

Justice Online

A critical analysis of classical and contemporary theories of justice, including discussion of present-day applications. The course examines debates about justice prominent in moral and political philosophy, and invites students to subject their own views on these controversies to critical examination.

The principle readings for the course are texts by Aristotle, John Locke, Immanuel Kant, John Stuart Mill, and John Rawls. Other assigned readings include excerpts from Jeremy Bentham and contemporary writers such as Robert Nozick, Ronald Dworkin, Alasdair MacIntyre, Michael Sandel, and Michael Walzer.

All the readings are collected in an edited volume, *Justice: A Reader* (ed. Michael Sandel, Oxford University Press, 2007), which is available for sale from [Oxford University Press \(USA\)](http://www.oup.com/us/) (<http://www.oup.com/us/> search under Author for Sandel).

The first lecture will be released on Sept 19th after that 2 lecture videos will be released each week on the Justice Online website. Online discussions on the course blog as well as other information will also be available on the website. You can access the website directly at the following address < <http://justiceonline.harvard.edu> > or through post.harvard.edu.

COURSE OUTLINE

(Release Dates in Parenthesis)

I. Introduction

Lecture 1: Doing the right thing (*Reader*, pp. 3-7) (Sept. 19th)

Lecture 2: Matters of life and death (*Reader*, pp. 9-7) (Sept. 26th)

The Queen v. Dudley and Stephens (1884) (The lifeboat case)

II. Utilitarianism

Lecture 3: The greatest good for the greatest number (*Reader*, pp. 9-14) (Sept. 26th)
Bentham, Principles of Morals and Legislation, ch. I, IV

Lecture 4: Higher and lower pleasures (*Reader*, pp. 14-47) (Oct. 3rd)
J.S. Mill, Utilitarianism

III. Libertarianism

Lecture 5: Liberty and the minimal state (*Reader*, pp. 49-73) (Oct. 3rd)
Friedman, Free to Choose, ch. 5
Nozick, Anarchy, State, and Utopia, excerpts

Lecture 6: Liberty and self-ownership (*Reader*, pp. 73-82) (Oct. 10th)
Hayek, The Constitution of Liberty, ch. 6

IV. Locke: Property Rights

Lecture 7: John Locke: The right to property (*Reader*, pp. 84-97) (Oct. 10th)
Locke, Second Treatise of Government, ch. 1-5

Lecture 8: John Locke: Government by consent (*Reader*, pp. 97-126) (Oct. 17th)
Locke, Second Treatise of Government, ch. 7-11, 18-19

V. Markets and Morals:

Lecture 9: Markets and Morals: Military service (*Reader*, pp. 127-138) (Oct. 17th)
Calabresi and Bobbit, Tragic Choices, pp. 158-65
McPherson, Battle Cry of Freedom, pp. 600-11
Traub, "All Go Down Together"

Lecture 10: Markets and Morals: Surrogate motherhood (*Reader*, pp. 138-156) (Oct. 24th)
In the Matter of Baby 'M' (1987)
In the Matter of Baby 'M' (1988, N.J. Supreme Court)
Anderson, "Is Women's Labor a Commodity?"

VI. Kant: Freedom as Autonomy

Lecture 11: Immanuel Kant: Morality and freedom (*Reader*, pp. 158-199) (Oct. 24th)
Begin Kant, Grounding for the Metaphysics of Morals

Lecture 12: Immanuel Kant: The supreme principle of morality (same as above) (Oct. 31st)
Finish Kant, Grounding for the Metaphysics of Morals

Lecture 13: Immanuel Kant: Is lying always wrong (*Reader*, pp. 199-201) (Oct. 31st)
Kant, "On the Supposed Right to Lie"

VII. Rawls: Justice as Fairness

Lecture 14: The morality of consent (*Reader*, pp. 203-221) (Nov. 7th)
Rawls, A Theory of Justice
ch. I (sec. 1-6)
ch. II (sec. 11-14, 17)
ch. III (sec. 20, 24)
ch. IV (sec. 40)

VIII. Distributive Justice: Equality, Entitlement, Merit

Lecture 15: Equality and Inequality (*Reader*, pp. 223-226) (Nov. 7th)
Rawls, A Theory of Justice
ch. V (sec. 41, 48)
ch. VII (sec. 68)
ch. IX (sec. 79, 84, 87)

Lecture 16: Equality, effort, and merit (*Reader*, pp. 226-235) (Nov. 14th)
Nozick, Anarchy, State, and Utopia, excerpt

IX. Affirmative Action: Reverse Discrimination?

Lecture 17: Arguing affirmative action (*Reader*, pp.237-262) (Nov. 14th)
Bernstein, "Racial Discrimination or Righting Past Wrongs?"
Hopwood v. State of Texas (1996)
Grutter v. Bollinger (2003)
Dworkin, "Bakke's Case: Are Quotas Unfair?"
Morley, "Double Reverse Discrimination"
Brus, "Proxy War: Liberals Denounce Racial Profiling. Conservatives Denounce Affirmative Action. What's the Difference?"

X. Aristotle I

Lecture 18:Aristotle: Giving people their due (*Reader*, pp. 264-299) (Nov. 21st)
Aristotle, *The Politics*, Bks. I, III (ch. 1-13)
Aristotle, *Nicomachean Ethics*, Bks II (ch. 1-3), X (ch. 1-3)

XI. Ability, Disability, and Discrimination:

Lecture 19: Ability, Disability, and Justice (*Reader*, pp. 301-313) (Nov. 21st)
Presley, "A Safety Blitz; Texas Cheerleader Loses Status"
Sandel "Honor and Resentment"
Ryan, "Sorry, Free Rides Not Right"
Kite, "Keep the PGA on Foot"
PGA Tour, Inc. v. Martin (2000)

XII. Aristotle II

Lecture 20: Aristotle Politics, Justice and Virtue (*Reader*, pp. 264-299) (Nov. 28th)
Review: Aristotle, The Politics, Bks. I, III (ch. 1-13)
Aristotle, Nichomachean Ethics, Bks II (ch. 1-3), X (ch. 1-3)

XIII. Justice, Community, and Membership

Lecture 21: The claims of community (*Reader*, pp. 315-334) (Nov. 28th)
MacIntyre, *After Virtue*, ch. 15
Sandel, *Democracy's Discontent*, pp. 7-17

Lecture 22: Is loyalty a virtue? (*Reader*, pp. 335-342) (Dec. 5th)
Walzer, *Spheres of Justice*, pp. 6-10, 86-91, 312-314

XIV. Moral Argument and Liberal Toleration:

Lecture 23: Morality and Law: Debating same-sex marriage (*Reader*, pp. 343-384) (Dec. 5th)
Rawls, *Political Liberalism*, pp. 3-15, 29-35, 144-58
Sandel, "Political Liberalism"
Goodridge v. Dept. of Public Health (2003)

Lecture 24: Justice, Morality, and Law (*Reader*, pp. 383-410) (Dec. 12th)
Kinsley, "Abolish Marriage"
Finnis, "Law, Morality, and 'Sexual Orientation'"
Macedo, "Homosexuality and the Conservative Mind"
West, "Universalism, Liberal Theory, and the Problem of Gay Marriage"