

# Great Texts, Component II: Rawls, *Justice as Fairness: A Restatement*

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WHERE AND WHEN: Wednesdays, 10–12, 2–4 College Green, Room 2

MY OFFICE: Arts 5008 (behind Sarah's office, 5009)

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## COURSE DESCRIPTION

In this course we'll be reading John Rawls's last book, *Justice as Fairness: A Restatement* (2001). Rawls was an immensely influential liberal political philosopher whose work pretty much set the agenda for modern political philosophy. In this book he ties together the conclusions of his two main works and updates them in light of 30 years of critical discussion: his theory of the basic rights and distributive principles of a just society (*A Theory of Justice*, 1971), and his theory of how a democracy can legitimately unite citizens divided by a plurality of reasonable but irreconcilable world views (*Political Liberalism*, 1993).

We will be paying special attention to two unique features of *Justice as Fairness*. First, Rawls offers his final responses to some of his libertarian, socialist, and fellow liberal critics; we will look at the history of some of these debates and assess how successful Rawls has been. Second, in *Justice as Fairness* Rawls is more explicit about what he thinks a just democracy would look like, and thus about how his theory can be put into practice. We will think about what would change if current democracies became Rawlsian democracies: which of our democratic institutions would need to be overhauled? Could we continue with our current style of free market economy? And how much more egalitarian would it actually be?

At the end of this course, you'll be able to:

- Critically analyse and interpret Rawls's *Justice as Fairness*.
- Understand the major themes in Rawls's political philosophy, with a sense of how they evolved during his career.
- Engage critically and in detail with some of these themes, with awareness of the broader debates into which they fall.

- Critically consider the political institutions that are compatible with or best embody Rawls's conception of justice.

## CORE READING

Apart from John Rawls, *Justice as Fairness: A Restatement*, E. Kelly (ed.), (Harvard University Press: Cambridge, MA, 2001), it will at times be useful to read sections of his two earlier works, to which he often refers:

1. John Rawls, *A Theory of Justice*, revised edition (Harvard University Press: Cambridge, MA, 1999)
2. John Rawls, *Political Liberalism* (Columbia University Press: New York, 1996)

Collections that will be helpful are:

3. Jon Mandle and David Reidy (eds.) *A Companion to Rawls* (Wiley Blackwell: Chichester, 2013)
4. Samuel Freeman (ed.), 2003, *The Cambridge Companion to Rawls* (CUP: Cambridge, 2003)
5. Jon Mandle and David Reidy (eds.) *The Cambridge Rawls Lexicon* (CUP: Cambridge, 2015)

## COURSE OUTLINE

WEEK 1: Basic ideas.

In the first two lectures we'll try to get a solid grounding in Rawls ideas: especially Parts I–III of *Justice as Fairness*. If you're beginning from scratch, it might be useful to read a brief introduction to Rawls before you start *Justice as Fairness*: Samuel Freeman's introduction in his *Cambridge Companion to Rawls* or the Rawls article in the Stanford Encyclopedia are good choices. For the first week, **read and think about Part I very carefully**, but also try to have as much of Parts II and III read as you can.

WEEK 2: The two principles of justice.

We'll look at Rawls's defence of his two principles of justice and his responses to objections. Be sure to **read Parts II and Part III §27–32 carefully**. Also try to read Part III in full.

WEEK 3: Social minimums.

There are many questions about social minimums raised by *Justice as Fairness*. Rawls rejects the idea that the difference principle can be replaced by a guaranteed social minimum (§38) but he also believes that even his first principle requires at least a social minimum (e.g. §13.5 n. 10 §38.3–4 and §49.5). Consider also the role it plays in different kinds of regimes in §41, and the implicit rejection of a universal basic income in §53, titled ‘Brief comments on leisure time’. Read the relevant sections and all of Part IV carefully.

#### WEEK 4: Capitalism, socialism, and property-owning democracies.

What kind of political regime and in particular what kind of market arrangements does justice as fairness recommend or require? A criticism of Rawls was that it recommends nothing more than an incentivised market capitalism with a basic social welfare system—in other words, a system that, when it comes to social justice, looks fairly uninspiring. In *Justice as Fairness*, Rawls rejects this criticism and argues that justice as fairness is not compatible with welfare capitalism. Read the relevant sections of Part IV carefully. To get an idea of property-owning democracies, consider the recommendations for essay 3 (below).

#### WEEK 5: Other institutions.

I leave this week somewhat open, to allow some space for any pressing questions and topics that arise during the course—please think about any topics you’d like to discuss. Some obvious candidates, from Rawls discussion in Part IV, are: the role of the family as an institution; what justice as fairness says about healthcare; or Rawls’s views on the role of political participation (Part V is also relevant here).

#### ESSAY QUESTIONS

- 1. Explain one of the objections to the principles of justice that Rawls considers in *Justice as Fairness*. How successful is his response?**

This essay should consider an objection that Rawls *explicitly* mentions and responds to (it doesn’t have to be one that is attributed to a specific person, though naturally it will be helpful to track down an original statement of the objection). This might be one of the direct objections discussed in Part II ‘Principles of Justice’ or an objection to the arguments for the principles in Part III ‘The Argument from the Original Position’ (so long as it is an argument against the *principles* and not against the original position argument as such).

The following might also be helpful:

1. Jon Mandle ‘Choice in the Original Position’, in *A Companion to Rawls*
2. Philippe Van Parijs ‘The Difference Principles’, in *The Cambridge Companion to Rawls* (CUP: Cambridge, 2003)

**2. What role does a social minimum play in Rawls theory of justice? Should it have a different or more substantial role?**

Rawls discusses one kind of social minimum at length in §34–40 though there are many relevant references to a social minimum in *Justice as Fairness*—hunt them down (for example: §13.5 n. 10, 38.3–4, 49.5, and 53).

Read:

1. Stuart White ‘[Social Minimums](#)’, *Stanford Encyclopedia of Philosophy*
2. Jeremy Waldron’s essay ‘John Rawls and the Social Minimum’ *Journal of Applied Philosophy* 3 (1986), pp. 21–33.

The following might also be helpful:

1. Philippe Van Parijs ‘Why Surfers Should be Fed: The Liberal Case for an Unconditional Basic Income’ *Philosophy & Public Affairs* Vol. 20, No. 2 (Spring, 1991), pp. 101–131.
2. Stuart White ‘Democratic Equality as a Work-in-Progress’ in *A Companion to Rawls*
3. Rodney Peffer *Marxism, Morality, and Social Justice* (Princeton University Press, 1990) [See also Peffer’s entry ‘Principle of Basic Needs’ in the *Cambridge Rawls Lexicon*, pp. 50–54]

**3. Is Justice as Fairness compatible with welfare capitalism?**

Be sure to begin by trying to get a detailed understanding of what welfare capitalism and a property-owning democracy are and how they differ.

Read:

1. Ben Jackson ‘Property-Owning Democracy: A Short History’ in Martin O’Neill and Thad Williamson (eds.) *Property-Owning Democracy: Rawls and Beyond* (Wiley-Blackwell: Oxford, 2012)
2. Martin O’Neill ‘Free (and Fair) Markets without Capitalism: Political Values, Principles of Justice, and Property-Owning Democracy’ in *Property-Owning Democracy: Rawls and Beyond*

The following might also be helpful:

1. Martin O'Neill and Thad Williamson (eds.) *Property-Owning Democracy: Rawls and Beyond* (Wiley-Blackwell: Oxford, 2012)
2. Samuel Freeman 'Property-owning democracy and the difference principle' *Analyse und Kritik* Vol. 35, No. 1 (2013) pp. 9–36.
3. Christian Schemmel 'How (Not) to Criticise the Welfare State' *Applied Philosophy* Vol. 32, No. 4, (2015) pp. 393–409

### SOME ESSAY ADVICE

Please pay close attention to the following advice, especially 1 and 2. They try to cater for the most common and most easily solved problems I find in students' essays. Please take them seriously.

1. *Explain*. In short: explain *everything*. It should be possible for an intelligent peer who hasn't studied philosophy to fully understand your essay without needing to read the authors you're writing about. So, for example: if you use a technical term or mention a concept that has particular significance for an author, make sure you clearly define/explain it. Similarly, for any argument or position you discuss, you must clearly explain it to your reader. This is partly because good academic writing should be explicit and easily understood, but this is not the only or even the main reason. Rather, your ability to explain the ideas you're discussing—clearly, precisely, and succinctly—is one of the principal things you're being assessed on. You might well know, say, what a categorical imperative is, but you need to *show* that you know it and how precisely you know it. Explaining even small, simple ideas well is a lot harder than you might think; don't underestimate how important it is, and how much work it takes.
2. *Justify*. Assume that for every claim you make, the reader is asking 'why should I believe that?' In a philosophy essay, there should always be an excellent answer to this question. You should consider this to be, above all else, your aim when writing an essay. The worst thing you can do is to make bold assertions without defending them, and the second worst is to make bold assertions and defend them weakly. Note that this includes interpretive claims: if you write 'Plato believes that p', you need to show your reader, perhaps by giving a supporting quote, that this is indeed something Plato believes.

*A bad essay:* 'p!'

*A good essay:* 'For reasons x, y, and z, it seems that p.'

*An excellent essay:* ‘Reasons x, y, and z give us good grounds for thinking that p, although someone might offer an objection along the following lines ... However, I think there is a promising response to this objection ...’

3. *Use headings.* Before you start writing, sketch a structure for your essay. When writing, use headings that reflect this structure. A typical essay might have 2–4 headings.
4. *First understand, then assess.* Be careful not to rush into criticisms of what you read before you’ve fully understood it. Approach everything you read with charity. That is, assume (since it’s likely) that the author has thought intelligently and carefully about what they’ve written, so is unlikely to have made obvious mistakes. For example, if you notice a *prima facie* objection to something you’re reading, read it again carefully to see if there’s a way to understand it that avoids the objection or try to think of a plausible implicit assumption the author might have made that caters for the objection.
5. *Go from general to particular.* The topics we’ll look at are broad. One could reasonably spend years writing hundreds of pages about them—you only have a few pages and one week. This presents a challenge: on the one hand, you want to cover the whole topic, showing that you’re familiar with all the major issues that arise; on the other hand, you want to do more than simply scratch the surface, never looking at anything in detail. This can be a difficult balance to achieve, but in general it is much better to *err on the side of detail*. A good approach might be to devote about the first third or half of your essay to a more general discussion and then use the last half or two-thirds to examine one or two smaller points in much greater detail—you might, for example, focus on one argument, premise, or objection that you think is especially important or interesting.
6. *Ensure your conclusions reflect your arguments.* You might have been taught that strong, persuasive prose requires confident assertions, rather than hesitant, qualified ones. This is not the case in philosophy: your assertions should reflect the actual degree of confidence that is warranted by the evidence you’ve provided. Decisive arguments are rare—even rarer are decisive arguments in just a few lines of a student’s essay. So be very careful not to mistake considerations that give us a good reason for believing that p for an argument that shows conclusively that p. A good essay is likely to have a large range of (appropriate) qualifying phrases: ‘this shows decisively that p’; ‘this is a strong reason to believe that p’; ‘this suggests that p’; ‘this makes it less implausible that p’; and so forth. Be especially careful with strong ‘success’ verbs like *refute* or *prove*.
7. *Use quotes.* Especially in historical subjects, including quotes from the relevant primary texts can be an excellent way to illustrate, justify, and give some

focus to your discussion. One way (of many ways) to use a quote would be the following: make a claim; present a quote that you think backs up the claim; and then explain and interpret the text of the quote in order to show that and why it backs up your claim. Two cautions: first, quotes from secondary sources are less useful; second, avoid using a quote as a way of *saying* something—rather, a quote should be presented as evidence *about which* you have something to say.