

POLS 1821C

Economic Freedom and Social Justice

Professor John Tomasi

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The Topic:

This course explores the relationship between economic freedom and social justice. The economic liberties of capitalism have often been said to be in tension with the moral ideal of distributive justice. What are the economic liberties of capitalism and what moral value, if any, do they have? What does a commitment to social justice require and what, if anything, might motivate one to affirm social justice as an institutional ideal? Our discussions will be based upon a book manuscript by the instructor that is entitled *Market Democracy: Property, Equality, and the American Dream*. This book seeks to show how economic freedom and social justice might be brought together into a unified philosophical framework.

The Requirements:

1) Weekly Seminars. This is a demanding, reading intensive senior seminar. Students should expect to devote at least five hours of reading time per week in preparation for seminar. Every student is expected to participate verbally in every seminar meeting. (This is not a course for the strong, silent type). 2) Seminar Presentation. Each student will work in a team to prepare one brief presentation to launch the seminar discussion each week. 3) Term Paper. Each student will write a 15-20 page seminar paper.

The Schedule:

Part I. Market Democracy

Introduction to the Course

Reading: John Tomasi *Market Democracy: Property, Equality, and the American Dream*, Introduction.

The Moral Status Quo: Economic Liberty vs. Social Justice

Market Democracy: Chapters 1-3.

Constitution Day Event

4.00-6.00pm, Salomon 101

“Free Speech? Citizens United v FEC Revisited,” Speakers Lawrence Lessig and Bradley Smith

What Is Market Democracy?

Market Democracy Chapter 4.

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Basic Rights: Freeman, *Rawls* "Liberalism, Democracy, and the Two Principles of Justice" in *Rawls* 43-85.

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John Rawls *Justice as Fairness* (Cambridge, MA: Harvard University Press, 2001)
"The Priority of the Basic Liberties" 104-106; "The Equal Basic Liberties Revisited"
111-115.

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Recommended: John Rawls *Political Liberalism* (New York: Columbia University Press, 1993) "The Basic Liberties and Their Priority" 289-340.

Part II. Economic Freedom

The History of Property Rights in America

James W. Ely *The Guardian of Every Other Right: A Constitutional History of Property Rights* (1998, second edition).

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Recommended: Honore "Ownership."

The Moral Value of Economic Liberty

Gerald Gaus "Property, Rights, and Freedom"

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Daniel Shapiro "Liberalism, Basic Rights, and Free Exchange."

Are Economic Rights Basic Rights?

James Nickel "Economic Liberties" in *The Idea of a Political Liberalism: Essays on Rawls* (New York: Rowman and Littlefield, 2000);

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Jason Swadley "Economic Liberties and the High Liberal Tradition" (working manuscript by Brown PhD candidate).

If Property Is So Good, Shouldn't Everybody Get Some?

Zak Beauchamp "The Worth of the Economic Liberties" (working manuscript by Brown undergrad, '10).

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Michael Levy "Illiberal Liberalism: The New Property as Strategy" *The Review of Politics*, Vol. 45, Issue 04, Oct 1983, pp 576-594, Cambridge University Press.

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Recommended: C.B. Macpherson "Human Rights as Property Rights" and "Property as Means or End" from *The Rise and Fall of Economic Justice and Other Essays* (Oxford University Press, 1985).

Attitudes Toward Property: The Ideological Terrain

Loren Lomasky "Two Concepts of Liberalism" from *Persons, Rights and the Moral Community*

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Samuel Freeman "Illiberal Libertarians: Why Libertarianism is not a Liberal View" *Philosophy & Public Affairs*.

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Recommended: "Libertarianism" The Internet Encyclopedia of Philosophy
<http://www.iep.utm.edu/libertar/>.

Part III. Social Justice

What Is Social Justice?

Samuel Fleischacker *A Short History of Distributive Justice* (Cambridge, MA: Harvard University Press), 2004.

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Recommended: Will Kymlicka *Contemporary Political Philosophy: An Introduction* (New York: Oxford University Press, 2002). Chapter 3, "Liberal Equality."

The Difference Principle

Samuel Freeman "The Second Principle and Distributive Justice" and "Just Institutions" in *Rawls* pp. 86-140, 199-235.

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Philippe van Parijs "Difference Principles" *The Cambridge Companion to Rawls*, Samuel Freeman (ed.) (New York: Cambridge University Press, 2002).

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Recommended: Derek Parfit, "Equality or Priority?" (Appendix on Rawls) in *The Ideal of Equality*, Matthew Clayton and Andrew Williams (eds.) NY: St. Martin's Press, 2000.

Social Justice versus Spontaneous Order?

F.A. Hayek "The Use of Knowledge in Society" (*American Economic Review*, XXXV, no. 4 September, 1945, 519-30.)

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F. A. Hayek *Law, Legislation and Liberty Volume 2: The Mirage of Social Justice* [Chicago: University of Chicago Press, 1978 (1976)] Preface and Chapters 7-9, pp. xi-xiii, 1-106.

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Recommended: Tomasi *Market Democracy* "Chapter 5: Social Justicitis."