

## Advanced Paper in Theories of Justice 2022/23

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### A. Course Information

#### Tutorials

This course explores some of the most important debates in contemporary political theory, by examining questions that arise when we broaden the focus of justice beyond the confines of adults who are contemporaries, lack any illness or disabilities, and live in a single society with no history of injustice.

We will have **eight tutorials**, and so cover eight topics, the first four of which I have already allocated. There is a choice of topics for the final four weeks.

You are expected to write **six essays** on six topics of your choice among those we cover. In the weeks that you are not writing an essay, you should still do the reading, and must submit a brief essay plan (around one page) instead of an essay.

Essays should be around **2,000 words** (2,500 words maximum) and must be emailed to me by **7pm on the day before the tutorial**. They should include a bibliography of everything that you've read, and footnoted references where appropriate. Essays should also be emailed to your tutorial partner, so that they can read through them before the tutorial.

In each tutorial, one of you will give a **five minute presentation** of your essay. I would suggest that you read out your introduction, summarise the argument of each paragraph, and then read out your conclusion. The student who does not present will respond to the argument, raise questions etc., and we will then have a discussion based on the issues that are raised. In advance of the tutorial, please think about what you would say if you gave the presentation. Checking that you are able to summarise the key arguments that you make in an essay is a good way to ensure that it is cogent and coherent.

#### Essay questions and reading suggestions

Essay questions and reading suggestions for our first four topics are given below. There is a choice of essay questions each week, and you are free to choose whichever question you prefer.

We will be using the department's reading list for this paper. I give guidance below on which readings to particularly focus on each week. Sometimes this guidance is for specific questions. I have listed those readings in the order that I suggest that you read them in.

**To be clear, it is rarely *sufficient* to do the reading that I suggest below;** I make these suggestions only to help you start with the most important readings. You should still look at the department's list yourself and pick out further readings that look interesting and relevant.

The final section of this syllabus lists sample questions for the optional topics.

#### Essay tips

Essays should be focused on the specific question asked and provide a clear answer to that question.

The aim is not to write everything you possibly can about a topic, but to give a focused and coherent answer to the specific essay question. This requires you to present and defend a thesis: it is important that you make an argument, rather than just presenting several sides of a case. For some questions, in order to remain focused, you may need to narrow down the question to one of several possible interpretations.

Your essays should begin with a clear introduction, in which you briefly state your answer to the essay question and summarise how your explanation and defence of that answer will develop through the course of the essay.

Please include a bibliography that lists everything you read for that week's essay – even if you do not directly reference all of those pieces within the essay itself.

### **Lectures**

The department runs a lecture series throughout Michaelmas and Hilary terms. These lectures give an excellent overview of the topics covered in the course. I would encourage you to attend them (or to attend them next academic year, if you didn't attend them this year).

### **Contacting me**

If you have any problems or questions then please email me. If you are struggling with the workload at any point then please get in touch in advance of that week's tutorial. Please also get in touch if there is an item on the reading list that you are struggling to locate.

## B. Essay questions

### 1. Justice and migration (Topic I.3 on DPIR reading list)

Core readings this week: Wellman & Cole 2011; Miller 2016; Carens 2013; Fine 2010.

- The key chapters of Carens for the questions below are chs. 11 and 12 (plus ch. 10 if you want to think about refugees in particular).
- Fine is a response to Wellman, so it is strongly recommended that you read Wellman before reading Fine.
- Hosein 2019 provides a helpful overview and discussion of various arguments in the literature, so is a useful additional resource. Chs. 1 and 2 are the most relevant to the first two questions below; ch. 5 is relevant to the third question.

Essay questions:

- On what grounds, if any, may states permissibly restrict immigration?
- How should we strike a balance between the rights of political communities to be self-determining and the rights of individuals to freedom of movement?
  - Recommended reading: Oberman 2016.
- Can states justifiably refuse entry to migrants seeking to escape poverty?
  - Recommended reading: Wellman, Miller, Carens, and Hosein chapters on refugees; Gibney 2018; Stemplowska 2016.

Past exam questions:

- ‘The citizens of a country have a right to choose with whom to associate and thus have a right to limit all immigration into their country if they so wish’. Discuss. (Sample paper)
- How should we strike a balance between the rights of political communities to be self-determining and the rights of individuals to freedom of movement? (2017)
- Is there a human right to free movement across state borders? (2018)
- Can states justifiably refuse entry to migrants seeking to escape poverty? (2019)
- Under what circumstances could a state justifiably restrict its own citizens’ freedom of movement? (2020)
- Do considerations of global inequality support or undermine the case for open borders? (2021)
- Does a state’s right to self-determination mean that it is entitled to control who enters its territory? (2022)

## 2. Future generations (Topic II)

Essay questions:

- What role, if any, can the duty not to harm others play in an account of people's responsibilities to future generations?
  - Key core readings: Parfit 1984; Harman 2004; Reiman 2007; Meyer & Roser chapter in Gosseries & Meyer 2009.
  - Recommended reading: Woollard 2012.
- 'Justice requires that each generation leave future generations with a standard of living that is at least as high as their own'. Discuss.
  - Key core readings: all the Rawls readings; English 1977; Parfit 1984; Barry 1991; various chapters in Gosseries & Meyer 2009.

Past exam questions:

- Do members of one generation have different responsibilities to those who will be born in the next couple of generations than they do to remote generations? (Sample paper)
- What implications, if any, does the Non-Identity Problem have for the nature of our responsibilities to future generations? (Sample paper)
- Evaluate the claim that members of one generation have met their responsibilities to future generations if and only if they leave future generations able to attain a decent minimum standard of living. (Sample paper)
- What role, if any, can the duty not to harm others play in an account of people's responsibilities to future generations? (2017)
- 'Justice requires that each generation leave future generations with a standard of living that is at least as high as their own'. Discuss. (2017)
- Do we owe less to future generations than we owe our contemporaries? (2017)
- What role, if any, should the Non-Identity Problem play in consideration of our duties to future generations? (2018)
- Can the idea of the social contract be meaningfully extended across multiple generations? (2018)
- Is there a duty to share our resources with future generations? (2019)
- Should we care less about the wellbeing of people who will live in the future than we do about those who live in the present? (2020)
- 'As long as we do not make it impossible for future generations to enjoy a decent standard of living, we have fulfilled all of the requirements of distributive justice toward them.' Discuss. (2021)
- Should egalitarians be concerned about inequality between present generations and future generations? (2022)

### 3. Historic injustice 1: Backward-Looking Approaches (Topic III)

Core readings this week: Butt 2009, chs. 4-6; Pasternak 2016; Waldron 1992; Simmons 1995

Essay questions:

- Can those alive today inherit rights to compensation because of past injustices?
  - Recommended: Thompson 2001; Sher 2005
- Can the involuntary receipt of benefits give rise to reparative duties to others?
  - Recommended: Butt 2014; Huseby 2015; Christian Barry and Robert Kirby (2017) 'Scepticism about Beneficiary Pays: A Critique', *Journal of Applied Philosophy*, 34(3).

Past exam questions:

- Can those alive today inherit rights to compensation because of past injustices? (Sample paper)
- Does the passage of time make the mitigation of past injustice less important? (Sample paper)
- Do the citizens of states that are former colonial powers have duties to disgorge the wealth that can be attributed to their colonial histories? (Sample paper)
- 'Given that it is unfair to require some to pay for the wrongdoing of others it is unfair to make those alive today pay for the wrongdoing of their nation before they were born'. Discuss. (2017)
- In what circumstances, if any, can past injustices be superseded? (2017)
- Can the involuntary receipt of benefits give rise to reparative duties to others? (2018)
- 'Corrective justice has value only insofar as it coincides with forward-looking concerns of distributive justice.' Discuss. (2018)
- Is it wrong to benefit from the wrongdoing of others? (2019)
- 'The scale of historic wrongdoing renders reparative justice impractical.' Discuss. (2019)
- Is the 'beneficiary pays principle' best understood as an instance of luck egalitarianism? (2020)
- Does the case for reparations depend upon the claim that people living in the present have been harmed by past wrongdoing? (2020)
- Can a person or a group be liable for harms that resulted from their actions when acting as they did was not known to lead to harm? (2021)
- Who, if anyone, is liable for mitigating the various injustices of chattel slavery? (2021)
- 'Duties to address historic injustice are grounded in the interests of the living, not the dead.' Discuss. (2022)
- To what extent do persons have individual duties to seek to mitigate structural injustice? (2022)

#### 4. Historic injustice 2: Structural & Forward-Looking Approaches (Topic III)

Core readings this week: Lu 2011; Nuti 2019, chs. 3 & 8; Táiwò 2022, chs. 3 & 4; McKeown 2021

Recommended readings: Coates 2014; Nuti 2019, ch. 9.

Essay questions:

*NB: This is a big topic, and you've read quite a bit of literature on it over the past couple of weeks, so I have given a greater choice of essay questions to allow you to focus on the aspects that you find most interesting.*

- Do structural accounts identify (all of) the right reasons to worry about the past?
  - Recommended: Daniel Butt (2021) 'What structural injustice theory leaves out', *Ethical Theory and Moral Practice*, 24(5). (This is from a symposium on Nuti's book; the other articles in the issue might well also be of interest.)
- 'Corrective justice has value only insofar as it coincides with forward-looking concerns of distributive justice.' Discuss.
- Does the case for reparations depend upon the claim that people living in the present have been harmed by past wrongdoing?
- What role, if any, should victims have in determining the way that claims for reparation are settled?
  - Recommended: Amighetti & Nuti (2015); Daniel Butt (2022) 'Settling Claims for Reparations', *Journal of Race, Gender, & Ethnicity*, 11(1).

Past exam questions:

- See last week's list.

## C. Optional Topics – Sample Questions

1. Justice and trade (Topic I.2)
  - In what sense, if any, can trade be fair if distributive justice is unrealised? (2019)
  - Is non-exploitation necessary and sufficient for justice in trade? (2021)
  - Does justice in trade require that gains from trading be shared equally amongst participants? (2022)
2. Environmental justice (Topic I.4)
  - Should the costs of combating climate change be borne by those who have benefited most from industrialisation? (2017)
  - Should states pay for the costs of climate change in proportion to their causation of it? (2018)
  - Is it fair to hold present day parties responsible for the costs of climate change resulting from historic carbon emissions? (2019)
3. Justice and disability (Topic IV)
  - Can contractarian theories of justice give an adequate account of the claims of those with disabilities? (2017)
  - 'Both the medical model and the social model are necessary to understand the full range of forms of disability.' Discuss. (2019)
  - Is it ever right to seek to compensate rather than accommodate people with disabilities? (2019)
4. Justice and children (Topic V)
  - Should adults without children be expected to help pay for the costs of educating the young? (2019)
  - Is there a duty for an adult to repay the costs of her upbringing when she was a child? (2021)
  - 'If it is disrespectful to intentionally enrol children into controversial worldviews then parenting well is impossible.' Discuss. (2021)
5. Justice and healthcare (Topic VI)
  - Should those who fail to look after their own health have to pay more for healthcare than those who take responsibility for their own health? (2021)
  - When, if ever, are health inequalities a concern of justice?
  - Should justice in health be seen as a question of ensuring fair equality of opportunity?
6. Justice and basic income (Topic VII)
  - Is universal basic income unfair to people who have a strong preference for income over leisure? (2021)
  - Is the exploitation objection decisive against the idea of a universal basic income?
  - Should feminists support or oppose a universal basic income?