

Philosophy 5430: Topics in Political Philosophy: Rawls and His Critics--Spring 2025

Tuesdays, 3:30-6:29, 2N36 David Rittenhouse Labs

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Office hours: Tuesdays: 2-3:15

In this course we will study in detail John Rawls's two main works. Rawls is the most significant political philosopher in the 20th century. *A Theory of Justice* (TJ) published in 1971 (revised ed. 1999), was immediately recognized as a modern classic, on a par with the works of Hobbes, Locke, Hume, Rousseau, Kant, Mill, and Marx, who all significantly influenced Rawls. TJ originated a revival of political philosophy in the 20th century, and also revitalized the social contract tradition. The book stimulated an extraordinary amount of critical assessment, which in turn led to the construction of numerous alternative and competing theories of justice, by such notable contemporaries as Robert Nozick, Ronald Dworkin, G.A. Cohen, Juergen Habermas, David Gauthier, Michael Walzer, Martha Nussbaum, and Amartya Sen, among others, that continues into the present day.

A Theory of Justice is a Kantian contractarian theory. It argues for the realistic possibility of a well-ordered democratic society wherein free and equal moral persons all agree on the same liberal egalitarian conception of justice. Twenty-two years later, Rawls published a second volume, *Political Liberalism*, which revises his theory of justice in several respects and also addresses a different set of questions regarding the political legitimacy of governments in liberal societies, which are permanently marked by different and often conflicting religious, philosophical and moral views. Rawls contends that to be legitimate a liberal political constitution must be governed by principles of justice that are reasonably acceptable to free and equal moral persons and citizens. How is a well-ordered society wherein everyone agrees on a liberal and democratic conception of justice possible, given their lack of agreement on religious, philosophical and moral doctrines?

The purpose of this seminar is to examine in detail Rawls's two seminal works, and read and discuss some of the most notable responses and criticisms of Rawls's ideas, by Robert Nozick, G.A. Cohen, Susan Okin, Martha Nussbaum, Charles Mills, Tommie Shelby, and Juergen Habermas, as time permits.

Open to Graduate Students and 3^d and 4th Year Undergraduate Majors in Philosophy and PPE. All other Undergraduates require permission from Instructor.

Requirements:

Graduate Students: (a) a 20-25 page seminar paper, due at end of the semester;
(b) a half-hour class presentation/discussion of some portion of the material;
(c) participation in class discussion.

Undergraduates: (a) Two 10-12 page papers, due middle and end of the semester;
(b) occasional one-page summaries and discussions of course material; and
(c) participation in class discussion.

Texts Required: Include Rawls's two main works, *A Theory of Justice* and *Political Liberalism*, plus Rawls's summary of his works, in *Justice as Fairness: A Restatement*. These three books have been ordered at the Penn Book Store, 36th and Walnut, 2d floor. Other assigned works will be made available on Canvas.

Schedule of Readings: We will try to adhere to the following schedule,
[Readings marked * clarify the material and are optional]

Week 1-2: *A Theory of Justice*: Introduction to main ideas: (a) TJ, Prefaces
b) TJ Chapter One: Justice as Fairness; (c) *Justice as Fairness* (JF) Part I,
Fundamental Ideas, pp, 1-39

Week 2-3: The Principles of Justice. (a) TJ Chapter Two; (b) JF, Part II, 39-79

Week 3-4: The Original Position and Arguments for the Principles of Justice.
(a) TJ Chapter Three; (b) JF, Part IV 80-134; (c)* "The Original Position," by
S.Freeman, in *Stanford Encyclopedia of Philosophy*

Week 4: Nozick's Libertarian Entitlement Theory and Critique of Rawls:
(a) Nozick, 'Distributive Justice,' Chapter 7 of *Anarchy, State and Utopia*
(b) Rawls, 'The Basic Structure as Subject,' Chapter 7, *Political Liberalism*

Week 5: Equal Basic Liberties and the First Principle of Justice: (a) TJ Chapter Four;
and (b) *Political Liberalism* Lecture 8, 'The Basic Liberties and their Priority.'

Week 6-7: Distributive Shares, Just Institutions, and Property-Owning Democracy:
(a) TJ Chapter Five; (b) JF, Part IV, 135-179;
(c)* 'Rawls on Distributive Justice and the Difference Principle,' S.Freeman
(d) * 'Property-Owning Democracy and the Difference Principle,' S.Freeman

Week 7: G.A. Cohen's Marxist Egalitarian critique of the Difference Principle:
(a) 'Justice, Incentives, and Selfishness';
(b) 'Where the Action Is: On the Site of Distributive Justice'
(chaps. 8, 9 of Cohen's *If You're and Egalitarian, How Come You're So Rich?*)

Week 8-9: Part III of *A Theory of Justice*: Justice and the Human Good
Chap.7: Goodness as Rationality, §§60, 63-67
Chap.8: The Sense of Justice, §§69, 75-77
Chap. 9: Stability and the Congruence of the Right and the Good,
§§78-79, 82, 85-86
*Congruence and the Good of Justice,' Freeman, *Cambridge Companion to Rawls*

Week 9: Feminist Assessments of Rawls: Susan Okin (a). 'Justice and Gender, p.42-52,
64-72, (b) Okin, '40 Acres and a Mule for Women: Rawls and Feminism' 233-246
(c) *Martha Nussbaum: 'Rawls and Feminism' in *Cambridge Companion to Rawls*

Week 10: Political Liberalism I: (a) Introductions to 1st and 2d editions
(b) Lecture I: Fundamental Ideas; (c) Lecture II: The Powers of Citizens and their Representation

Week 11: Political Liberalism II: (a) Lecture III: Political Constructivism;
(b) Lecture IV, The Idea of an Overlapping Consensus

Week 12: Political Liberalism III: Public Reason.
(a) Lecture VI: The Idea of Public Reason
(b) Part Four: The Idea of Public Reason Revisited, PL 437-491

Week 13-14:

A. Rawls and Racial Justice:

- (a) Charles Mills, 'Rawls on Race—Race in Rawls'
- (b) Mills, 2020 Tanner Lecture: 'Theorizing Racial Justice'
- (c) Tommie Shelby, 'Race and Ethnicity, Race and Social Justice: Rawlsian Considerations'
- e) *Mills, 'Retrieving Rawls for Racial Justice', Reply to Shelby
- (f) *Shelby, 'Racial Realities and Corrective Justice,' Reply to Mills
- (g) *S.Freeman: 'Ideal Theory and Racial Justice,' Reply to Mills' Tanner Lecture

B. Rawls and Global Justice, Rawls's 1993 essay 'The Law of Peoples' or Rawls's 2001 monograph, *The Law of Peoples*.

C. Rawls and Habermas (if time permits)

- (a) Habermas: Reconciliation Through the Public Use of Reason, *JPhil*, Mar. '95
- (b) Rawls's Reply to Habermas, PL, Lecture IX, 372-434