you save, your sister, or a surgeon who can save many lives?  
Case 2: Would it be acceptable to torture one person if this would save thousands of people’s lives?

Feb. 2nd Mon (Lecture 5): Singer’s Equal Consideration  

Feb. 4th Wed (Lecture 6): Parfit’s Repugnant Conclusion  

Feb. 6th Fri (Discussion 2): Limits of Utilitarian Justice  
Case 1: should we accept refugees on lifeboats? Up to how many?  
Case 2: “Future self” and “clone self”: should we be responsible for our clones? If not, why should we concern about our future selves?

III. Libertarianism

Feb. 9th Mon (Lecture 7): Traditional Libertarianism  

Feb. 11th Wed (Lecture 8): Hayek’s Constitution of Liberty  

Feb. 13th Fri (Discussion 3): Liberty and Equal Opportunity  
Case 1: is the “legacy” policy in private schools morally defendable?  
Case 2: unemployment as involuntary dependent life in the welfare state

Feb. 23rd Mon (Lecture 9): Friedman’s Free Choice  
Reading: Milton Friedman, *Free to Choose* (1979), Ch. 5.

Feb. 25th Wed (Lecture 10): Nozick’s Self-ownership  

Feb. 27th Fri (Discussion 4): Limits of Free Choice  
Case 1: should we allow an assisted suicide (a self-harm)?  
Case 2: is surrogate motherhood morally acceptable?

IV. Kantian Justice

Mar. 2nd Mon (Lecture 11): Traditional Kantian Justice

Mar. 4th Wed (Lecture 12): Rawls’s Justice as Fairness
   Reading: John Rawls, “Justice as Fairness” (1958), in Philosophical Review.

Mar. 6th Fri (Discussion 5): Limits of what is right
   Case 1: should we punish bad Samaritans who ignore unknown others in great peril?
   Case 2: is a President’s lie for his/her nation morally defensible?

Mar. 9th Mon (Lecture 13): Nagel’s Moral Luck
   Reading: Thomas Nagel, Mortal Questions (1979), Ch. 3.

Mar. 11th Wed (Lecture 14): Term paper prospectus due
   Dworkin’s Judge Hercules

Mar. 13th Fri (Discussion 6): Moral Luck
   Case 1: different fates of two drunk drivers: one caused a serious accident and the other didn’t.
   Case 2: A young scientist sets a time bomb (capable of killing 1 or 2 persons) in a crowded shopping mall to explode one billion years later. Should we punish him as severely as the other scientist who sets the same bomb in the same place to explode tomorrow?

V. Communitarianism

Mar. 16th Mon (Lecture 15): Taylor’s Civil Society

Mar. 18th Wed (Lecture 16): Walzer’s Limits of Justice
   Reading: Michael Walzer, Spheres of Justice (1983), pp. 3-30.

Mar. 20th Fri (Discussion 7): Moral foundations for limited justice
   Case 1: (revisiting a previous topic from a different perspective) should we accept refugees on lifeboats? Up to how many?
   Case 2: Should we forcefully spread our liberal values all over the world? Is the embargo against Cuba morally defensible?

Mar. 23rd Mon (Lecture 17): Sandel, Procedural Republic
Mar. 25th Wed (Lecture 18): Kymlicka’s Multiculturalism

Mar. 27th Fri (Discussion 8): Self-governing and the union
   Case 1: let us suppose that the state of California decided secession from the
   union yesterday. How could you “morally” defend the union?

Mar. 30th Mon (Lecture 19): MacIntyre’s After Virtue

VII. Post-Modernism

Apr. 1st Wed (Lecture 20): Foucault’s Power, Right, and Truth

Apr. 3rd Fri (Discussion 9): Power, Truth and Justice
   Case 1: a lady, Q, knew she contracted AIDS, but she continued her promiscuous
   behavior because she was dominated by her strong sexual drives. The consequence was
   disastrous for her many partners. How could Foucault or we morally defend her?

Apr. 6th Mon (Lecture 21): Habermas’s Public Sphere
   Reading: Jürgen Habermas, “The Public Sphere” (1989), in *Jürgen Habermas on
   Society and Politics*, ed. by Steven Seidman.

Apr. 15th Wed (Lecture 22): Rorty’s Neo-Pragmatism and Poetry of Justice
   Reading: Richard Rorty, *Philosophy and Social Hope* (1999), Ch. 5.

Apr. 17th Fri (Discussion 10): A diminishing public sphere
   Case 1: a company offers schools a television set for each class in exchange for
   showing two minutes commercials every day. Are commercials in the classroom morally
   defensible?

Apr. 20th Mon (Lecture 23): Connolly’s Neo-pluralism
   Reading: William Connolly, “Secularism, Partisanship, and the Ambiguity of
   Portis, Adolf G. Gunderson, and Ruth Lessl Shively.

Apr. 22nd Wed (Lecture 24): The Private and The Public
   Reading: Thomas Nagel, *Concealment and Exposure* (2002), excerpts from Ch1.

Apr. 24th Fri (Discussion 11): Privacy and Internet
   Case 1: a lady did not clean her dog’s poop and left a subway train, and one of
   passengers on the train took pictures of the situation and spread them everywhere on the
   Internet. Did her misdemeanor deserve that much public humiliation?
   Case 2: did governor Spitzer have to resign for his private misconduct?
VIII. Applied Justices

Apr. 27th Mon (Lecture 25): Same-sex marriage

Apr. 29th Wed (Lecture 26): Abortion

May 1st Fri (Discussion 12): Life and Justice
   Case 1: is stem cell research morally tolerable?
   Case 2: why should we not abolish marriage?

May 4th Mon (Lecture 27): **Term papers due** (hard copy in class and by email)
Concluding the Course