

The Later Rawls and his Legacy

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Dr. Attila Mráz

This advanced course surveys the focal topics of the later political philosophy of 20th c. American liberal philosopher John Rawls. It is a platitude that Rawls' philosophy serves as an unmatched common point of reference—foundation and / or target of criticism—for most of 20th c. Anglo-American political philosophy. This course specifically concentrates on the later part of his oeuvre, starting from the early 1990s and ending in the early 2000s. While even this later phase has already been treated as a seminal part of the *history* of political philosophy, it has also launched debates that still define the field today. This body of work inspires debates on the foundations of liberalism, the limits of pluralism within the state, the evaluation of capitalism and socialism, the possibility of maintaining a democracy in a capitalist society, as well as on the nature of human rights, the fate of the global political regime which is organized in the form of states, and the proper aims and constraints on state conduct in international relations, including the relationship of liberal states to non-liberal ones—to mention only a few. Accordingly, we focus only on such topics and problems in later Rawlsian political philosophy that are still (post-2010) subject to heated contemporary debates either because of their philosophical import or due to their significance in analyzing and evaluating current-day political problems—or for both of these reasons. Given the number and breadth of such topics and problems, however, we cannot tackle them all. In this course, we focus on the following questions, in particular:

- What liberties are “basic”? How far does their “priority” to other principles of justice allow for the realization of equality?
- Are capitalism and democracy reconcilable? How can the fair value of political liberties be guaranteed in a capitalist economy, if at all?
- What does political liberalism and democratic equality have to say about racially divided societies and racial justice?
- Is it possible in a genuinely pluralistic society to justify a political regime, in a relevant sense, to all members of that society? How?
- What regime of private property is justifiable? What is the difference between a capitalist democracy and a property-owning democracy, and how does the latter relate to socialism?
- What is the proper methodology of political philosophy? Is political constructivism a viable methodology? What is the underlying meta-ethics of political liberalism, if any? What is the role of ideal vs. non-ideal theory?
- What is the role of late Rawlsian political philosophy in shaping the contemporary history of philosophy, ideas, and political thought? How should his influence be evaluated: as a step forward or as a hindrance?

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DETAILED SCHEDULE AND READINGS:

Abbreviations used for primary sources:

PL = Rawls, John. (1993). *Political Liberalism*. New York: Columbia UP.

LP = Rawls, John. (1999). *The Law of Peoples*. Cambridge, MA, London, UK: Harvard UP.

JF = Rawls, John. (2001). *Justice as Fairness: A Restatement*. Ed. Erin Kelly. Cambridge, MA, London, UK: The Belknap Press of Harvard UP.

Where multiple secondary readings (i.e., texts on Rawls or Rawlsian problems, but not written by Rawls) are indicated, we will select some of them based on students' interests, in order to keep the reading load manageable.

I. Liberty, Equality, and Democracy

1. The Basic Liberties and Their Priority, Restricting Liberties

- *PL*, Lecture VIII: "The Basic Liberties and Their Priority," pp. 289–371.
- *JF*, § 30: "The Priority of the Basic Liberties", pp. 104–106; § 32: "The Equal Basic Liberties Revisited," pp. 111–115.

2. The Fair Value of Political Liberties

- *JF* § 45: "The Fair Value of the Equal Political Liberties", pp. 148–150; § 46: "Denial of the Fair Value for Other Basic Liberties", pp. 150–153; § 47: "Political and Comprehensive Liberalism: A Contrast", pp. 153–157; § 48: "A Note on Head Taxes and the Priority of Liberty", pp. 157–158; § 52: "Addressing Marx's Critique of Liberalism", pp. 176–179.
- Krishnamurty, Meena. (2013). Completing Rawls's Arguments for Equal Political Liberty and its Fair Value: The Argument from Self-Respect. *Canadian Journal of Philosophy* 43(2): 179–205. <http://dx.doi.org/10.1080/00455091.2013.816177>
- Wall, Stephen. (2006). Rawls and the Status of Political Liberty. *Pacific Philosophical Quarterly* 87(2): 245–270. <https://doi.org/10.1111/j.1468-0114.2006.00258.x>

3. Democratic Participation & Judicial Review

- *PL*, Lecture II: "The Powers of Citizens and Their Representation", pp. 47–88.
- *PL*, Lecture VI: "The Idea of Public Reason", § 6: "The Supreme Court as Exemplar of Public Reason", pp. 231–240.
- *JF* § 44: "Constitutional versus Procedural Democracy", pp. 145–148.
- Lafont, Cristina. (2020). *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy*. New York & Oxford: OUP. Ch. 6: "A Participatory Conception of Deliberative Democracy: Against Shortcuts", pp. 161–188; Ch. 8: "Citizens in Robes", pp. 219–242.

4. Racial Justice

- Shelby, Tommie. (2012). Race and Social Justice: Rawlsian Considerations. *Fordham Law Review* 72: 1697–1714.
- Mills, Charles W. (2013). Retrieving Rawls for Racial Justice? A Critique of Tommie Shelby. *Critical Philosophy of Race* 1(1): 1–27. <https://doi.org/10.5325/critphilrace.1.1.0001>
- Matthew, D. C. (2017). Rawls and Racial Justice. *Politics, Philosophy & Economics* 16(3): 235–258. <https://doi.org/10.1177/1470594X17717736>

II. Public Reason, Justification, and Legitimacy

5. A Political Conception of Justice, the Principle of Legitimacy

- *PL*, Lecture I: “Fundamental Ideas”, pp. 3–47.
- *JF*, §§9–10: “The Idea of Public Justification”, “The Idea of Reflective Equilibrium”, pp. 26–32.
- Friedman, Marilyn. (2000). John Rawls and the Political Coercion of Unreasonable People. In: Davion, Victoria & Clark Wolf (eds.), *The Idea of a Political Liberalism: Essays on Rawls* (pp. 16–33). Lanham: Rowman & Littlefield.
- Quong, Jonathan. (2011). *Liberalism without Perfection*. Oxford & New York: OUP. Ch. 10: “Unreasonable Citizens”, pp. 290–314.

6. Overlapping Consensus

- *PL*, Lecture IV: “The Idea of an Overlapping Consensus”, pp. 133–172.
- *PL*, Lecture IX: “Reply to Habermas”, §§ 1–2, “Two Main Differences”, “Overlapping Consensus and Justification”, pp. 373–396.
- *JF*, §11: “The Idea of an Overlapping Consensus”, pp. 32–38.
- Wendt, Fabian. (2016). The Moral Standing of Modus Vivendi Arrangements. *Public Affairs Quarterly* 30(4): 351–370.
- Mills, Claudia. (2000). “Not a Mere Modus Vivendi”: The Bases for Allegiance to the Just State. In: Davion, Victoria & Clark Wolf (eds.), *The Idea of a Political Liberalism: Essays on Rawls* (pp. 190–203). Lanham: Rowman & Littlefield.
- Rossi, Enzo. (2010). Modus Vivendi, Consensus, and (Realist) Liberal Legitimacy. *Public Reason* 2(2): 21–39. <https://www.publicreason.ro/pdfa/31>
- Arnsperger, Christian & Yanis Varoufakis. (2003). Toward a Theory of Solidarity. *Erkenntnis* 59: 157–188.

7. Public Reason and Religious Pluralism

- *PL*, Lecture VI: “The Idea of Public Reason”, pp. 212–254.
- Kis, János. (2012). State Neutrality. In: Michel Rosenfeld and András Sajó (eds.), *The Oxford Handbook of Comparative Constitutional Law* (pp. 319–335). Oxford: OUP.
- Larmore, Charles. (2006). Public Reason. In: Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (pp. 368–393). Cambridge, UK: Cambridge UP.
- Peter, Fabienne. (2007). Rawls' Idea of Public Reason and Democratic Legitimacy. *Politics and Ethics Review* 3 (1):129–143.
- Lafont, Cristina. (2020). *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy*. New York & Oxford: OUP. Ch. 7: “Can Public Reason Be Inclusive?”, pp. 191–218.

III. Private Property

8. Property Owning Democracy

- *JF*, §§ 41, 42: “Property-Owning Democracy: Introductory Remarks”, “Some Basic Contrasts between Regimes”, pp. 135–140; § 49: “Economic Institutions of a Property-Owning Democracy”, pp. 158–162; § 52: “Addressing Marx's Critique of Liberalism”, pp. 176–179.

- Freeman, Samuel. (2018). *Liberalism and Distributive Justice*. Oxford: OUP. Ch. 4: “Property-Owning Democracy and the Difference Principle”, pp. 138–165.
- O’Neill, Martin. (2012). Free (and Fair) Markets without Capitalism: Political Values, Principles of Justice, and Property-Owning Democracy. In: Martin O’Neill and Thad Williamson (eds.), *Property-Owning Democracy. Rawls and Beyond*. Oxford, UK–Malden, MA: Blackwell. pp. 75–100.
- Thomas, Alan. (2017). *Republic of Equals. Pre-Distribution and Property-Owning Democracy*. New York: OUP. Ch. 6: “A Liberal-Republican Economic System”, pp. 144–177; Ch. 8: “Property-owning Democracy versus Market Socialism”, pp. 216–254.

9. Liberal Socialism

- Edmundson, William E. (2017). *John Rawls: Reticent Socialist*. Cambridge, UK: Cambridge UP. Ch 1: “Conceptions of Property in the Original Position”, pp. 17–27; Ch. 2: “Property-Owning Democracy versus Liberal Socialism”, pp. 28–51; Ch. 9: “The Common Content of the Two Regimes”, pp. 128–138.

IV. Methodology

10. Contractualism, Constructivism and the Original Position

- *PL*, Lecture III: “Political Constructivism”, pp. 89–130.
- *JF*, §§ 6–8: “The Idea of the Original Position”, “The Idea of Free and Equal Persons”, “Relations between the Fundamental Ideas”, pp. 14–26.
- Scanlon, T. M. (2006). Rawls on Justification. In: Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (pp. 139–167). Cambridge, UK: Cambridge UP.
- Cohen, Joshua. (2015). The Original Position and Scanlon's Contractualism. In: Timothy Hinton (ed.), *The Original Position* (pp. 179–200). Cambridge, UK: Cambridge UP.

11. Ideal Theory, Non-Ideal Theory, Utopia

- *LP*, §1: “The Law of Peoples as Realistic Utopia”, pp. 11–23.
- Gaus, Gerald. (2016). *The Tyranny of the Ideal Justice in a Diverse Society*. Princeton & Oxford: Princeton UP. Ch. 1: “The Allure of the Ideal: Orienting the Quest for Justice”, pp. 1–41.
- Estlund, David. (2020). *Utopophobia: On the Limits (If Any) of Political Philosophy*. Princeton & Oxford: Princeton UP. Ch. 14: “The Fallacy of Approximation”, pp. 271–288.

12. Rawls’ Oeuvre as History of Philosophy

- Forrester, Katrina. (2019). *In the Shadow of Justice: Postwar Liberalism and the Remaking of Political Philosophy*. Princeton & Oxford: Princeton UP. Ch. 8: “The Limits of Philosophy”, pp. 239–269.
- Serpe, Nick. (2020). Liberalism After Rawls, with Katrina Forrester. *The Dissent Magazine*, March 19, 2020. https://www.dissentmagazine.org/online_articles/liberalism-after-rawls-with-katrina-forrester
- See also Sophie Smith, Historicizing Rawls. In the forthcoming special issue of *Modern Intellectual History* on “The Historical Rawls”. <https://www.cambridge.org/core/journals/modern-intellectual-history/article/historical-rawls-introduction/0ACBC577F3E2D1CF2E2701A9E2A3C7B8>,

<https://www.cambridge.org/core/journals/modern-intellectual-history/article/historicizing-rawls/7B0A0B791944A448A9F54F8644639052>

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Further Suggested Sources of (Secondary) Readings:

- Freeman, Samuel. (2010). *Rawls*. Oxford & New York: Routledge. [Very accessible, great background reading.]
- Freeman, Samuel (ed.). (2006). *The Cambridge Companion to Rawls*. Cambridge, UK: Cambridge UP. [One of the definitive collections of essays on Rawlsian philosophy, with several widely cited chapters.]
- Hinton, Timothy (ed.). (2015). *The Original Position*. Cambridge, UK: Cambridge UP. [A thematically more focused collection with leading authors.]
- Davion, Victoria & Clark Wolf (eds.). (2000). *The Idea of a Political Liberalism: Essays on Rawls*. Lanham: Rowman & Littlefield. [An older but thematically diverse collection, with lots of applications to real-world political problems.]

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Requirements:

- Active class participation, no more than 3 absences
 - Preparing 3 questions for each class concerning the readings set for that class
 - Writing a term paper (4000 words for PhD students, 2500 words for MA students) on a topic of your choice, approved by the instructor based on a written paper topic proposal.
- SUBMISSION DEADLINE: **December 08, 2021 (Wednesday) midnight.**