

Ryerson University
Department of Philosophy
Winter 2018
PH8111 Social and Political Philosophy

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Office Hours:

Mondays from 12:00-1:00 and 2:00-3:00; appointments can be made for other times and days; and you are always welcome to catch me in my office by happenstance.

Course Description:

This course will be conducted in the so-called Socratic fashion where the aim is to understand, explicate, evaluate, and address John Rawls' political conception of justice as fairness as he presents it in *Political Liberalism*. As we seek to explicate Rawls in his own terms, we consider some familiar charges made against justice as fairness on account of its metaphysical presuppositions, its practical implications, and its relationship with sectarianism.

In his theory of justice Rawls sets out to provide a procedural rendition of the categorical imperative, within "a reasonable empiricist framework" including "a reasonable moral psychology," but without "recourse to a transcendent or otherwise disembodied subject." But can Rawls pull it off and would it be a good thing? According to many critics, if the right is prior to the good, then the Kantian-Rawlsian self must be prior to its ends and good, as something of a disembodied self, possessive self, pure capacity for choice, possessive individualist or rational egoist as many critics have it. Furthermore, the formal moral reasoning of Kantian-Rawlsian liberalism is charged with harbouring sectarian threats of assimilation, misrecognition, maldistribution, disrespect and oppression in its practical implications and is implicated in the Enlightenment project in the guise of the Trojan horse of Enlightenment liberalism. As such, there seem to be converging, reinforcing, and mutually implicated charges against all things Kantian-Rawlsian liberal on account of the character of its moral character and its practical implications. These questions have location on their side on account of being implicated in a configuration of issues that came about when Kant's revolution in ethics, where he put the right prior to the good, was implicated in our morally problematic social histories by its critics. The question of Kantian-Rawlsian liberalism also has location insofar as Sandel is right that the conception of the transcendent or disembodied self sits at the juncture between "twentieth-century Continental philosophy ... [and] the Anglo-American tradition of moral and political thought in which Rawls' work is firmly installed." The pattern shows up in Fraser's discussions on the perceived conflict between the so-called politics of distribution and the politics of recognition which are widely taken to derive from Kantian and Hegelian differences on the whether the autonomy of the self is a solo affair or dialogical. In this way several issues are

implicated with each other across meta-ethics, the metaphysics of moral agency, and our morally problematic social histories.

In light of such concerns we will be interested to learn the following: (1) What does Rawls mean by the fair terms of social cooperation between free and equal, rational and reasonable moral persons, given what he calls the fact of reasonable pluralism and the fact of oppression? (2) What does Rawls mean by the idea that justice is prior to the good? Has Rawls addressed the challenge of what Kant characterizes as “the paradox of method” where the right is prior to the good? How does Rawls address Kant’s question from the second critique: “How is the highest good possible?” (3) As a device, what does the original position do? How do the parties in the original position model the normative demands of practical reason for free and equal and rational and reasonable moral persons as citizens in modern constitutional democracies? (4) How does the formal and abstract reasoning of political liberalism get its normative and motivational force and content? Is procedural liberalism an empty formalism? (5) What distinguishes Rawls’ political conception of justice as fairness from the metaphysical conception of justice as fairness? What difference does the distinction make, if any? (6) What is the metaphysics, moral psychology, and moral identity of the self presupposed by the formal moral reasoning of procedural liberalism? How are we to know? (7) Does Rawls’ theory of justice contain a politics of recognition or merely a politics of distribution? What does it mean to recognize one another as moral persons according to Rawls? Does this ground a conception of group-differentiated recognition? (8) Or does political liberalism harbor sectarian threats of assimilation, misrecognition, maldistribution, disrespect, and oppression in its practical implications, as charged by representatives of the politics of difference, recognition, identity, confrontation, feminism, and post-modern critical theory for its role in the Enlightenment project with its Trojan horse of European imperialism? (9) What are we to make of Sandel’s claim that the conception of the transcendent or otherwise disembodied self sits at the heart of the great divide between analytic and continental philosophy? (10) Where and why, from the history and figures of philosophy, does Rawls borrow and incorporate the ideas of others? What difference does this pedigree make when it comes to understanding Rawls and his critics? (11) How is the political conception of justice possible and would it be a good thing?

Tentative Schedule:

<u>Date:</u>	<u>Discussion and readings:</u>
1. Jan. 15	Some background to <i>Political Liberalism</i>
2. Jan. 22	<i>Political Liberalism</i> , Lecture I, pp. 3-46
3. Jan. 29	<i>Political Liberalism</i> , Lecture I, pp. 3-46
4. Feb. 5	<i>Political Liberalism</i> , Lecture II, pp. 47-88
5. Feb. 12	<i>Political Liberalism</i> , Lecture III, pp. 89-129
6. Feb. 15-19	Study Week
7. Feb. 26	<i>Political Liberalism</i> , Lecture IV, pp. 133-172

- 8. March 5 *Political Liberalism*, Lecture V, pp. 173-211
- 9. March 12 *Political Liberalism*, Lecture VI, pp. 212-254
- 10. March 19 *Political Liberalism*, Lecture VII, pp. 257-288
- 11. March 26 Holiday
- 12. April 2 *Political Liberalism*, Lecture VIII, pp. 289-371

Major essay proposal is due—300 words maximum

- 13. April 9 Selected criticisms, discussion, presentations
- 14. April 16 Selected criticisms, discussion, presentations

- 15. April 25 **Major essays due anytime by email—I will mark them using track-challenges. If you want comments, please send me your essay in a word document.**

Help:

I invite you to visit me during office with any concerns you might have with the course readings, your presentations, essay proposal, final essay, issues of course management, grading assessments, instructor feedback, classroom climate, or anything else that might come up.

Required Readings:

- (1) Rawls, John. (2005). *Political Liberalism* expanded edition. Columbia Press, New York.
- (2) _____(1999). “Justice as Reciprocity.” In *Collected Papers*. Ed. Samuel Freeman. Harvard University Press, Cambridge.

Course Requirements:

In this course you are to demonstrate a reasonable understanding of Rawls, whether critical or supportive, through the following: three five-ten minute presentations (roughly 1-2 pages, to be submitted to me by the time of the presentation) or one minor essay (roughly ten pages of explication), or some combination thereof (worth 30%), a major essay proposal of SSHRC, OGS, or equivalent format (worth 10%), and a major essay of fifteen to twenty-five pages (worth 60%) due on April 25 anytime. Your essay outline and essay are to be clear, complete, concise, organized, thoughtful, connected to the course content, interesting, and submitted in a timely fashion in accordance with deadlines.

Penalties and Policies:

Without due cause, your essay will lose one percentage point for every day it is late. Plagiarism will mean a 0 for the essay and a failure in the course.

The following policies might be useful for reference:

Academic accommodation of students with disabilities:

<http://www.ryerson.ca/senate/policies/pol159.pdf>

Religious Observances: <http://www.ryerson.ca/senate/policies/pol150.pdf>

Official University communications via e-mail:

<http://www.ryerson.ca/senate/policies/pol157.pdf>

Academic Appeals: <http://www.ryerson.ca/senate/policies/pol152.pdf>

Student Code of Academic Conduct <http://www.ryerson.ca/senate/policies/pol60.pdf>

Discrimination and Harassment:

<http://www.ryerson.ca/content/dam/irm/pdfs/VHP/DHPS%20Policy2011.pdf>

Student Code of Non-academic Conduct:

<http://www.ryerson.ca/content/dam/senate/policies/pol61.pdf>

Some possible basic essay topics:

1. What does Rawls mean by freedom, equality, and responsibility in the well-ordered constitutional democracy under the fair terms of social cooperation between free and equal and rational and reasonable moral persons? How are these ideas related to his idea of cooperation on the basis of mutual respect? How are these ideas related to the charges against Kantian-Rawlsian liberalism for harboring sectarian threats in its practical implications or for presupposing a disembodied or possessive self? What happens if you take the fundamental ideas of Rawls' theory of justice back to his critics? Are the critical reconstructions built from the fundamental ideas of Kantian-Rawlsian liberalism, as it were, and do they square with Rawls' account of how the right might be prior to the good? Why or why not?
2. What does the political conception of justice mean in light of the charges against Kantian-Rawlsian liberalism for harboring sectarian threats of assimilation in its practical implications for starters? There is a scholarship of confrontation against all things KRL held across different quarters of the background political culture, as in the politics of difference, recognition, identity, feminism, and post-modern critical theory. Can Rawls' political conception of justice push back and address their challenges? Why or why not?
3. How does Rawls' method of political constructivism work? How does abstraction figure into finding content for formal moral reasoning? How do Rawls' fundamental questions set the aim for his theory of justice, and do the principles of justice as fairness measure up to its demands relative to the alternatives? What moral content do the parties begin with, and where along the way does justice as fairness construct more content, as in the primary goods for example? What difference does constructivism as a method make when it comes to assessing the critical reconstructions of Rawls' theory of justice?
4. What are the practical implications of the political conception of justice as fairness? If, once we lift the veil as it were, there is a gap between the ideals and things as they are, as when social histories are morally problematic for example what does this mean for constitutional, legislative, and judicial review? Insofar as the claims of Pateman, Mills,

Tully, Turner, Coulthard are right, the social contract is a fiction, and the state of nature is real. What are the practical implications of Rawls' theory of justice when things have gone wrong, as in the Enlightenment project for example? Suppose the critics are right and it is a fact that the Enlightenment project is real, where would that leave Kantian-Rawlsian liberalism? How are the fundamental ideas of Rawls' theory of justice related to the Enlightenment project, is it implicated as charged by its critics?

5. In terms of their fundamental ideas, how do Kant and Rawls line up, and where and why do they differ in their accounts as to how the right might be prior to the good? How do moral and political constructivism differ according to Rawls, and how are they the same, in contrast to other methods, such as recollection, rational intuition, the empirical, the dialectical, and so on? How can the abstract and formal moral reasoning of the theory of justice make a difference across a plurality of different and irreconcilable comprehensive doctrines concerning the most important of matters, and how could the political conception ever be endorsed, as Rawls maintains they can be, across different comprehensive doctrines and ways of life? But can the same be said for abstraction, if those differences include the conflicts that naturally arise when social histories are morally problematic as in the Enlightenment project?
6. How is the political conception of justice a feasible basis for a well-ordered society, one that is stable for the right reasons as Rawls would have it? What is Rawls' point that, although there are no guarantees, the job of philosophy is to make room for reasonable faith in the ideas of reason, such as moral freedom and full autonomy, and history is full of surprises? How does the freedom of reason itself demonstrate itself as a causality in its own right on the Kantian-Rawlsian picture, where does it come into play, how does it make a difference, how does it get its content, and what is the good of it?
7. How is the character of the virtuous citizen connected to the constitution of the well-ordered society according to Rawls, and what is the mutual interest in the education of citizens in the fair terms of social cooperation? What are the parties in the original position trying to arrange when it comes to the basic structure and why are they committed to protecting and providing the means and space for comprehensive doctrines and ways of life to play themselves out? How are the right and the good to be harmonized or made congruent on justice as fairness in the fair terms of social cooperation?
8. How is the fact of reasonable pluralism a reason for a political conception of justice, according to Rawls, and what does this mean for any comprehensive or metaphysical conception of justice, as in communitarianism, feminism, and post-modern critical theory for example? Like comprehensive liberalism, are they too to be put behind the veil of ignorance under the political conception of justice? Is a political conception of feminism, for example, possible? Why or why not, and what good would it do?
9. What difference does a "reasonable moral psychology" make to social contract theory, according to Rawls, and how might finite rational beings with a reasonable moral

psychology move from a mere *modus vivendi*, as in a state of nature, through constitutional essentials to an overlapping consensus with a shared sense of justice, social identity, and social capital, as a great good in its own right, but where, as Rawls points out, we still need protection from one another along several lines, in keeping with Kant's characterization of the asocial sociability of the finite rational being with humanity. How are the shared goods of social cooperation possible across irreconcilable differences according to Rawls, is he right?

Selected bibliography:

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