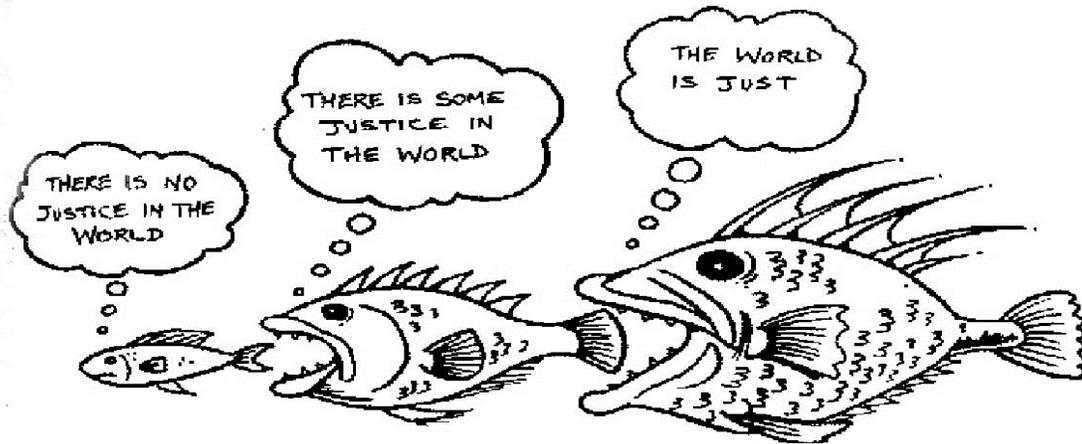


POLS 2710 Theories of Justice

Fall 2018, TR 11am-12:15pm

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Office hours: M 3-5pm,
T 2:15-3pm, R 2:15-3pm
& by appointment



Adapted from Robert Mankof, "The Peoples Choices," *The New Yorker*, July 25, 2013,
https://www.newyorker.com/cartoons/bob-mankoff/the-peoples-choices#slide_ss_0=4

Description

This class exposes students to different ways in which political theorists and practitioners in law and politics have attempted to answer the question: "What is justice?" We study a variety of theories of justice—ancient, modern, and contemporary. Readings include selections from Plato, Aristotle, Locke, Kant, Nozick, Rawls, Jane Addams, Joan Tronto, Kimberle Crenshaw, Charles Mills, and Amanda Fricker among others. These readings are punctuated by manifestos of groups that have experienced injustice from existing government and social institutions, Supreme Court cases, and op-ed pieces.

The course is organized into three parts. Part I considers: What are theories of justice for? Who creates or articulates them? Whom do they serve? Part II examines ancient and contemporary theories that treat justice in the context of associations or relations. Part III examines modern theories of justice that treat justice as a universal that is applicable to all individuals regardless of any relational context. Part IV turns to contemporary critiques of the modern liberal theories of justice that predominate in American political culture.

Our goal is to assess the potential of each theory for identifying and addressing injustice and progressing toward more just institutions and practices—in public and private spaces, regardless of race, gender, religion, and citizenship. We read with these questions in mind:

- To what problem of justice does the author respond?
- What remedies does the author suggest?

- What epistemology, or way of knowing about justice, does the author assume?
- Do the author's assumptions about justice serve some groups better than others?

Student Learning Outcomes

By the end of the course, you should be able to

- Describe key concepts in the theories of justice we study
- Compare and contrast the different theories of justice
- Identify the implications of each theory for groups in different positions in society
- Evaluate written and oral arguments and your own actions in light of different theories of justice
- Make persuasive theoretical arguments, supported with evidence from the texts, in both written work and oral presentations.

This course satisfies:

- a requirement for the Public Law concentration in the Political Science major and
- the Arts and Sciences Social Science core requirement, which sets forth these learning outcomes:
Students will acquire conceptual tools and methodologies to analyze and understand their social world. With these tools, they will be able to act in their world more effectively and become forces for positive change. They will gain a better understanding of human diversity. Students will be able to think and write critically about human behavior and community. They will become aware of the various methodological approaches used by social scientists.

Format & Requirements

The format is a structured discussion. Because this course focuses on ideas, which are to be understood and applied critically rather than memorized, the format emphasizes opportunities to process theories of justice through discussion and writing. Students will be expected to complete reading assignments before coming to class, participate in class discussions, and contribute to group writing and oral assignments. There will be occasional pop quizzes to encourage and check on familiarity with assigned readings. These will be part of the class participation grade.

At each regular class session, designated students will serve as "expert" discussants, responsible for raising questions about the reading assignment and commenting on questions raised by other students and by the instructor. Every student will serve as a discussant three or four times during the semester. This format places a great deal of responsibility on students. Those who do not complete reading assignments on time will not understand the class discussions and will not be able to contribute intelligently to them; neither will they be adequately prepared to write assigned essays and exams.

Each student will write two short papers, participate in tutorials, and take a mid-term exam and a final exam. Exams may have both oral and written components. There will be some opportunities to earn extra credit by attending and reflecting on designated events. Attendance at all class sessions is required. If you have to miss a class because of illness, university event, or some other good reason, please let me know--in advance if possible. *Your absence is not "excused" unless you also send me written responses to all study questions for the missed class by the beginning of the next class.* Finally, students are required to fill out a course evaluation at the end of the semester.

There is no required textbook for this class. All assignments are online or on electronic reserve in Pius Library. The electronic reserve password for this class is *justice*.

Grading

Grades will be determined as follows: class participation – 1/3, short papers - 1/3, exams - 1/3. Students who earn A- or above on the pre-midterm paper and on the mid-term exam, may opt out of the written component of the final exam and choose instead to write a longer post-midterm paper and take only the oral component of the final exam. For these students, grades will be determined this way: class participation-1/3, pre-midterm short paper, midterm exam and oral final exam 1/3, final paper– 1/3. There will be some opportunities during the semester to earn extra credit by attending and reflecting on designated events. Grade Scale:

A	93-100	B+	87-89	C+	77-79	D	60-70
A-	90-92	B	83-86	C	73-76	F	below 60
		B-	80-82	C-	70-72		

Tentative Schedule

Assignments may be adjusted depending on needs of the class.

Part I. What are theories of justice for?

Who creates or articulates them? For what purpose? Whom do they serve?

- 8/28 Introduction. View *A Jury of Her Peers* (Hitchcock version of Susan Glaspell's short story) in class, <https://www.dailymotion.com/video/x5ciuk8>, or <http://dai.ly/x5ciuk8> [A *Jury of Her Peers* starts about 1.5 minutes into the video.]
- 8/30 Mass of the Holy Spirit. Classes cancelled 11 am-12 pm. Write a one-page response (300 words maximum) to this question and email it to wynne.moskop@slu.edu, by 11 am: Did the "jury" in *A Jury of Her Peers* do the right thing? Why or why not?
- 9/4 Amanda Fricker, Excerpt on "Testimonial Injustice," from *Epistemic Justice*, pp. 17-29 (on electronic reserve (**ERes**) in Pius Library. **Password for this class is "justice."**)
- Kimberle Crenshaw et al, "Say Her Name: Resisting Police Brutality Against Black Women," http://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/560c068ee4b0af26f72741df/1443628686535/AAPF_SMN_Brief_Full_singles-min.pdf
- 9/6 Martha Nussbaum, "Poets as Judges," Ch. 4 in *Poetic Justice*. **ERes.**
- 9/11 *Utah v Strieff* (2016) https://www.supremecourt.gov/opinions/15pdf/14-1373_83i7.pdf. Read Thomas's opinion for the Court and Sotomayor's dissent.
- 9/13 *Trump v Hawaii* (2018), https://www.supremecourt.gov/opinions/17pdf/17-965_h315.pdf, selected excerpts from Roberts's opinion for the Court and Sotomayor's dissent.
- Read the U.S. Declaration of Independence (<https://www.archives.gov/founding-docs/declaration-transcript>), the U.N. Universal Declaration of Human Rights (<http://www.un.org/en/universal-declaration-human-rights/>), and at least two of the selected declarations listed on Blackboard for this class. All are from *Feminist Manifestos: A Documentary Reader*, edited by SLU WGS professor Penny Weiss; on **ERes**:
- 9/16 Email draft of paper #1 by 5 pm to instructor and students in your tutorial group.** This is a short paper, with a **1000-word limit**. In the tutorial session, you will read your paper out loud. Students should read all papers in their group before the tutorial and come prepared to discuss

each one. Students in each tutorial group are responsible for asking questions that will help the author clarify and defend the point of the paper, using evidence from relevant texts. See Blackboard for the detailed assignment.

9/18-20 Tutorial groups will meet. No class this week. **Final version of Paper #1 is due to instructor on 9/22 by 6 pm—via email, wynne.moskop@slu.edu.**

Part III. Historical Perspectives

A. Justice in relational contexts: Ancient and Contemporary

- 9/25 Plato, *The Apology*, <http://classics.mit.edu/Plato/apology.html>. You may want to watch this video to supplement the reading: *Man and the State: The Trial of Socrates*, Encyclopedia Britannica production, <https://www.youtube.com/watch?v=380KSdkV6zY> (30 min)
- 9/27 Aristotle, *Nicomachean Ethics*, excerpts, <http://classics.mit.edu/Aristotle/nicomachaen.html>
- 10/2 Aristotle, *NE*, continued.
Aristotle, *The Politics*, excerpts, <http://classics.mit.edu/Aristotle/politics.html>
- 10/4 Jane Addams, *Democracy and Social Ethics*, Chapters 5 and 7, <http://www.gutenberg.org/files/15487/15487-h/15487-h.htm>
- 10/9 Nancy Fraser, *Justice Interruptus*, "After the Family Wage: Gender Equity and the Welfare State," *Political Theory* (November 1994): 591-618. Pius Library electronic journal.

B. Modern universal justice: contract, utility, markets

- 10/11 John Locke, *Second Treatise of Government*, excerpts, <http://www.earlymoderntexts.com/assets/pdfs/locke1689a.pdf>
- 10/16 Midterm group oral exam**
- 10/18 No Class. Midterm take-home written component due by 1 pm.**
- 10/23 Fall Break**
- 10/25 Jeremy Bentham, *Principles of Morals and Legislation*, excerpt (ERes).
J.S. Mill, *On Utilitarianism*, excerpt, <http://www.earlymoderntexts.com/assets/pdfs/mill1863.pdf>
A short writing assignment for this class is posted on Blackboard.
Visitor from Reinert Center at end of class.
- 10/30 Immanuel Kant, *Groundwork of the Metaphysics of Morals*, excerpts, from Sandel
- 11/1 Milton and Rose Friedman, Free to Choose, http://www.ils.org.br/site/biblioteca/docs/Friedman_Milton_Rose_-_Free_To_Choose_-_A_Personal_Statement.pdf
- 11/6 John Rawls, *A Theory of Justice*, excerpt, Eres. Email summary of argument to wynne.moskop@slu.edu by 10:30 am. See Blackboard for detailed assignment.
- 11/8 Film, *A Theory of Justice: The Musical* (Music and lyrics by students at Oxford University). We'll view most of the film in class. Some short excerpts are available on line:

<https://www.youtube.com/watch?v=o9-fiYu0A-0>, <https://www.youtube.com/watch?v=IVu-aiWDk20>

11/13 Continue discussion of Rawls. Read:

Robert Nozick's critique of Rawls, excerpt from *Anarchy, State and Utopia*. ERes.

Ronald Dworkin, "Why Bakke Has No Case," *The New York Review of Books* (November 10, 1977), <https://www.nybooks.com/articles/1977/11/10/why-bakke-has-no-case/>

Part III. Critiques of Modern Justice

11/15 Joan Tronto, *Caring Democracy: Markets, Equality, and Justice*, excerpt. Eres.

Work on Paper #2. You may submit a rough draft until Friday, 11/16, 8 pm.

11/20 No class. Paper #2 due by noon to wynne.moskop@slu.edu.

11/22 Holiday

11/27 Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," <https://www.racialequitytools.org/resourcefiles/mapping-margins.pdf>

11/29 Charles Mills, "Racial Liberalism," *PMLA*, October 2008, 1380-1397.

View "Liberalism and Racial Justice," https://www.youtube.com/watch?v=KfYrXSPr_Zc.

12/4 Reading TBA

12/6 Review

Academic Integrity Syllabus Statement

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is "the pursuit of truth for the greater glory of God and for the service of humanity." Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service through which SLU embodies its mission. The University strives to prepare students for lives of personal and professional integrity and therefore regards all breaches of academic integrity as matters of serious concern.

The governing University-level Academic Integrity Policy was adopted in Spring 2015, and can be accessed on the Provost's Office [website](#).

Additionally, each SLU college, school and center has adopted its own academic integrity policies, available on their respective websites. All SLU students are expected to know and abide by these policies, which detail definitions of violations, processes for reporting violations, sanctions, and appeals. Please direct questions about any facet of academic integrity to your faculty, the chair of the department of your academic program, or the dean/director of the college, school or center in which your program is housed.

Specific College of Arts and Sciences Academic Honesty Policies and Procedures may be found [here](#).

Title IX Syllabus Statement

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination and harassment. If you have encountered any form of sexual misconduct (e.g. sexual assault, sexual harassment, stalking, domestic or dating violence), we encourage you to report this to the University.

If you speak with a faculty member about an incident of misconduct, that faculty member must notify SLU's Title IX coordinator, Anna R. Kratky (DuBourg Hall, room 36; anna.kratky@slu.edu; 314-977-3886) and share the basic fact of your experience with her. The Title IX coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

If you wish to speak with a confidential source, you may contact the counselors at the University Counseling Center at 314-977-TALK. View SLU's [sexual misconduct](#) policy.

Student Success Center Syllabi Statement

In recognition that people learn in a variety of ways and that learning is influenced by multiple factors (e.g., prior experience, study skills, learning disability), resources to support student success are available on campus. The Student Success Center assists students with academic related services, and is located in the Busch Student Center (Suite, 331) and the School of Nursing (Suite, 114). Students who think they might benefit from these resources can find out more about:

- Course-level support (e.g., faculty member, departmental resources, etc.) by asking your course instructor.
- University-level support (e.g., tutoring services, university writing services, disability services, academic coaching, career services, and/or facets of curriculum planning) by visiting the Student Success Center.

Disability Services Academic Accommodations Syllabus Statement

Students with a documented disability who wish to request academic accommodations are encouraged to contact Disability Services to discuss accommodation requests and eligibility requirements.

Please contact Disability Services, located within the Student Success Center, at disability_services@slu.edu or 314-977-3484 to schedule an appointment. Confidentiality will be observed in all inquiries.

Once approved, information about academic accommodations will be shared with course instructors via email from Disability Services and viewed within Banner via the instructor's course roster.