

Phil 4932 Rawls' Theory of Justice
Itamar Rosensweig
TR 4:30-5:45
The Straus Center for Torah and Western Thought

Phil 4932: Seminar: Rawls' Theory of Justice

This course is an in-depth seminar on John Rawls' *Theory of Justice*. We'll begin with a survey of the social contract tradition leading up to Rawls, including Hobbes and Locke, as well as Hume's criticism of the tradition. Then we'll read Rawls' *Theory of Justice* and analyze the core components of his theory: the original position, the veil of ignorance, the two principles of justice, the difference principle, and Rawls' conception of distributive justice. We'll also consider Rawls' criticism of utilitarianism and Rawls' Kantianism.

In addition to *Theory of Justice*, we'll read selections from Rawls' *Justice as Fairness: A Restatement* and *Political Liberalism*.

Throughout the course, we'll inquire into parallel questions in Jewish political thought: what makes a government just; when is political power legitimate; to what extent does political authority reside in the people; does the majority have a right to rule; what role do rights play in Jewish law; what distribution of resources is considered fair; what do we owe the poor; is the distribution of wealth and natural endowments considered to be arbitrary in Jewish thought?

I can be reached at meir.rosensweig@yu.edu.

Requirements:

In class participation (25%)
Weekly discussion board posts on canvas (25%)
Final Paper (50%), 12-14 pages

Books

All articles will be made available on canvas. You will need access to Rawls' *Theory of Justice* (Harvard, 1999). It is suggested that you have access to Rawls' *Justice as Fairness*, his *Political Liberalism*, and his *Law of Peoples*.

Unit 1 : Introduction to Rawls and the Social Contract Tradition

Samuel Freeman, *Rawls* (Routledge, 2007), Chapter 1.

Some background and supplementary reading on the social contract tradition:

[Hobbes's Social Contract Theory](#)

[Locke's Social Contract Theory](#)

Unit 2: Theory of Justice Chapter 1: the Main Ideas of the Theory of Justice

Theory of Justice, Chapter 1 (pp. 1 - 47)

Justice; classical utilitarianism; perfectionism; intuitionism; the priority problem; rightness and goodness

Unit 3: The Principles of Justice

Theory of Justice, Chapter 2 (pp. 48-101)

Institutions of justice; the two principles of justice; the difference principle; fair equality of opportunity; primary social goods as the basis of expectations; principles of rightness; the natural duties; the argument leading to the two principles of justice;

Justice as Fairness, Part I and II

Unit 4: The Original Position

Theory of Justice, Chapter 3 (pp. 102- 168)

The nature of the original position; the circumstances of justice; the priority of the right over the good; the veil of ignorance

Justice as Fairness, Part III: The Argument from the Original Position

Unit 5: Distributive Justice and the Difference Principle

Theory of Justice, Chapters 4-5

Freeman, "Rawls on Distributive justice and the Difference Principle" in Freeman, *Liberalism and Distributive Justice*

Freeman, "Property-Owning Democracy and the Difference Principle." in Freeman, *Liberalism and Distributive Justice*.

Samuel Fleischacker, *A Short History of Distributive Justice* (Harvard, 2004)

Unit 6: Charity and Distributive Justice in Jewish Law and Philosophy

Benjamin Porat, "Distributive Justice in Jewish Law"

"Charity", *Encyclopedia Judaica*

Jonathan Sief, "Charity and Poor Law in Northern Europe in the Middle Ages"

Unit 7: Public Authority, Self-Legislation, Government, and Majority Rule in Jewish Law and Philosophy

"Takkanot Hakahal"; "Takkanot"; "Public Authority"; "Majority Rule" in *Encyclopedia Judaica*

Unit 8: A Jewish Conception of Justice?

R. Hershel Schachter, Dina De-Malchuta Dina, *Journal of Contemporary Halacha*

Michael Broyde, [“Informing on Others”](#)

Unit 9: Rights and Duties in Jewish Law

Robert Cover, “A Jewish Jurisprudence of the Social Order” *Journal of Religion*

“Human rights” and “Human Dignity and Freedom” in *Encyclopedia Judaica*

Unit 10: The Institutions of Justice

Justice as Fairness, Part IV

Theory of Justice, Chapter 6

Unit 11: The Stability of Justice as Fairness

Justice as Fairness, Part V

Unit 12: Kantian Constructivism

Rawls, “Kantian Constructivism in Moral Theory,” (1980)

Samuel Freeman, “Kantian Constructivism and the Transition to Political Liberalism,” in Freeman, *Rawls*.

Rawls, *Lectures on the History of Moral Philosophy*, Chapter 6.