

RCAH 192 Proseminar

Understanding Justice in Theory and Practice through Philosophy, Literature and Film

Monday and Wednesday, 3:00-4:20 PM Snyder C302 Section 002	Instructor: Stephen L. Esquith Office Hours: by appointment Spring 2014
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In this proseminar we will investigate the idea of justice from an interdisciplinary and global perspective. One of the four cornerstones of the curriculum of the Residential College in the Arts and Humanities is ethics. Ethics covers many moral values, problems, and issues, but arguably one of the most important is justice. RCAH students, faculty, and staff are committed to the arts and humanities for the common good and to civic engagement that advances social justice. What exactly do we mean by this?

The idea of justice has a long history, but there remain strong disagreements about its meaning and even its value. Through our study of some of these competing conceptions of justice in philosophy, literature, and film, we will develop our own views of the idea of justice. What should it mean for us today, and how should it be pursued in practice?

Readings will be drawn from the philosophical writings of Plato, Aristotle, Immanuel Kant, John Stuart Mill, Karl Marx, Emma Goldman, Franz Fanon, John Rawls, and Virginia Held; and the fiction of Jorge Luis Borges, José Saramago and J. M. Coetzee. We will also view two films, *Modern Times* directed by Charlie Chaplin and *The Battle of Algiers* directed by Gillo Pontecorvo.

These are challenging texts and films. They require your full attention and they have to be re-read and re-viewed. Don't be discouraged if you find them confusing or difficult to understand the first time around. Read slowly and watch carefully. Our goal is to use these resources to sharpen our own critical skills and sense of justice so that we are better prepared when we are confronted with what appears to us as injustice in the world.

Texts

The following three books should be purchased for the course.

- Jonathan Westphal, ed., *Justice* (Hackett, 1996), #087220345X
- José Saramago, *The Cave*, trans. Margaret Jull Costa (Harcourt, 2002), #0156028794
- J.M. Coetzee, *Disgrace* (Penguin, 1999), #0140296409

In addition, there will also be short required readings posted on the ANGEL site for the course.

Learning goals

RCAH students will learn several related skills and competencies during the semester. Specifically, you will improve your ability

- to analyze, interpret, and discuss alternative representations of justice
- to understand views of justice different from your own
- to compose your own views of justice
- to understand the relationship between the idea of justice and the existence of injustice in the world

Classroom Format

The format for this course will be a seminar discussion in which we are learning how to conduct this kind of discussion as we participate in it. Hence, the name “proseminar” for a small discussion-based class in which students learn the skills of dialogue that they will need in future upper level RCAH classes and seminars.

Students have the responsibility to come to class fully prepared to discuss the material assigned for that day. This means doing the assigned readings in advance, but also preparing questions of your own about the readings and films, listening closely to the views of others in class, leading discussions when it is your turn, and generally participating actively in discussions on a regular basis.

Assessment of Student Learning

Class participation. Because dialogue and discussion are such important parts of this proseminar, students will be evaluated on the quality of their regular participation in class discussions. Quality is measured by how well-informed student comments and questions are, how relevant they are to the topics under discussion at the time, and how effective they are in moving the classroom conversation forward in a thoughtful way.

Class presentation. Each student will make an individual class presentation on a topic chosen in prior consultation with the instructor. Guidelines and an evaluation rubric for the class presentation will be distributed early in the semester before the first presentation. The presentations will focus on applying particular theories and representations of justice to practical cases. For example, what are the rights of protestors against sweat shop owners according to John Stuart Mill's theory of justice, and do you agree or disagree?

Short Reflection Papers. These short papers will be written in-class on our readings, films, and discussions. They will be focused on how we might apply the insights of our authors and directors to contemporary problems of justice and injustice. There will be a practice reflection paper early in the semester. Then, students will write five short reflections during the rest of the semester, and they will be able to drop the lowest grade of the five.

Final Assignment. Students have a choice between writing a philosophical essay, writing a piece of short fiction, or making a short film. Within these very broad constraints, the specific topic (for example, freedom of speech, privacy and national security, poverty, the rights of immigrants or migrant workers, the rights of surrogate mothers) can vary considerably. For example, the philosophical essay can be a comparison of two or more philosophical views of justice we have studied. The fiction can be a single short story or a set of shorter prose pieces. The film can be a documentary, a silent movie, or an animated film. The topic and how it will be addressed must be approved in advance by the instructor. More detailed guidelines will be distributed later in the semester.

Final course grades will be determined according to the following percentages.

- Class participation 20%
- Class presentation 20%
- Short reflection papers (4 @ 5% each) 20%
- Final assignment 40%

Policy on Academic Freedom and Integrity

Article 2.3.3 of the *Academic Freedom Report* states that "the student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards." In addition, the University's *General Student Regulations* 1.0, Protection of Scholarship and Grades, and the all-University Policy on Integrity of Scholarship and Grades, which are included in *Spartan Life: Student Handbook and Resource Guide*, apply to student conduct in all RCAH courses.

Policy on Accommodations for Students with Disabilities

Students with disabilities should contact the Resource Center for Persons with Disabilities to establish reasonable accommodations. For an appointment with a counselor, call 353-9642 (voice) or 355-1293 (TTY).

Policy on religious observance

Please inform me within the first two weeks of the semester if you will need to miss class for religious observance so that we can work out alternative arrangements.

Calendar of Topics, Common Readings, and Assignments

I. The Luck of the Draw and the Beauty of Harmony

Mon, Jan 6: Randomly assigning variable rewards for the work we do or randomly punishing people for crimes committed seem blatantly unjust to us today. Yet we are quite willing to award large amounts of money that could determine someone's life prospects to randomly selected lottery winners. Why does one lottery seem unjust and the other permissible, if not entirely just? And, is there a 'natural' lottery in talents and skills which we are born with, and if so, are its results just or in need of correction? What should be left to the luck of the draw and what shouldn't?

Jorge Luis Borges, "The Lottery in Babylon," Westphal, pp.1-6

Wed, Jan 8: Is justice simply what is in the interests of the stronger, or at least what the stronger believe is in their interests? In common parlance, does might make right? Plato, speaking through the voice of Socrates, argues that it does not. Do you agree?

Plato, "Justice," Westphal, pp. 37-57

Mon, Jan 13: Plato then proposes a radical alternative: justice refers to the harmony that ought to reside in the human soul and that is mirrored in the class relations of a just city. Is this a fanciful idea, or is Plato right and we should look deep into ourselves and our social structures to find the most stable and harmonious order, not just the order that the strongest prefer or that serves their interests?

Plato, "Justice," Westphal, pp. 57-72

Wed, Jan 15: Instead of looking deeper into ourselves, we might try to observe the variety of ways in which we use the concept of justice to describe persons, actions, and political orders. Instead of one universal ideal of justice, there may be many forms of justice depending upon the particular circumstances that exist and the different special functions that the concept of justice can serve. For Aristotle, in one sense justice refers to the honors and rewards that ought to go to those who carry out their particular functions most excellently. A just ruler, for example, is someone whom we honor with the rewards attached to this office because he or she is the best person for this particular job. However, even though Aristotle resisted Plato's belief in a single ideal of justice as soulful and social harmony, he still is drawn to the ideal of a single good which the just person and a just society should aim at.

Aristotle, "Justice," Westphal, pp.73-94

Practice Short Reflection Paper

Mon, Jan 20: Martin Luther King, Jr. Day. As we celebrate this national holiday in honor of Martin Luther King, Jr. it is altogether fitting to read his famous essay on justice. What is King's view of justice, and how does it compare to the views of Plato and Aristotle?

Martin Luther King, Jr., "Letter from Birmingham Jail," ANGEL

Wed, Jan 22: What happens to a just person in an unjust society? What will doing the right thing mean in practice? Plato, looking at the life of his teacher Socrates, believed that at least some just persons are in mortal danger when they question injustice. On the other hand, he also thought that they have an obligation to try to educate those who have not yet seen the light. In his 2000 novel *The Cave*, José Saramago elaborates on the Platonic myth of the cave tells the story of an entire family struggling to do the right thing in a world of shadows, misleading slogans, and the arbitrary authority of “The Center.” How does this family respond to injustice? How do they differ from Plato’s just person who has seen the light and re-entered the cave? What does justice mean in the context of Saramago’s ‘cave’? And, do we inhabit a Platonic or Saramaguan cave ourselves – for example, is the Internet a kind of 21st century cave?

Plato, “The Myth of the Cave,” ANGEL

José Saramago, *The Cave*, pp.1-113

Mon, Jan 27:

José Saramago, *The Cave*, pp.114-209

Wed, Jan 29:

José Saramago, *The Cave*, pp. 210-307

1st Short Reflection Paper

II. Liberty, Equality, and Care

Mon, Feb 3: Individual liberty is the most common synonym for justice in liberal democratic societies. But, liberty can mean many things. For the philosopher Immanuel Kant it meant not merely acting without external impediments but the ability to act on principles that you give to yourself and that respect the same capacity for “autonomy” in other rational beings. Moral persons, according to Kant, have a duty to act intentionally *for the sake of* this rational capacity, not just a legal right to do so. Justice on the other hand for Kant refers to a legal and political order that makes it possible for individuals to act autonomously and respect the autonomy of others.

Immanuel Kant, “The Moral Law,” ANGEL

Wed, Feb 5

Immanuel Kant, "A Definition of Justice," Westphal, pp.149-156

Mon, Feb 10: Like Kant before him, John Stuart Mill placed liberty at the center of his theory of justice. And also like Kant, liberty for Mill was not merely the freedom to do whatever one wishes with one's own body and property without interference from others or the state. For Mill liberty refers to the freedom to act as a "progressive being," that is, someone whose individuality and freedom of thought and action contribute to the greatest happiness for the greatest number, or what Mill called utility. Mill then argues that justice derives its moral value from its contribution to utility in this enlarged sense

John Stuart Mill, "On Liberty," ANGEL

Wed, Feb 12:

John Stuart Mill, "On the Connection between Justice and Utility," Westphal, pp. 157-177

Mon, Feb 17: Like Kant and Mill, John Rawls also values liberty as a central component of his theory of justice. However, he balances this with a concern for equality in terms of equality of opportunity and a limit on inequality in what he calls "primary goods" (income, wealth, liberty, opportunity, and self-respect). Justice for Rawls is "the first virtue of the basic structure" of society. His distinctive contribution to the idea of justice, however, is the procedural approach that he develops. Unlike Plato, Aristotle, Kant, and Mill – all of whom recommended a substantive conception of justice, albeit different ones – Rawls' main concern is to provide a procedure that persons holding different substantive conceptions of justice like these will agree to use to design the basic structure of a "well-ordered society." Instead of invoking a universal ideal of harmony, a universal moral law, or a universal principle of happiness, Rawls describes how we can step behind a "veil of ignorance" into what he calls "the original position" and all agree upon more general principles of liberty and equality appropriately suited to our particular circumstances.

John Rawls, "Principles of Justice," Westphal, pp.22-36

2nd Short Reflection Paper

Wed, Feb 19: Robert Nozick rejects the very notion of distributive justice that Rawls and to a lesser extent Mill advocated. He argues that the marketplace, not the state ought to govern the “holdings” of goods in society. Any attempt to impose a “patterned” distribution of these goods, (primarily property) will violate individual liberty. It will either force people to do things that they would otherwise choose not to do with their property or keep others from accepting things that others would choose to give to them.

Robert Nozick, “Distributive Justice,” Westphal, pp.7-21

Mon, Feb 24: Feminist philosophers have sometimes argued that theories of justice that propose principles for action and principles to regulate the basic structure of society ignore a vitally important part of moral life. Throughout our lives we are dependent upon others and upon social institutions to provide care for us, and we in turn have responsibilities to care for others. We should not reduce these care relationships to the rights and duties of justice. Virginia Held describes this complex dynamic between justice and care.

Virginia Held, “The Ethics of Care,” ANGEL

Wed, Feb 26: One area that theories of justice have had a great difficulty with is what is known as historical injustice. For example, should native people receive compensation from settlers who have taken their land? Or, should the descendants of enslaved people receive reparations for the disadvantages that slavery created for their ancestors and themselves? Jeff Spinner-Halev argues that the modern liberal tradition of distributive justice cannot furnish a completely satisfactory answer to questions like these because of its focus on the past and on individual rights and duties. He proposes a more forward-looking conception of responsibility grounded in the importance of “shared space.”

Jeff Spinner-Halev, “From Historical to Enduring Injustice,” ANGEL

3rd Short Reflection Paper

Monday, Mar 3 - Friday, Mar 7: Spring Vacation

III. Basic Needs and Meaningful Work

Mon, Mar 10: *The Communist Manifesto* written by Karl Marx and Frederick Engels in 1848 presents in a straightforward way their comprehensive critique of 19th century capitalist society and a transitional program for establishing a more just socialist society. Among the injustices of capitalism, they argue, is the exploitation of workers (“the proletariat”) by the owners of the means of production (“the bourgeoisie”). According to Marx and Engels, this exploitation is embedded at the very core of the capitalist wage labor system. As wages are driven down, the proletariat becomes impoverished and a mere “appendage to the machine.”

Karl Marx and Frederick Engels, *The Communist Manifesto*, ANGEL

Wed, Mar 12: *The Communist Manifesto* predicts that capitalist societies will ultimately contain the seeds of their own destruction. The proletariat will become more organized and recognize that its interests and the interests of the bourgeoisie are irreconcilably opposed. In an 1875 letter to other socialists and posthumously published as *Critique of the Gotha Program*, Marx distinguished between two conceptions of justice that ought to guide the transition from capitalist society to a more just social order. During the early stage of the transition workers ought to be rewarded according to their labor contribution, not the market value of the labor, and then once production has reached a certain level, the principle of “from each according to his ability, to each according to his need” should be institutionalized.

Karl Marx, *Critique of the Gotha Program*, Westphal, pp.178-182.

Mon, Mar 17: In addition to the injustice of wage-labor exploitation, Marx argued that the proletariat were estranged or alienated from their labor under capitalism. In his unpublished “Economic and Philosophic Manuscripts” written in 1844, Marx explored this problem in detail, and it remained an integral part of his critique of capitalism throughout the rest of his life.

Karl Marx, “Estranged Labor,” ANGEL

Wed, Mar 19: This Depression-era silent film is considered Charlie Chaplin’s most accomplished political film. The main character, “The Little Tramp,” endures a series of hardships and injustices, some of them variations on the problem of estranged labor that Marx

described. [This also would be a good time to revisit Saramago's *The Cave* to compare his treatment of craft labor with Marx's and Chaplin's critiques of industrial labor.]

Charlie Chaplin, *Modern Times*

Mon, Mar 24: Alienated Labor

Charlie Chaplin, *Modern Times*

4th Short Reflection Paper

Wed, Mar 26: A radical feminist and anarchist, Emma Goldman expanded the Marxist critique of industrial capitalism to include sexual and psychological dimensions of oppression. In her 1913 essay, "Victims of Morality," Goldman describes some of the ways in which conventional morality unjustly "condemns woman to the position of a celibate, a prostitute, or a reckless, incessant breeder of hapless children."

Emma Goldman. "Victims of Morality," ANGEL

IV. Revolution and Reconciliation

Mon, Mar 31: A psychiatrist and member of the Algerian National Liberation Front that battled France for independence from 1954-62, Franz Fanon's writings on the relationship between revolution and violence opens up an important chapter in the theory of justice and the struggle against injustice. How deeply does the unjust colonization of native populations penetrate the very consciousness of these people? What does colonization do to their capacity for self-respect? What must be done to "cleanse" them of this unwanted burden?

Franz Fanon, *The Wretched of the Earth*, ANGEL

Wed, April 2: Gillo Pontecorvo focuses on one period during the Algerian War of Independence, the battle between insurgents and counter-insurgents over one part of the city of Algiers, the Casbah, in 1954-57. He does not shy from atrocities committed on both sides against civilians. While the film was banned for five years in France because of its alleged sympathy for the Algerian National Liberation Front, it was also screened by the US Department of Defense in 2003 as part of its training program for US forces in Iraq.

Gillo Pontecorvo, *The Battle of Algiers*

Mon, April 7:

Gillo Pontecorvo, *The Battle of Algiers*

Wed, April 9: The transition from the unjust apartheid regime in South Africa to a more just society in 1994 did not involve the protracted violence experienced by Algerians during their war of independence. However, subsequent reconciliation between whites and blacks in South Africa has been a difficult and sometimes violent process. The redistribution of economic wealth has not accompanied the reorganization of political power, and this has led to resentment, anger, and a continuing debate over exactly what justice requires in the post-apartheid era. Author J. M. Coetzee's novel *Disgrace* published in 1999 probes this difficult topic through the story of a father, his daughter, and the people they live with and depend upon in the new South Africa. Coetzee weaves the violence of personal relationships and the larger social transformations occurring in post-apartheid South Africa together in a disturbing and painfully stark way.

J.M. Coetzee, *Disgrace*

Mon, April 14:

J.M. Coetzee, *Disgrace*

Wed, April 16:

Review

5th Short Reflection Paper

Mon, April 21: Final Assignment Workshop

Wed, April 23: Final Assignment Workshop

Mon, April 28: Final Assignment Due, 3-5 PM