

Subject Guide

PHIL 30051 Justice, Freedom and Equality



Semester Two, 2017

Lecture Schedule: Mon 10:00am and Tues 10:00am
All lectures in Babel 305 (Chisholm Theatrette)

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Class Description (from the University Handbook):

This subject investigates central topics in political philosophy. In particular, it will examine competing accounts of what a just society would look like. Questions to be discussed include; What is the value of equality? How might it conflict with individual freedom, and how should this conflict be resolved? Should society be arranged so as to maximise human well-being, or should it fit some idea of a social contract between citizens? In addressing questions like these, this subject will discuss a range of texts from historically important figures, such as Thomas Hobbes, Karl Marx, and John Stuart Mill. The subject will also draw on material from contemporary authors, and demonstrate the relevance of political philosophy to contemporary political issues.

Textbook:

There is one required text: *The Broadview Anthology of Social and Political Thought* (2012). This book contains all of the historical readings and several contemporary ones. You can purchase this book online through Footprint books (see link on LMS).

Other readings will be made available on LMS via the 'Readings Online' interface.

Assessment:

Students will be assessed on two essays of 2000 words each, both of which contribute 50% to the overall grade for the subject. Essay one is due on **Monday September 18th**. Essay two is due on **Thursday November 9th**. Essay questions, and instructions for submission, will be released later in the semester.

See the policies section at the end of this syllabus for further information relating to assessment and other university rules.

LECTURE SCHEDULE AND READINGS

NB: readings drawn from the Broadview Anthology are marked 'BASAPT'. Other readings are available electronically through LMS via Readings Online.

Week One: Introduction (NB: no tutorials in this week)

Political philosophers try to come up with answers to two questions. First, how can the existence of a coercive state be justified? Second, how should the state's powers and institutions control the distribution of the various benefits and burdens involved in social life? What sort of meta-ethical commitments do we need to make in order to do political philosophy? We'll begin by getting a sense of how these questions emerge, and why they matter.

There are no readings for week one. The idea is to start reading week two's readings *ahead* of week two's lectures/tutes, and iterate this process through the semester. Don't worry if you can't get through all the week's readings ahead of the tute for that week. But make sure you get through at least part of them.

Week Two: Hobbes's Absolutism and the Foundations of the Social Contract

Arguably, Thomas Hobbes is the first of the modern political philosophers. At least, he is the first Anglophone philosopher to develop a detailed account of political authority derived from non-religious premises. Hobbes presents a fascinating mixture of arguments. On the one hand, the idea of the state of nature provides a secular foundation for legitimate government that can seem very compelling several centuries later. And his ideas about the need for coercive solutions to problems of collective action remain extremely applicable to problems that Hobbes might not even have anticipated. On the other hand, Hobbes's presuppositions about human psychology are sometimes hard to make sense of. And his main positive proposal, that legitimate government requires appointing a sovereign with absolute power, is very hard to accept.

- Thomas Hobbes, *Leviathan*: introduction and chapters 13, 14, 17, 18, 30 (BASAPT)
- Jean Hampton, *Political Philosophy*: Ch. 2: 39-52

Week Three: Locke's Liberal Contractarianism

Locke's social contract theory sees the first sustained attempt to acknowledge individual property rights, suggesting a form of liberalism not found in Hobbes. Locke's rejection of absolutism and defence of mixed government with rule of law make his views attractive to many contemporary readers. His account of the state of nature is more complex, but possibly more plausible too. But Locke's use of the idea of private property, while crucial to his account of the moral foundations of political authority, remains difficult to interpret, especially when attempting a secular reconstruction of Locke's ideas. Locke's reliance on tacit rather than hypothetical consent marks a further important disagreement with Hobbes. But does it do any better at justifying coercive government?

- John Locke, *Second Treatise of Government*: chapters 2, 5, 8, 9, 10, 11, 12 (BASAPT)
- Jean Hampton, *Political Philosophy*: Ch. 2: 53-67

Week Four: Rousseau and Hume

Although a member of the contract tradition, Rousseau believed that life in (actual) developed society was inferior to life in a state of nature. His writings defend the idea that human greed, shame, and envy are consequences of social development, not prior or innate elements of human psychology. These insights provide good reasons to think that principles of justice need to regulate envy and promote self-respect, rather than just take these for granted. David Hume had a deeper criticism of the social contract, which he regarded as an overblown metaphor. Hume's arguments help make room for the utilitarian tradition that emerged in the next century.

- Jean-Jacques Rousseau *Discourse on Inequality*: Main sections (BASAPT pp425-455)
- David Hume, "Of the Original Contract" (BASAPT pp403-412) and "Of Justice"

Week Five: Anarchism Reconsidered

Due in large part to lingering problems with contractarian justifications for the state, anarchism never really went away. We'll use this week to look at some more modern attempts to make sense of, and even defend, versions of anarchism as a serious position in political philosophy. If we can find the root of its appeal, maybe we can see a way to answer the anarchist in ways that classical contractarians couldn't. Alternatively, perhaps we'll come to see that anarchism is not the crazy or wantonly destructive position it's sometimes thought to be.

- Robert Paul Wolff *In Defense of Anarchism*: Ch. 1
- Paul McLaughlin "In Defence of Philosophical Anarchism" in B. Franks et al (eds.) *Anarchism and Moral Philosophy*

Week Six: Utilitarianism

Utilitarianism takes political authority for granted and presents us with a simple answer as to how it should be used. Utilitarianism continues to have popularity, and there are reasons to see it as a plausible political theory governing laws and policy even if we reject it as an ethical theory for individual action. But what exactly does utilitarianism end up implying, and what range of political values can be subsumed under its fundamental principle of maximising utility? Here we will focus mainly on the attempts of John Stuart Mill to provide a utilitarian foundation for core liberal freedoms. This will also help us appreciate its egalitarian credentials. We'll then examine Rawls's influential claim that utilitarianism fails to recognise the "separateness of persons".

- J.S.Mill, *Utilitarianism*: Ch.2 and *On Liberty*: selections (BASAPT pp658-661 and 627-652)
- John Rawls, "Classical Utilitarianism" (BASAPT pp867-870)
- Robert Goodin, "Utilitarianism as a Public Philosophy" – focus on the first three sections, feel free to skip the rest)

Week Seven: Rawls, Justice as Fairness, and the Original Position

John Rawls was the most influential political philosopher of the twentieth century. His work represents an impressive attempt to integrate the tradition of the social contract with a wider set of values, such as liberty, equality, and democracy. Accordingly, working through Rawls's theory takes a good deal of time. Going through the

fundamental elements of his theory (justice as fairness) raises a host of interesting questions. In various ways, Rawls forces us to think more about the relation between justice and rational aversion to risk, reciprocity between persons, the 'moral arbitrariness' of inequalities between the natural endowments of persons, and the relation between liberal individualism and the value of community.

- John Rawls, *A Theory of Justice: Selections* (BASAPT pp862-867; 870-890)
- J. C. Harsanyi, "Can the Maximin Principle Serve as a Basis for Morality?" *American Political Science Review* 69(2) (you can skip most of this paper, just concentrate on the first 4 sections)

Week Eight: Rawls and Equality

Recent criticism of Rawls has focused on whether his theory really has the egalitarian credentials he claimed for it. Arguably, Rawls's contractarian commitments seem to entail that persons have proper citizenship only if they can enter into relations of mutually advantageous cooperation. This requirement would appear to exclude persons with severe disabilities, not to mention members of future generations. Another problem concerns the difference principle and its toleration of inequalities arising simply because talented citizens are greedy. Such concerns give us reason to question whether the requirements of justice can be viewed only as regulating institutions, rather than personal conduct. Here lies a deeper problem about the compatibility of egalitarian politics and liberal politics.

- Martha Nussbaum, *Frontiers of Justice*: pp9-25
- G.A.Cohen "Where the Action is: On the Site of Distributive Justice" *Philosophy & Public Affairs* 26(1)

Week Nine: Feminism and the Distributive Paradigm

Almost all of the influential political thinkers have been men. Most of them harboured offensive, or at least false, views about women. Almost certainly this infects their theories in certain ways. The feminist tradition seeks to identify ways in which influential theories have marginalised women, and to ask what might be recovered. Some authors, like Okin, argue that Rawls's theory could make room for the pursuit of gender equality given rather small adjustments to its scope. Others are more sceptical. According to Iris Young, theories of justice have become overly preoccupied with the distribution of material things, rather than with the character of relations between different groups.

- Susan Okin, *Justice, Gender, and The Family*: Selections (BASAPT pp954-976)
- Iris Young, *Justice and the Politics of Difference*: Selections (BASAPT pp977-992)

Week Ten: Contemporary Egalitarianism

The egalitarian project has developed in a variety of ways since Rawls. Egalitarian philosophers are now somewhat divided on how the proper goal of egalitarian justice should be understood. Some believe that egalitarian justice should aim at compensating the victims of unavoidable bad luck. Others believe that the political value of equality is more fundamentally about the elimination of oppressive social hierarchies, including those that exist along dimensions of gender, race, sexuality, and

class. Much is currently being written on how these conceptions differ, and on what internal disagreements might obtain within each camp.

- Elizabeth Anderson, "Equality" in D. Estlund (ed.) *The Oxford Handbook of Political Philosophy*
- Elizabeth Anderson, "What is the Point of Equality?" *Ethics* 109(2) (concentrate on pages 295-315, and best to skip the stuff before and after)
- Kok-Chor Tan, *Justice, Institutions, and Luck*: pp87-91, 116-130

Week Eleven: Libertarianism (1) Lockean Self-Ownership and the Minimal State

Almost all views in political philosophy accept that significant state coercion is legitimate. The libertarian tradition is a source of some resistance. Lockean libertarians like Nozick attempt to use the importance of individual rights (especially property and contract) to support a case for small government. Many people find attractive the idea that individuals own their bodies and, hence, own what they can produce through labour. But it apparently leads to radical conclusions, such as the claim that taxation of incomes is on a par with forced labour. It may also prove difficult to prevent the collapse of Lockean libertarianism into anarchism. Nevertheless, Nozick's adaptation of Locke provides many answers to important questions about distributive justice.

- Robert Nozick, *Anarchy, State and Utopia: Selections (BASAPT pp907-924)*
- Barbara Fried, "Does Nozick have a Theory of Property Rights?" in R.Bader & J.Meadowcroft (eds.) *The Cambridge Companion to Anarchy, State and Utopia*
- Jeremy Waldron, "Nozick and Locke: Filling the Space of Rights" *Social Philosophy & Policy* 22(1)

Week Twelve: Libertarianism (2) Neoclassical Liberalism

Neoclassical liberalism makes a case for limited government that does not depend on Lockean claims about the primacy of individuals' right to property. It has enjoyed a recent return to prominence. It may escape some of the criticisms that have been influential against other forms of libertarianism. On this approach, the case for small government is reached from different premises – ones about the tendency of governments to 'fail' in ways comparable to the 'market failure' commonly used to motivate egalitarian views. Sceptics suggest that the classical liberal tradition does not warrant the small government conclusions associated with contemporary libertarianism. Proponents, believe they offer a version of libertarianism more humane than the Lockean variety.

- Jason Brennan & John Tomasi, "Classical Liberalism" in D. Estlund (ed.) *The Oxford Handbook of Political Philosophy*
- Samuel Freeman, "Illiberal Libertarians: Why Libertarianism is Not a Liberal View" *Philosophy & Public Affairs* 30(2)

POLICIES

These are important – make sure you read them!

Grading

All submitted written work will be graded in accordance with the SHAPS guidelines, which can be viewed here:

<http://shaps.unimelb.edu.au/students/assessment>

Tutorial Attendance/Hurdle Requirement

The university continues to operate a hurdle requirement with respect to tutorial attendance. For this subject, you are required to attend at least 75% of the tutorials. This will be treated as attendance at least 8 tutorials out of the 11.

Please note that the penalty for failing this hurdle requirement is substantial: Students who do not satisfy the hurdle requirements will **fail the subject**, even if they have obtained more than 50% of the marks available by the completion other components of assessment. Members of teaching staff do not have the power to waive this requirement.

A fuller statement of the hurdle policy can be viewed in the university's online policy library: <https://policy.unimelb.edu.au/MPF1326#section-4.13>

Essay Extensions

In order to be granted an extension, it is necessary to contact me *before* the deadline day. If you do this, then a new deadline date can be arranged. You should feel free to ask for an extension for any reason – usually I can grant at least something. Please note that university rules stipulate a maximum of 10 working days for extensions. Longer extensions can only be awarded through the university's special consideration programme (see below).

Late submissions without a formal extension or the granting of special consideration are subject to a lateness penalty of 10% of the total mark available for that piece of work, for each day that an essay is submitted after the deadline.

Disability and Academic Disadvantage

The university understands that some students face special burdens that impede the successful pursuit of academic work. If you think your circumstances impose any burden of this sort, please consult the university's online information:

<http://students.unimelb.edu.au/explore/disabilities>

The university policy on special consideration can be viewed in the online policy library: <https://policy.unimelb.edu.au/MPF1326#section-4.29>

Further support is available through the university's disability liaison service:

http://services.unimelb.edu.au/disability/students/our_services/what_we_do

Plagiarism

For more information on what the university regards as plagiarism, and some good advice on how to avoid it, please see here: <https://academichonesty.unimelb.edu.au/>

Penalties for plagiarism can be severe, depending on the nature and extent of the case in question. If you are under any doubt as to what constitutes plagiarism, please contact me **before** you submit any written work.