

Theory of Justice

<u>Lecturers:</u>	János Kis and Zoltán Miklósi
<u>No. of credits:</u>	4
<u>Status:</u>	for first year Ph.D. students
<u>Teaching format:</u>	2-class hour lecture, 2-class hour seminar/week for one term
<u>Assessment:</u>	seminar participation and final (take-home) essay
<u>Academic year:</u>	2008/2009
<u>Term:</u>	Winter
<u>Learning outcomes:</u>	deepening of the grasp of the problem of justice, Fostering of the capacity of making arguments in moral and political philosophy

According to a widely accepted moral principle, individual lives matter, and they matter equally. In order to lead successful lives individuals need resources. Resources are available in scarce supply, though, and so the claims individuals may make to them conflict with each other. Hence the central question of (distributive) justice: what distributions are made morally justifiable by the equal importance of each and every individual?

That question leads to a number of further questions. Distributive justice makes comparisons between the endowments available to different individuals, but what is the proper scope of those comparisons? Is it a society? Is it the entire moral community of humankind?

What resources are relevant for the aims of distributive justice? Only external resources such as money, energy, and raw materials, or internal resources as well, such as personal talents? Does the principle of equal importance imply a norm of equal distribution of external resources only, or it is the total set of external and internal resources of that is to be equalised across individuals?

When is it justified to say that two sets of resources (whether external or total) are equal? No distribution can be equal in all possible respects. So the question is, Which is the relevant respect? Equality of welfare? Equality of opportunity for welfare? Equality of capabilities? Equality of resources? The answer seems to depend on the following observation. The distribution of resources reflects partly personal choices and efforts, but it also depends on luck. On a plausible interpretation of the principle of equal importance, people are properly held responsible for their choices and efforts, but not for their contingent circumstances. If so, insofar as an unequal distribution responds to differential individual choices and efforts, it needs not to be changed. It needs to be corrected for, however, insofar as it reflects differential luck. Is this a tenable position?

Some authors deny the legitimacy of all these questions. They hold that a distribution is just if and only if it was produced in a process in which nobody's negative rights have been violated. The pursuit of distributive patterns is based on a false ideal, and it leads to systematic violations of (negative) rights. Does this objection hold?

The course will address these issues, and it will provide an introduction into the main contemporary theories of justice.

1. Moral Foundations

T. Christiano: A Foundation for Egalitarianism, in N. Holtung–K. Lippert-Rasmussen, eds: *Egalitarianism*. Oxford: Clarendon, 2007.

T. Nagel: Equality, in M. Clayton–A. Williams, eds: *The Ideal of Equality*. Houndmills–New York: Palgrave, 2000.

A. Sen: What Do We Want from a Theory of Justice?, in *Journal of Philosophy* 103 (2006) 215-238.

2. Rawls: The Primary Subject of Justice

J. Rawls: Justice as Fairness, in Rawls: *A Theory of Justice*. Oxford University Press, 1999.

3. Rawls: The Argument from the Original Position.

J. Rawls: The Original Position, in Rawls: *A Theory of Justice*. Oxford University Press, 1999.

4. Rawls: The Principles of Justice II. (The Two Distributive Principles.)

J. Rawls: The Principles of Justice, in Rawls: *A Theory of Justice*. Oxford University Press, 1999.

5. Critiques of Rawls: The Difference Principle and Personal Morality

G.A. Cohen: Incentives, Inequality, and Community, in S. Darwall, ed: *Equal Freedom, Selected Tanner Lectures on Human Values*. Ann Arbor: University of Michigan Press, 1995.

A. Williams: Incentives, Inequality, and Publicity, in *Philosophy and Public Affairs* 27 (1998) 225-247.

6. Critiques of Rawls: Equality or Priority?

D. Parfit: Equality or Priority?, in M. Clayton–A. Williams, eds: *The Ideal of Equality*. Houndmills–New York: Palgrave, 2000.

L.S. Temkin: Equality, Priority, and the Leveling Down Objection, in M. Clayton–A. Williams, eds: *The Ideal of Equality*. Houndmills–New York: Palgrave, 2000.

7. Libertarian Justice

R. Nozick: Distributive Justice, Section I, in Nozick: *Anarchy, State, and Utopia*. Oxford: Blackwell, 1974.

G.S. Kavka: An Internal Critique of Nozick's Entitlement Theory, in J.A. Corlett, ed: *Equality and Liberty*. Houndmill: Macmillan, 1991.

M. Otsuka: Self-ownership and Equality, in Otsuka: *Libertarianism Without Inequality*. Oxford: Clarendon 2003.

8. Justice and Desert

M.A. Slote: Desert, Consent and Justice, in L.P. Pojman and O. McLeod: *What Do We Deserve?* Oxford University Press, 1999.

O. McLeod: Desert and Institutions, in L.P. Pojman and O. McLeod: *What Do We Deserve?* Oxford University Press, 1999.

S. Scheffler: Distributive Justice and Economic Desert, in S. Olsaretti: *Desert and Justice*.

9. Equality of Resources (Dworkin)

R. Dworkin: Equality of Resources, in Dworkin: *Sovereign Virtue*. Cambridge, Mass.: Harvard University Press 2000.

K. Lippert-Rasmussen: Egalitarianism, Option Luck, and Responsibility, in *Ethics* 111 (2001) 548-579.

10. Luck egalitarianism (Cohen)

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

S. Hurley: Why the Aim to Neutralize Luck Cannot Provide a Basis For Egalitarianism, in Hurley: *Justice, Luck, and Knowledge*. Cambridge, Mass.: Harvard University Press, 2003.

11. What Is the Point of Equality?

T.M. Scanlon: The Diversity of Objections to Inequality, in Scanlon: *The Difficulty of Tolerance*. Cambridge University Press, 2003.

E. Anderson: What Is the Point of Equality?, in *Ethics* 109 (1999) 287-337.

12. The Principles of Justice: Political or Pre-Political?

T. Nagel: The Problem of Global Justice, in *Philosophy and Public Affairs* 33 (2005) 113-147.

A. Sangiovanni: Global Justice, Reciprocity, and the State, in *Philosophy and Public Affairs* 35 (2007) 3-39.