**Political Philosophy Course (2020 Notes)**

**Includes Lecture Notes + Seminar text Notes**

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**Notes Content**

**Preliminary**

[Course Content](#coursecontent)

[On Evaluation](#onevaluation) (On/off-campus)

**Notes of Class Lectures**

[Part I:](#Lecturenotes) Classical Political Philosophy ([Plato](#Plato1), [Aristotle](#Aristotle1), [Hobbes](#Hobbes1), [Lock](#Lock), [Rousseau](#Rousseau1), [Marx](#Karlmarx1), [Bentham](#Bentham1))

[Part II:](#Lecturenotes2) Contemporary Problems ([Rawls](#Rawls1lecture), [Kymlicka](#Kymlicalecture), [Arendt](#Arendt), [Fanon](#Fanon))

**Notes of Seminar Texts**

[Part I:](#Seminarnotes1) Classical Political Philosophy ([Plato](#Plato), [Aristotle,](#Aristotle) [Hobbes](#Hobbes), [Lock](#Lock1), [Rousseau](#Rousseau), [Marx](#Karlmarx), [Bentham](#Bentham))

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[Part II:](#Seminarnotes2) Contemporary Problems ([Rawls](#Rawls1seminar)/[Rawls 2](#Rawls2seminar), [Arendt](#Arendt1), [Fanon](#Fanon1))

Click once on the “Notes Content” hyperlink for opening the header. Click on it twice to activate it. The same applies for the footer.

Some of the notes below were made simply by copying content from the PPT, others by adding personal notes. The mixture of both is the result.

**Preliminary: Course Content**

**Part I: Classical Political Philosophy**

Plato (Philosopher King) (Text from: *Republica*, book I)

Aristotle (Polity) (Text from: *Nicomahean Ethics*, book V)

Hobbes (Contracualism) (Text from: *Leviathan*)

Lock (Contracualism) (Text from: *Second Treaties on Government*)

Rousseau (Contracualism) (Text from: *The Second Contract*)

Marx (Dialectical Materialism) (Text from: *The Communist Manifesto*)

Jeremy Bentham (Utilitarianism) (Text from: *Introduction to The Principles of Morals and Legislation*)

**Part II: Contemporary Political Philosophy**

Rawls (political liberalism) (Text from: *Justice as Fairness*; *Political Liberalism*)

Hannah Arendt (republicanism) (text from: *Between Past and Future*)

Kymlica (minority rights) (no text[[1]](#footnote-1)) (text from: *Multicultural Citizenship*)

Frantz Fanon (post-colonialism) (Text from: *Black skin White Masks*)

Okin (feminism) (text from: *Is Multiculturalism Bad for Women?*) (no text and no class)

**References**

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[Jonathan Bennett’s 2017 Online Version]

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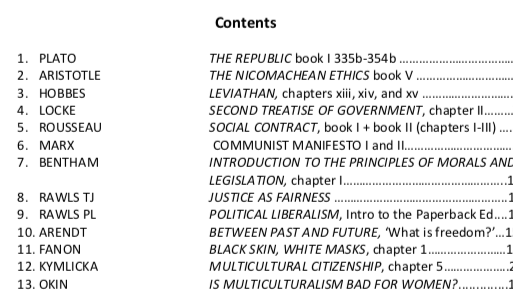
Plato. The Republic, Book I

<URL:https://oregonstate.edu/instruct/phl201/modules/Philosophers/Plato/republic_book_one.pdf> (Surfed: 28/1/2020).  
Rawls, J. (1993). *Political Liberalism*. New York: Columbia University Press.

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Rousseau, J.J. (2017). *The Social Contract* [Jonathan Bennett’s 2017 Online Version]

URL: <https://www.earlymoderntexts.com/assets/pdfs/rousseau1762book2.pdf> (Surfed: 28/1/2010).

**About Evaluation**

**Off—campus:**

* 1. one question testing your ability to connect and compare different parts of the content, and to develop a sustained argument of your own
  2. short answer question(s) to test your understanding of one aspect of a philosopher’s theory or reading in relation to the theory of its author

Open-book, 5-10 minutes, 20 min preparation (skype)

+ the two home-prepared 1000 words essays. These essays need to be sent by email one day before the exam.

**On—campus:**

The written exam takes 3 hours and consists of essay questions that focus on material discussed in class or in suggested literature. The exam is closed book. Students are expected to bring two home-prepared 1000 words assignments to the exam. The exam consists of the following three components:

1. one essay question testing your ability to connect and compare different parts of the content, and to develop a sustained argument of your own
2. short answer question(s) to test your understanding of one aspect of a philosopher’s theory or reading in relation to the theory of its author
3. two home-prepared 1000 words essays

* Are typed
* Have maximum 1.000 words per essay. Add a word count at the end of the essay.
* Are to be printed out and submitted along with the exam on the day of the exam (it will be stapled to your exam copy when you hand in)
* Should creatively engage with one of the readings. They could contain 1) **a critique of a particular argument in the reading**, 2) **a defense of a possible objection to an argument in the reading**, or 3) **an application to a new case**, or 4) **they could point to an intriguing analogy with another discussed philosopher**. Develop an argument/critique/defense/application/comparison that adds to the discussion, rather than one that merely summarizes the reading. Do stick to the reading.

In Future years, the data above might change!

**Lecture Notes**

**Part I: Classical Political Philosophy**

Introduction—What is Political Philosophy?

Political philosophy is the branch of philosophy which deals mainly with the following questions: a. What is justice; b. Why do we want democracy; c. How ought politics be in post-national context; d. What is liberty (positive vs. negative liberty).

1. Can be about 1.**Liberal egalitarianism** [(i) liberty + equality (inequality allowed if equal opportunity + benefit least advantaged); (ii) distribution needs to be in such a way that motivates you to work; (iii) equality of gifts: everybody must have an unconditional basic income; (iv) equality of capabilities, not of resources (Sen)]; 2. **Utilitarianism**; 3. **Marxism** (end exploitation); 4. **Communitarianism**, 5. **Critical Theory** (Habermas)
2. 1.**instrumental** (for obtaining p) (people are better than politicians to determine what is best for them, no real famine is possible in a democratic country); 2. **intrinsic** (freedom, autonomy, equality, public justification).
3. Political philosophy until recently was only about the nation-state, now they endorse two multi-national positions: supra-state politics: a state having more nations; sub-state politics: a nation having multiple states. (nation=shared territory, language and culture)
4. **Negative liberty**=to not interfere, no external obstacles; **Positive liberty**=realising an ideal, there can be internal objects. (Berlin states that negative liberty is best solution for pluralism to be de-politicised)

**Part I—Classic Political Philosophy**

Plato

The Republic (*Politea*).

What is justice?

Philosophers need to be kings (need not see through senses, but through reason)

**Plato’s metaphysics/epistemology:** world of senses (everything changes—Heraclitus) and world of ideas (everything is one, eternal, immovable—Parmenides). (knowledge=forms=reason=being; opinion=this world=senses=becoming).

The empirical world is not chaos=it is governed by ideas/forms. An object participates into an idea. Form is both epistemologically—the objects of knowledge and ontological—ordering principle.

**Book I of the republic—defining justice**:

**Cephalus:** not lying and paying your debts

**Polemarchus:** benefit friends and hurt enemies

**Thrasymachus**: the interest of the stronger party

**Glaucon:** a compromise we agree upon since we can’t always act towards our self-interest.

**Socrates:** justice is natural/not nomos as all the above state; justice is good in itself.

Glaucon—ring of Gyges:

* Glaucon: “Suppose now that there were two such magic rings, and the just put on one of them and the unjust the other; no man can be imagined to be of such an iron nature that he would stand fast in justice. No man would keep his hands off what was not his own when he could safely take what he liked out of the market, or go into houses and lie with any one at his pleasure, or kill or release from prison whom he would, and in all respects be like a god among men. Then the actions of the just would be as the actions of the unjust; they would both come at last to the same point. And this we may truly affirm to be a great proof that a man is just, not willingly or because he thinks that justice is any good to him individually, but of necessity, for wherever anyone thinks that he can safely be unjust, there he is unjust”

Socrates’ reply: **Political organization is not a convention**=is based on our nature. **Natural division of labour=**each man is best, by nature, for something. **Micro-macro argument:** The three social classes (rulers, auxiliaries, and workers\*) reflect the three main human faculties (reason, spirit, desire). Each part works in a whole. Individuals and the three divisions themselves have three virtues (wisdom for reason, courage for spirit, moderation for body). (the body needs moderation to control appetites)

(\*workers—farmers, shipbuilders. Auxiliary—police and soldiers)

For Lock and Hobbes justice is an invention=as a contract. For Plato, justice is natural.

Justice=good in itself=also brings happiness (for Plato).

—Mobility intergeneration, thus no son of Gradian will necessarily be Guardian.

—Children and Women + the ruling class will have no property. (To prevent division and corruption)

—Plato’s system is not democratic, is totalitarian, considers that those who know the forms, the philosophers, need to rule. Plato was naïve to believe that reason can lead to peace.

Aristotle

Political science is master science, must draw on other sciences.

Replaces Plato’s response to the tension between Parmenides and Heraclitus

**1.**Static principles (form/matter) 2. **Dynamic principles** (potency and act)

Substances have form and mater which turns from potency to act.

The 4 causes: material cause, efficient cause, formal cause, final cause.

**The polis is natural**

Arises out of primitive associations: pairs (female + male)🡪household🡪village🡪polis.

* + Nature has made men political animals, since it has given them speech, with which they can reason about morality, and partnership in this makes the household/polis
  + Polis is naturally prior to individuals, who rely for their natural needs on the polis. Man belongs to the whole state as parts to a whole (like hand and feet to a body)

**The proper polis**:

* General principle: “constitutions which aim at the common advantage are correct and just without qualification, whereas those which aim only at the advantage of the rulers are deviant and unjust, because they involve despotic rule which is inappropriate for a community of free persons”
* ”tyranny is in the interest of the one person, oligarchy is for the benefit of rich, and democracy is for the benefit of the poor”



Being poor makes one

Unable to restrain from Emotions.

Polity is the best for Aristotle, and

Democracy is the best of the worse.

Aristotle does not state if a polity is

necessary possible.

For info on polity vs democracy in Aristotle: https://fs.blog/2017/02/aristotles-politics/

Against Plato’s ideal state=all citizens possess virtue, are politically active, all citizens have private property, education ought to be for all citizens.

**Nicomahean Ethics**:

* Justice in universal sense
* Justice in particular sense = distributive justice
  + Not: according to wealth in the polis (=oligarchy) since end of polis is not to maximize wealth
  + Not: equal political rights to all (freeborn men) (=democracy) since the end of the polis is not to bring equality
  + **Justice requires that benefits be distributed to individuals in proportion to their merit or desert**. = aristocratic conception of justice: rule of the best, most virtuous.

**Ideal constitution:**

* + Against PLATO’s ideal state: common property incompatible with human nature, and it neglects the happiness of the individual citizens
  + For:
    - Each citizen possesses virtue and eudaimonia
    - All citizens are politically active (for which they need time): both deliberating and holding office
    - All citizens possess private property
    - Education for all citizens

**Common property is good for Aristotle:**

—To train your prudence/responsibility of something

—Productivity. (argument against Soviet Union were taken from Aristotle)

—private property🡪freedom. (self-restrain)

(Republicans agree with Aristotle that political engagement is good for you, brings happiness)

Hobbes

Leviathan (1651)

**Description of the state of nature**=homo hominis lupus (bad weather—potential conflict between citizens, constantly, no power to organize society🡪there needs to be a kind) (men are equal + resources are limited🡪war of all against all). **Reasons for violence**: competition (for gain), diffidence (defence), glory (for reputation)

No justice/injustice in the state of nature. Free to do whatever you want. One has the right to everything, even to another’s body. (since there is no property🡪there is no justice)

No place for industry in the state of nature.

**State of Nature:**

* LAWS of NATURE
  + are rational instrumental principles: natural law = instrumentalist reason.
  + are precepts/dictates of reason (essentially: life in the state of nature is not a good life, so we want to get out).
  + are the laws that give each person the best chance of preserving his/her life.
* 1st or fundamental law of nature: every man ought to endeavour peace, as far as he has hope of obtaining it, and when he cannot obtain it that he may seek all advantages of war.
  + - * In the state of nature we have right to everything, including another’s body. There is no coercive power🡪there are no rules🡪there is no justice/injustice.

To avoid war.

* + - * We want to get out of the state of nature because it is in our self-interest.
* 2nd law of nature: to reach peace, we must be prepared to give up our natural right to everything
  + Provided others are willing as well.
* 3rd law of nature: men must perform their covenants made. Herein lies the foundation of JUSTICE.
* So: 1st law: get peace; 2nd law: give up natural liberty and 3rd law: contract.

**Interesting facts about Hobbes**:

—If a new revolution has power, it becomes a new sovereign🡪ergo, it becomes justified.

—Scientific premises: Hobbes wants scientific certainty, empirical (explaining definitions as clearly as possible). Nature has no moral force, just nature is structured in such a way that it is rational to do p.

—For Hobbes revolution against the ruler is never justified since: (i) it is not expected to succeed; (ii) impels others to do the same; (iii) better a bad ruler than anarchy

**Theories of political obligation:** Divine Command Theory; Utilitarianism (However, according to utilitarianism sometimes is better not to follow).

**Difference between right and duty**: right means S is allowed to x, but not that S is obliged.

Justice=respecting contract. This can happen only where is a sanction for disobeying duty. All the things the monarch say become justice. For obtain peace🡪man lose their liberty through the contract🡪the monarchy.

John Lock

**Biography**

* 1680s: *Two Treatises of Government* (I: against Filmer; II; positive)
* 1690: *Essay Concerning Human Understanding*
* 1689: *A Letter Concerning Toleration*

**Adversary to Hobbes**

Against Hobbes by stating that (i) there exists property in the state of nature; (ii) the monarch has no legitimacy to rule; (iii) a monarch can be taken down when against the people.

**What Lock wants**: Religiously grounded liberalism (he was a protestant); For limited

government; For religious tolerance; For rule of law; Property law.

Property is the basis for political obedience (central idea for Lock)

**Natural rights as foundation**

Humans have rights due to their humanity. Natural rights are grounded in natural law (a set of principles and moral necessities which determine what is just)

**First Treaties On Government**

Against the patriarchal monarchy in Robert Filmer’s *Patriarcha*

**Lock’s reply**:

* + Bible interpretation: does not say that Adam and his heirs are the rulers of the world
  + **Patriarchial (parent) power is different than political power since:** parental power is shared, obedience to parents is temporary, the rights of parents over children is not absolute—it can be revoked in case of bad conduct.

**Liberal contracualism:** political authority depends upon the advantages for individuals.

**Men are equal, men are god’s property.** **Thus, we have duties towards God**:

* + - Duty of self-preservation
    - Negative duty not to harm others.
    - Positive duty to protect others unless doing so conflicts with our self-preservation.

This natural law is reached by reason, not inborn. (the law of nature is independent from positive laws, obeyed also in the state of nature)

**Even if there is property and natural law in the state of nature, there are some inconveniences:** uncertain social atmosphere, partiality, unpredictable aggression, slavery.

**Nobody can be put under another’s command without consent**. Nobody can by will enslave himself to another since he/she is Gods’ property.

**Why you cannot be the judge of your own case**

1. Law (you cannot establish the proper law by yourself)
2. Partiality (you are partial)
3. Punishment (you do not have proper justification for punishing)

**On Civil State**

For Lock civil state clarifies the limitations of nature, which were not explained. Civil states ‘limits liberty’ but is better. Is not that the government is not inventing new laws, but interprets them in better way.

**On Consent**

For Lock consent is important, it can be explicitly or tacit, by using his property.

**It is illogical by consent an absolute monarch (I cannot become a Slave even if advantageous since liberty is not mine to give).**

Through labour one gains property rights. 99% of our product value comes from labour.

However, one has the right to property only to enough land as it is useful for man to use (“Nothing was made by God to spoil or Destroy”). The right to land is deduced from the right to self-preservation)

Jean Jacques Rousseau

Reversal of Hobbes’ *homo homini lupus*: not in nature, but in society man is evil and competitive. In the state of nature, man was individual, not concerned with hurting others. **Man is driven by**: **self-preservation** + **compassion.**

Self-preservation (*amour de soi*) is not egocentrism, egocentrism is born in society.

We are compassionate by nature🡪ethical by nature.

**Price, envy, glory are cultivated only in society**.

**Non-intuitive contracualism theory**: We did not emerged from the state of nature through a *contract*, but due to: scarcity, increasing population, fraudulent ruler behaviour.

Through private property🡪conflict, mutual dependence & inequality rise.

Social more important than individual equality.

One could acquire through language the possibility of empathizing with others. However, this ability can be corrupt by using ‘knowledge of others’ for one’s gains.

**Solution:** General Will ( is not the will of all); is the common good (is about what is right/is the definition of justice); Obeying it=freedom (we can be forced to be free).

This sovereign general will is reached through agreement, through contract, the government of such a state just applies and administrates the laws given by the general will. **Social contract**=to put each of us under the supreme direction of the general will.

Communitarianism=positive liberty. (against negative liberty)

Karl Marx

**Materialistic History**: history/society is driven by concrete material factors, not idealistic principles. These concrete factors are: mode of production, productive forces, relation of production.

**Class struggle**: the motor that drives historical progress

**Materialistic Dialectics**: contradictions between material conditions are resolved by forming **new forms of societal organization**.

The basic structure (economy) determines the superstructure (ideology). Some criticised him of endorsing economic determinism.

**Glossary:**

1. mode of production=the overall system of production at a given time. Mode of production determines productive forces and productive relations
2. Productive forces=technology + labour + capital goods that go into production.
3. Relations of production=social relations formed around production (proletariat, the bourgeois).

**Capitalism**: it is inherently bad, leads to wealth hierarchy and alienation of workers.

**Reification of people**: human relations, including family relations, are turned as if they are between things. Marx has no problem with private property per se, but with

***bourgeois property*** (i.e. capital).

**The communist revolution**

Inevitable=necessary=results from the inner dynamics/logic of capitalism.

Due to overproduction🡪crisis\*🡪communism🡪disappearance of class and class antagonism.

\*step by step become more aware, less disorganised, are united under the lead of intellectual proletariat having a common vision. These intellectuals can communicate globally🡪an international movement.

**Conclusion**

* However, the most general criticism against Marxism: i) ***internal inconsistencies*** in particular aspects of his doctrines ii) Historical materialism – one of his key doctrines – smacks of ***economic determinism***. Also, the ***relationship and dynamics between mode of production, productive forces and relation of production*** are ***not clearly spelt out***. iii) ***Despotic nature*** of communism both in ***theory and in practice*** (e.g. communist regimes). iv) Apparent capacity of ***capitalism to incentivize work***, social and economic progress when compared with communism.
* The Marx’s insights have been re-appropriated in various forms by neo-Marxism and critical theory.
* Marx and Marxism are still ***academically and perhaps politically relevant*** today!

Jeremy Bentham

Utilitarianism=greatest happiness=Mill happiness can be measured both in quantity and quality. Utility calculus=calculating what brings most happiness for the biggest amount of people. Act vs. rule utilitarianism.

Consequentialist.

No Taboos=all pleasures are of equal value (for Bentham), it is us who decide what to do, what is good for us, as long as we do not hurt others. (Mill asserts that all people who experience intellectual pleasures conclude that these pleasures are superior than the bodily pleasures).

(Utilitarianism includes also animals, the question is not whether they can reason, but whether they can suffer)

**Covid-19 and utility calculus:**

Air pollution saved due to the economic crisis caused by Corona more lives than there have been lost yet due to the pandemic. On the long term, the negative effects of pandemics are greater than those of saving pollution.

* Utilitarian triage considerations in distribution of ventilators:
  + Age
  + Duration of life after treatment
  + Chance of success of care —According to this, young people ought to be saved, not the old.

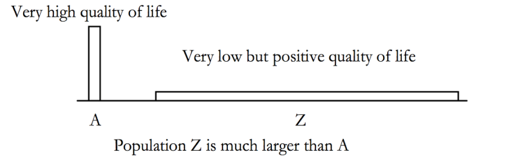
**Peter Singer—Effective Utilitarianism**

Be altruistic, but find the most efficient way to help most people (Get a lot of money, instead of working as a voluntary yourself) (E.g. Bill and Melinda Gates and Warren Buffett are the most effective altruists in the world)

E.g. $40.000 for a guide dog for a blind American or $20 to cure a person from glaucoma in a developing country. By curing glaucoma blindness is prevented

**Different types of Utilitarianism**

* Total versus average utilitarianism



* Hedonistic versus preference utilitarianism
  + - Nozick: experience machine against hedonistic utilitarianism
* Act utilitarianism versus rule utilitarianism

**Criticism to Utilitarianism**

* + Rawls: utilitarianism does not respect the distinction between persons.
  + No room for special relationships (unless they benefit general welfare)
  + Nozick’s experience machine as critique of hedonistic utilitarianism

**Intermediary:** **Overview Previous Lectures:**

1.Form of governance

**Plato**: Aristo/Meritocracy—Philosophy King

**Aristotle:** It depends on the situation—the virtuous ought to rule

**Hobbes:** Absolute Monarchy.

**Lock:** Democratically Liberty to citizens.

**Rousseau:** General Will.

**Marx:** Proletariat overthrow capitalism🡪classless society.

**Bentham:** Liberal democracy.

2.Property

**Plato:** No private property for rulers and guardians.

**Aristotle:** Private property good=leads to responsibility

**Hobbes:** The Monarch creates the laws🡪assign property to others/enables others to have property.

**Lock:** Property is good, a natural right (even in the state of nature), owned through labor.

**Rousseau:** Ok, but in the end, it is part of the general will. Property before General Will is the mother of the state of war, not the state of nature.

**Marx:** Abolition of capitalist property🡪collective property.

**Bentham:** private property.

3.Rights/Laws

**Plato**: established by the philosopher king, each based on their inner nature

**Aristotle**: based on each man’s right to virtue + each man’s nature and protecting the polis (telos: eudaimonia)

**Hobbe**s: there are natural laws in the state of nature🡪these lead to the need of state🡪established by the Monarch

**Lock**: right to freedom. Negative duty, not to hurt others. Positive duty, to defend another if one’s self-preservation is not in danger. One has the duty of self-preservation towards god. (Freedom of speech, of expression etc.)

**Rousseau**: Right to autonomy and freedom. If one surrenders its freedom to the general will own gains all that one lost🡪one has protection + lawful ownership of P.

**Marx:** The rights are the liberty of people to enjoy their labor, to be free. It is not possible to adopt capitalism (against rights)

**Bentham:** If and only if an action does not hurt others, then one is free to do whatever one wants.

3.Organization of Society

**Plato**: Workers, Rulers, Guardians

**Aristotle:** People, Rulers

**Hobbes:** Monarch, Servants

**Lock:** Monarch/etc., Citizens

**Rousseau:** Sovereign (General Will=everybody under this aspect), citizens

Marx: proletariat/capitalists🡪classless society.

Bentham: democratic party and citizens

**Lecture Notes Part II: Rawls, Arendt, Fanon, Kymlicka (Contemporary Problems)**

Rawls

**Notes from the class lectures:**

**Lecture I (*Theory of Justice*)**

**See Rawls vs. Nozick:** [**https://www.smh.com.au/opinion/rawls-v-nozick-liberty-for-all-or-just-the-rich-20031009-gdhk4e.html**](https://www.smh.com.au/opinion/rawls-v-nozick-liberty-for-all-or-just-the-rich-20031009-gdhk4e.html)

**Justice as the Basis**

* Contains Rawls’s theory of domestic justice = ‘justice as fairness’.
* Justice has priority over other qualities social institutions should have, such as efficiency
* He formulates principles of justice for the BASIC STRUCTURE of society
  + = the arrangement of the major political and social institutions of a liberal society: the political constitution, the legal system, the economy (including the market), the system of property, the family (as a mechanism of the society to raise and educate children and ensure reproduction in the long run), and so on.
  + These institutions distribute the main benefits and burdens of social life: social recognition, basic rights, opportunities, distribution of income and wealth: ”The basic structure is the primary subject of justice because its effects are so profound and present from the start” (TJ 6-7).
  + The arrangement of the basic structure requires justification because these institutions have such great impact, because they are coercively imposed, and because leaving the society is not a realistic option (and so consent does not work).
* Assumption of a closed society (people enter by birth and leave by death) and a monolingual/mono-national people. Justice is procedural: if and only if the distribution results from just procedures. There exists ideal and non-ideal theory. Non-ideal, about the actual conditions allowing the theory to be respected. Ideal theory is the main concern for Rawls, ideal theory tells us how to do with non-ideal theory.

**Distribution of Goods**

* 1. A set of basic rights and freedoms (e.g. freedom of expression)
  2. Opportunities
  3. Power (e.g. Possibility to run for political office)
  4. Income and wealth
  5. Social bases of self-respect

**Two principles of justice**

* **1**: Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;
* **2**: Social and economic inequalities are to satisfy two conditions:
  + a) They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
  + b) They are to be to the greatest benefit of the least-advantaged members of society (the *difference principle*).
  + **Priority rules: 1>2; 2a>2b**
* **1**: Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.
  + Basic liberties versus others (e.g. freedom of conscience versus freedom to drive without belt)
    - Liberty of conscience and freedom of thought
    - Freedom of association
    - Political liberties (right to vote, to form parties, to exercise political office when elected,…)
    - Rights and liberties that protect the integrity and freedom of the person (including private property, freedom of movement, freedom of occupation).
    - Rights and freedoms covered by the rule of law (e.g. due process, no arbitrary arrests)
  + indefeasible: no one may violate them (e.g. no right to trade right to religion or to enslave in return for money)
  + Basic liberties can only be limited for the sake of the protection of basic liberties.
* **1**: what makes a liberty basic is it being a necessary social condition for the adequate development of the 2 moral powers over one’s life:
  + The capacity to be REASONABLE: is a capacity for **justice**: the capacity to form fair terms of cooperation with others, to understand them and to apply them. This is a capacity for the **RIGHT**.
  + The capacity to be RATIONAL, to have a rational conception of the **good**, a consistent conception of values (to form it, revise it and live according to it). This is a capacity for the **good**.
* **2**: Social and economic inequalities are to satisfy two conditions: *fair equality of opportunity (FEO)* and the *difference principle (DP)*
  + So helping the least advantaged is a duty of justice
  + No ‘cut off’ point (in contrast with duty of assistance): constant duty even if people are no longer poor.
  + Difference principle is embedded within a scheme that already has redistributive effects

***2a: fair equality of opportunity (FEO)***

= assuming there is a distribution of natural assets, those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of their initial place in the social system. (Rawls 1999: 63).

Requires:

* + 1: positions must be open: no legal restrictions for certain groups (based on e.g. ethnicity or gender or socio-economic position) to get education or seek certain jobs
  + 2: discrimination outlawed: no social or conventional restrictions for education or jobs
  + 3: Fair equality of opportunity (instead of formal equality) correct for social disadvantage. Everyone with comparable talents, ability and ambitions should have comparable life opportunities, irrespective of social class.
    - Requires among other things public education, public health care, not a too large accumulation of property

***2a: fair equality of opportunity (FEO)***

Needed for the equal status of free and equal citizens: to be excluded from social positions on the basis of race/religion is a violation of the equal dignity of citizens

* Has lexical priority over 2b, the difference principle

**2b: difference principle (DP):** Social and economic inequalities are to be to the greatest benefit of the least-advantaged members of society

* + Principle for institutions, not individuals
  + DP is a market-external criterion to determine the distribution of income and wealth
  + The least advantaged are the poorest, the economically least advantaged, since who has little income and wealth also has fewer other primary goods (so not the unhappiest or the handicapped)

**2b: difference principle (DP) (2)**

* Rawls wants ‘fair terms of social cooperation’. So the question of distributive justice is: what are the just principles to distribute the benefits between socially productive equal citizens, each of whom is prepared to contribute and cooperate fairly.
  + In contrast to for instance ‘luck egalitarianism’ (distributive justice as neutralization of unchosen inequalities)

**The Vail of Ignorance**

* Is an argument for the principles of justice of ‘justice as fairness’
* States that the principles would be chosen by rational representatives of free and equal persons in an impartial initial situation.
  + These parties know general facts about human nature and social institutions,
  + But they don’t know particular facts about themselves or their societies (such as conception of the good, race, religion, ethnicity, gender…) = VEIL OF IGNORANCE
* hypothetical: a thought experiment, a ‘device of representation’
* Is procedural: justice as FAIRNESS means that we put parties in an initial position and what comes out of that is just: “What is just is defined by the outcome of the procedure itself”. No independent criterion.
* What binds the parties is our considered judgement and best reasons (and the OP is a device to bring them about). The goal is NOT to create a new moral duty that we did not before.
* The OP is closely correlated with Rawls’s moral psychology: it models free and equal citizens
  + - He says that for each conception of justice there is a way to construct the OP such that its principles of justice will be chosen
* He lets them choose between the most important theories since modernity: utilitarianism, JF, perfectionism, intuitionism (= pluralistic conception) and rational egoism
* What is known =
  + generally accepted and uncontroversial laws and principles from sociology, economy, moral psychology, biology and natural science. Eg. We live in a condition of relative scarcity.
  + The parties know they have the 2 moral powers: they have a conception of the good (but they don’t know which one) and a sense of justice

**Why Utilitarianism is bad**

* Why do the parties choose what they choose? Choosing the 2 principles is the most rational thing for them to do.
* 1. Faced with a choice between the utility principle and the 2 principles of justice, they choose the latter because of MAXIMIN, because the utility principle does not provide absolute protection of basic liberties, nor of the difference principle. All your values/future projects are at stake in the OP..
  + - * “Even granting (what may be questioned) that it is more probable than not that one will turn out to belong to the majority (…) [if one were to run the risk of losing freedom of conscience], to gamble in this way would show that one did not take one’s religious or moral convictions seriously” (TJ 181).

**Lecture II (*Political Liberalism*)**

**Political Liberalism**

* A pluralism of reasonable and incompatible comprehensive doctrines
* Reasonable: the result of the free operation of human reason within the framework of free institutions:
  + So it is part of ideal theory.
* In a situation of reasonable pluralism, comprehensive doctrines can no longer serve as public frameworks of reference. To think of a state as a community united by a comprehensive doctrine has become utopian and can only be maintained by oppression.
  + Examples of CD’s (Comprehensive Doctrines) are religions but also: the liberalism of Locke, Mill, Kant and even Theory of Justice!
* The point is not to make them disappear. It is about no longer having them serve as the basis of the public political culture.
  + They can be part of the background culture of civil society
  + PUBLIC POLITICAL CULTURE “comprises the political institutions of a constitutional regime and the public traditions of their interpretation (including those of the judiciary), as well as historic texts and documents that are common knowledge” (PL, 13-14).
  + The BACKGROUND CULTURE “is the culture of the social, not of the political. It is the culture of daily life, of its many associations: churches and universities, learned and scientific societies, and clubs and teams, to mention a few” (PL, 14).

**Political Conception versus Comprehensive Doctrines**

* We need to find a foundation on which people who are deeply divided in terms of CD’s can agree
* Solution: (not like utilitarianism, which aggregates preferences procedurally): to design a political conception of justice.
* A political conception of justice differs from CD’S IN TERMS OF DOMAIN AND CONTENT
  + DOMAIN= CD’S concern the whole life: a political conception only concerns political life, and specifically the basic structure.
  + CONTENT = the content we historically and generally associate with liberalism: basic right and liberty with priority principles. Specifically: the content is grounded in fundamental ideas implicit in the public political culture of a liberal-democratic society.
    - This political conception does not itself assume a particular CD, though it is a moral and normative conception. Rawls no longer states that Justice as Fairness embodies truth, or is closer to truth than other visions. Justice as Fairness is no longer seen as a rival for these theories at the level of truth. It is now presented as reasonable, not as true.

**Political Conceptions Have No Telos**

* A political community has no end other than upholding justice and just institutions. It has no ’final ends’ in the sense that people have final ends in CD’s, for which the community would exist.
  + - * So Rawls sees the society as framework: it offers no meaning. It ensures justice but does not offer the good itself.
        + Classical republicanism is for Rawls compatible with Justice as Fairness. E.g. Tocqueville: it says that citizens need political virtues in order to protect their basic rights and liberties, which requires political participation. But CIVIL HUMANISM (ARENDT) is not compatible with justice as fairness, because it sees political participation as the privileged focus of the good life. “It is a return to what Constant called the ‘liberties of the ancients’ and has all the defects of that” (PL, 206).

**Public Reason**

* Participants to a political debate must refer to principles of which they think that all can reasonable assume them.
* Limited scope: limited to basic structure: constitutional essentials and matters of basic justice.
* So Public Reason imposes a moral (not legal) DUTY OF CIVILITY “to be able to explain to one another on those fundamental questions that how the principles and policies they advocate and vote for can be supported by the political values of public reason” (Rawls 1996, 217).
* Later RAWLS: the ‘proviso’, specifying the ‘wide view of public reason’: “I now believe, and hereby I revise VI:8, that reasonable such doctrines may be introduced in public reason at any time, provided that in due course public reasons, given by a reasonable political conception, are presented sufficient to support whatever the comprehensive doctrines are introduced to support. (PL, li-lii).
* Later Rawls says there may be positive reasons to introduce CD’s
  + - “We may think of the reasonable comprehensive doctrines that support society's reasonable political conceptions as those conceptions' vital social basis, giving them enduring strength and vigor. When these doctrines accept the proviso and only then come into political debate, the commitment to constitutional democracy is publicly manifested. Made aware of this commitment, government officials and citizens are more willing to honor the duty of civility (...). These benefits of the mutual knowledge of citizens' recognizing one another's reasonable comprehensive doctrines bring out a positive ground for introducing such doctrines, which is not merely a defensive ground, as if their intrusion into public discussion were inevitable in any case” (Rawls 1997: 785).

**Overlapping consensus**

* Basic idea is that each CD supports the political conception from within its own vision and ideals.
* = realized AFTER the exposition of Justice as Fairness. So the content of Justice as Fairness is developed independently of the comprehensive doctrines: it is freestanding.
* In the first stage of justice as fairness, the principles of justice are developed. In the second stage, the question of ’stability’ is asked.
* The Overlapping Consensus must be more than modus vivendi, which changes if power relations change.

Will Kymlica

**Biography**

Known for normative theories of multiculturalism and nationalism. *Multicultural Citizenship*, 1995, one of his great books.

**Criticism of Rawls**

Kymlica’s philosophy can be viewed as a critique of Rawls: Rawls works with the premise of the existence of a shared language and culture within the political community which forms a national state. Even if there is heterogeneity of culture and language, the author of Justice as Fairness believes that his principles will provide guidelines (see LP 24-24).

* Kymlicka endorses Rawls’s liberalism although he criticizes Rawls, as mentioned above. In contrast to communitarians like Sandel, however, Kymlicka doesn’t think this shortcoming is due to an unattractive atomism at the heart of liberalism.

**Kymlica’s main argument**

1. Liberalism is committed to safeguarding individual autonomy
2. Individual autonomy presupposes a range of options passed down to us by our language and culture (= a societal culture)
3. Justice requires compensation for undeserved disadvantages.

**Point I: Liberalism and individual autonomy**

Individual autonomy essential to liberalism. Multiculturalism is not allowed to endorse claims against individual autonomy. Thus, there are internal-restrictions.

Internal restrictions (which are claims of a group against its own members) are illegitimate—e.g..: the right to limit individual choices in the name of a cultural tradition or cultural integrity (this right is illegitimate). The goal of internal restrictions is to make it impossible for individuals within a group to question, revise or reject traditional cultural role models and practices.

**Point II: Individual autonomy presupposes a set of options given by culture**

* Culture is necessary for autonomy (freedom).
* Individual freedom of choice is not a tabula-rasa matter:

“Freedom involves making choices, and our societal culture not only provides these options, but also makes them meaningful to us” (MC 83).

* Culture is like the set of glasses through which we see the world.
* the cultures that make choices possible are ‘societal cultures’ (SC’s)
  + - * SC « provides its members with meaningful ways of life across the range of human activities »
      * SC’s are « territorially concentrated and based on a shared language »

SC is de facto synonymous to nation or people.

**Point III: Justice requires compensation for undeserved disadvantages (equality).**

* The idea to remain politically neutral with regard to culture or language is simply misguided (religious neutrality, though, remains important). The inference from the importance of religion neutrality to that of language neutrality is misguided **for the reason mentioned below**:
  + “[T]he analogy between religion and culture is mistaken]. As I noted earlier, many liberals say that just as the state should not recognize, endorse, or support any particular church, so it should not recognize, endorse, or support any particular cultural group or identity. But the analogy does not work. It is quite possible for a state not to have an established church. **But the state cannot help but give at least partial establishment to a culture when it decides which language is to be used in public schooling, or in the provision of state services**. The state can (and should) replace religious oaths in courts with secular oaths, but it cannot replace the use of English in courts with no language (MC, 111).
* The cultural choice-context of cultural minorities is often threatened by external events, especially as a result of choices of a majority group.
  + Kymlicka: “group-differentiated self-government rights compensate for unequal circumstances which put the members of minority cultures at a systemic disadvantage in the cultural market-place, regardless of their personal choices in life. This is one of many areas in which true equality requires not identical treatment, but rather differential treatment in order to accommodate differential needs” (Mc, 73).
* => minorities have a right to enjoy and preserve their own societal culture. This right is justified as external protections.

**Conclusion**

* National minorities are entitled to minority rights: group-differentiated rights, more specifically: self-government rights (not necessarily independent states). These should enable minority members to sustain/preserve their own SC.
  + Immigrants have voluntarily chosen to leave their own SC and it is therefore legimitate to expect them to integrate in the national SC of the host society. But immigrant groups do get ‘polyethnic rights’ (financial support and legal protection for certain practices associated with particular ethnic or religious groups). So distinction immigrant groups and national groups.
  + Distinction between legitimate external protections and illegimate internal restrictions
  + Distinction between group rights and group-differentiated (individual) rights.

**Will Kymlicka’s reply to   
cosmopolitan democracy:**

We cannot and should not produce any meaningful form of transnational citizenship (including the democratization of transnatonal institutions)

* + Democracy is not just a formula for aggrevating votes but also a system of collective deliberation and legitimation
  + Deliberation and legitimation require mutual understanding & trust,
  + Understanding & trust require some commonality or shared identity amongst citizens
  + Territorialized linguistic/national political units provide the best forum of genuinely particpatory and deliberative politics.
  + International institutions are important, but decision making will be based on the debate of each country with its own citizens.

**Overall Conclusion**

* the only forum in which genuine democracy occurs is within national boundaries
* Globalization is producing a new civil society, but has not yet produced transnational democratic citizenship
* Our democratic citizenship is and will remain, for the foreseeable furture, national in scope

**Additional Info:**

**Liberal nationalism: social justice, democracy and freedom can best & only be achieved within national political units**

1) Social justice: welfare state requires us to make sacrifices for anonymous others => there must be a sense of common identity uniting donor and recipient so that sacrifices will still be sacrifices for ‘one of us’

2) Deliberative democracy: National linguistic/territorial political communites are the primary forums for democratic decision-making in the modern world. Why?

a) Political deliberation requires mutual trust and understanding, which requires some underlying commonalities/shared identity. b) National linguistic/territorial communities are also more participatory: ‘Democratic politics is politics in the vernacular’

3) Individual freedom

**Will Kymlicka’s reply to cosmopolitan democracy:**

* This is not to deny that we need international institutions, nor that they should be democratically accountable.
  + Suggestion: let’s hold them accountable **indirectly**, by debating at the national level how we want our national governments to act in intergovernmental contexts
    - Citizens in each country want to debate amongst themselves, in their vernacular, what the position of their government should be
      * Not what should **we Europeans** do, but, rather, what **we, Danes,** should do
    - Against transferring more power to EP as opposed to intergovernmental Council of Ministers

Hannah Arendt

**Sources the class is based on:**

<https://plato.stanford.edu/entries/arendt/>

*The Cambridge Companion to Hannah Arendt*

**Biography**

From Jewish family, who studies with Husserl, Jaspers, Heidegger. In 1933, moved in Paris and, in 1941, to U.S.

**Important works**

* *The Origins of Totalitarianism* (1951) (on-totalitarianism)
* *The Human Condition* (1958) (the phenomenological study of vita activa)
* *Eichmann in Jerusalem. A report on the Banality of Evil* (1963) (on-totalitarianism)
* *The Life of the Mind* (unfinished*)* (the phenomenological study of vita contemplative)

Components of vita activa: labor, work, action

Components of vita contemplative: thinking, willing, judging

**Totalitarianism**

On Eichmann and Totalitarianism: negative view on modernity=mass society where individual creativity is lost. Bureaucratic administration, anonymous labor becomes essential. Instrumentalization + lack of individuality and creativity🡪totalitarianism.

This has led in modernity to the loss of a **common political world**. The **radical evil** of totalitarianism transforms humans in living corpses.

*The Eichmann in Jerusalem* and the **banality of evil**. Eichmann was not led by diabolical motives, but due to lack of individuality (mass-man). Eichmann was not motivated by evil, but was simply was just good at his job/without thinking at the consequences of his job.

**Totalitarianism by destroying identity leads to people like Eichmann**.

**Quote:** “He spoke only in stock phrases: “Clichés, stock phrases, adherence to conventional, standardized codes of expression and conduct have the socially recognized function of protecting us against reality; that is, against the claim on our thinking attention which all events and facts make by virtue of their existence…If we were responsive to this claim all the time, we would soon be exhausted; Eichmann differed from the rest of us only in that clearly he knew of no such claim at all” (LMT, p.4).

**Quote:** “Eichmann apologized at one point for a linguistic misunderstanding and said “’Officialese [Amtssprache] is my only language." But the point here is that officialese became his language because he was genuinely incapable of uttering a single sentence that was not a cliché”. (*Eichmann in Jerusalem*).

**About modernity:**

* + century*:* 
    - *world*16th-19th *alienation*
* world alienation=elimination of an intersubjectively defined world of action/of public space of political action. (encouraging the private)
* artificial world=through work we are able to escape the slavery of labor, of natural instinct. Political action makes this into a common world.
  + - rise of the *social*
* rise of the social==everything becomes a product of exchange, constant expansion of market🡪focus on private/not public.
  + 20th century:
    - *earth alienation*
* earth alienation=the attempt to escape from the limitations of nature like going in space; becoming immortal and omnipotent.
  + - Origin of totalitarianism such as Nazism and Stalinism

—decline of the classical conception of man as Zoon politicon.

**Theory of Action**

Arendt’s phenomenological analysis of action is an antidote to the problem of modernity.

|  |  |  |
| --- | --- | --- |
| LABOR | WORK | ACTION |
| Tied to condition of Life | Tied to Condition of Worldliness | Tied to condition of Plurality |
| To satisfy biological needs | To build a world fit for human use, e.g. by instruments that transform nature | To disclose identity of the agent, to actualize our capacity for freedom, to allow for equality and difference: nobody is same and yet all are equal |
| Animal laborans | Homo faber | Free human beings |

* + ACTION = connected to freedom, politics, speech, plurality. Allows for the world to become a shared home with meaning: without it we are thrown back on our own subjective experience
  + FREEDOM = capacity to begin, to start something new, to do the unexpected, with which all human beings are endowed by virtue of being born.

Is not about the ability to do x autonomously.

Example: revolutions: people interrupt their routines, and create a public space where freedom could appear.

* + PLURALITY = for action, others are needed, a plurality of actors each from their own perspectives.

People are equal but not identical🡪plurality necessary.

Plato denied plurality,

**Action and Speech are linked**

* Action and speech are the modes in which we appear as men rather than as physical objects: not brought by necessity (labor) or by utility (work). Man is more than a mere practical being.
* Action is primarily language-based
  + the web of human relationships is sustained by communicative interaction.
  + by means of language we are able to articulate the meaning of our actions and to coordinate the actions of a plurality of agents.
* In action and speech, individuals reveal themselves as the unique individuals they are, disclose to the world their distinct personalities:
  + Labor is the sphere of natural necessities: here we can only show our sameness, the fact that we all belong to the human species and must attend to the needs of our bodies
  + Work: here more scope for individuality, in that each work of art or production bears the mark of its maker; but the maker is still subordinate to the end product, both in the sense of being guided by a model, and in the sense that the product will generally outlast the maker.
  + Action and speech: in interacting with others through words and deeds, that individuals reveal who they personally are and can affirm their unique identities. They reveal WHO they are (as distinct from WHAT they are: their talents or shortcomings, which all have).
* Action can be frustrating and difficult: action is **unpredictable** and **irreversible**
  + one solution = withdrawing from action: elevate the sphere of CONTEMPLATION
    - = **Platonism, Stoicism and Christianity**
  + ARENDT disagrees: engage in action
    - But unpredictability and irreversibility are mitigated by forgiveness and promising (2 features of action itself): forgiveness breaks the chain of hatred because of the past; promising creates security for the future
* The meaning of action itself is dependent upon the articulation retrospectively given to it by historians and narrators.
  + - The POLIS did so

**Polis**

* the *polis* stands for the **space of appearance:**
  + Is a metaphor for acting and speaking together, publicly
  + Can be always recreated anew wherever individuals gather together politically, that is, “wherever men are together in the manner of speech and action” (HC, 198–9).
  + The space of appearance must be continually recreated by action; its existence is secured whenever actors gather together for the purpose of discussing and deliberating about matters of public concern, and it disappears the moment these activities cease.
  + May arise suddenly, as in the case of revolutions, or it may develop slowly out of the efforts to change some specific piece of legislation or policy.
    - Historically, it has been recreated whenever public spaces of action and deliberation have been set up, **from town hall meetings to workers’ councils, from demonstrations and sit-ins to struggles for justice and equal rights.**
* A place of POWER:
  + Power = capacity to act in concert for a public-political purpose
    - Distinct from strength = property of an individual; power is property of a **plurality of actors joining together for some common political purpose**.
    - Distinct from force = a natural phenomenon; power is a **human creation**, the outcome of collective engagement.
    - Distinct from violence = based on coercion; power is based on **consent and rational persuasion.**
  + The legitimacy of power is derived from the initial getting together of people, that is, from the original pact of association that establishes a political community, and is reaffirmed whenever individuals act in concert through the medium of speech and persuasion (so its continue legitimacy results from the common convictions that come with a process of fair and unconstrained deliberation ).

**Vita Contemplativa**

Arendt’s analysis of thinking comes from looking at Greek/Roman action.

* Thinking, willing, judging
* Thinking is the silent dialogue of me and myself
* She connects the activity of thinking to that of judging
  + 1st way: thinking dissolves our fixed habits of thought and the accepted rules of conduct, and thus prepares the way for the activity of judging particulars without the aid of pre-established universals.
  + 2nd way: thinking, by actualizing the dialogue of me and myself which is given in consciousness, produces ***conscience***as a by-product.
  + 3rd way: judging = capacity to think representatively, that is, from the standpoint of everyone else. Arendt called this capacity to think representatively an “enlarged mentality,” (a larger ability to think🡪a larger ability to put into another’s shoes)
* Opposed to the idea that judgment is to be subjected to standards of rational truth: truth is anti-political: , truth has a despotic character: it compels universal assent, leaves the mind little freedom of movement, eliminates the diversity of views. (But she defends factual truth!)

**Her Republicanism**

* For Arendt the reactivation of citizenship in the modern world depends upon both the recovery of
  + **a *common world****:* a shared and public world of human artifacts, institutions and settings which separates us from nature and which provides a relatively permanent and durable context for our activities.
  + the creation of numerous **spaces of appearance =** spaces of political freedom and equality which comes into being whenever citizens act in concert through the medium of speech and persuasion. In these, individuals can disclose their identities and establish relations of reciprocity and solidarity.
* *3* features of public sphere/politics:
  + Its *artificial* or constructed quality (e.g. principle of political equality does not rest on a theory of natural rights or on some natural condition that precedes the constitution of the political realm.)
  + its *spatial* quality;
  + the distinction between *public* and *private* interests.
* Politics causes a WE, a collective identity
* Critique of representation
* Critique of sovereignty - ultimate free will independent of others: takes the form of rule and domination. It is anti-political, contradicting her idea of free politics, which occurs through talks and mutual deliberation among diverse equals.
* Alternative: federal system of councils. Federalism allows for multiple sites of power in which direct democracy is possible + and eschews power’s concentration in a single sovereign source.
  + “a world-wide federated structure” + European federation + federalism for Palestine and the Middle East…
  + In federalism, “power moves neither from above nor from below, but is horizontally directed so that the federated units mutually check and control their powers.” Arendt (1972: 230)
* Politics is about gathering in public space to deliberate together and make collective decisions.
* Defense of active citizenship: importance of civic engagement and political deliberation
  + critique of representative democracy
  + praised the revolutionary tradition
* = Civic Republicanism
  + Neither liberal
  + Not Communitarian?
  + But: claim that politics/freedom/action gives life splendor, makes it worth living, gives life meaning (against instrumentalism, transcend the biological/cyclical events of life chain of reactions); allows human to escape the futility of life. The mortality and fragility of life can be overcome by organized remembrance in the polis.

**What is Republicanism?**

In political theory and philosophy, the term ‘republicanism’ is generally used in two different, but closely related, senses. In the first sense, republicanism refers to a loose tradition or family of writers in the history of western political thought, including especially: Machiavelli and his fifteenth-century Italian predecessors; the English republicans Milton, Harrington, Sidney, and others; Montesquieu and Blackstone; the eighteenth-century English commonwealthmen; and many Americans of the founding era such as Jefferson, Madison, and Adams. The writers in this tradition emphasize many common ideas and concerns, such as the importance of civic virtue and political participation, the dangers of corruption, the benefits of a mixed constitution and the rule of law, etc.; and it is characteristic of their rhetorical style to draw heavily on classical examples—from Cicero and the Latin historians especially—in presenting their arguments. (In light of the last point, this is sometimes referred to as the ‘classical republican’ or ‘neo-roman’ tradition in political thought.)

(from: <https://plato.stanford.edu/entries/republicanism/>)

**The Classical Republican Tradition**

After long-standing neglect among historians of political thought, there has been a dramatic revival of interest in the classical republican tradition in the past fifty years or so. For the first few decades of this revival, a particular interpretation of that tradition prevailed. According to this view, the classical republicans held what would now be described as a perfectionist political philosophy—that is, a political philosophy centered on the idea of promoting a specific conception of the good life as consisting in active citizenship and healthy civic virtue on the one hand, while combating any sort of corruption that would undermine these values on the other. This distinctive vision of the good life is supposed to be rooted in the experience of the ancient Greek polis, especially as expressed in the writings of Aristotle. The goods of active political participation, civic virtue, and so on, are to be understood as intrinsically valuable components of human flourishing.

It is now standard to refer to this as the ‘civic humanist’ interpretation of the classical republican tradition, and it is most commonly associated with the writings of Arendt (1958, 1963), Pocock (1975, 1981), and Rahe (1992). These and other civic humanist writings have left such an impression on the field that even today many fail to distinguish their views from those of the civic republicans. As we shall see, however, the two are importantly distinct. (from:

<https://plato.stanford.edu/entries/republicanism/>)

Frantz Fanon

**From the Class Lecture on Fanon**

**Bibliography** (Birth:1925 Death: 1961)

Martinique

1952: Black skins, White Masks.

1961: Wretched of the Earth

Short life, died out of Leukemia

Psychiatrist, military service in Algeria, joined the *Liberation National* (an anti-colonial movement in Algeria). He had more radical ideas in the end of life, preaching violence as a necessity for liberty.

**Basis of his philosophy:**

Known for: Psychological analysis of colonialism.

Worked based on his psychiatric experiences. Black and White people had psychopathology due to the: alienation of the black; the mystifying relation white have towards black.

Big influence, Foucault, Post-Colonial theory

**The Negro and Language (Black Skins):**

A phenomenological-psychological analysis of blackness, of racism, of colonialism.

Language🡪inserting in a culture🡪Black wants to speak French and be white🡪self-alienation of the Negro (Afro Caribbean: Creole language as inferior). Colonialism alters the entire self (collective problem created by the whites🡪mimetic impulse to be white). The desire of being white is self-destructive.

Black people are things; The Negro deserve their place (are sub-human); Blackness seals the Negro into a pathological image of the body, the body always tense because the negro knows he is inferior, he is black;

The problem of language: Creole cannot be official language\* or learning perfect French are not solution. Learning perfect French does not help because the Negro is paternalistically judged. The Negro is appreciated for his outstanding quality of being a normal human, when speaking French etc. and this leads to alienation (The Negro can never be white). (\*Fanon does not think that a dialect can be deemed universal as an official language)

“The Black man is a slave who was allowed to assume a master’s attitude” (Black Skin; 194). —the problem of being passive, of being a thing.

Interracial desire is pathological for Fanon. (Not the love is sought, but using the other to attain freedom)

The white’s gaze to the Negro seals him into thingness—the idea of the gaze is from Sartre.

**Hegel**: Master wants recognition from slave + slave liberates through work 🡨>**Fanon**: the master wants work from the slave + the slave is dependent on the master, wants to be like him. The master refuses to give the Negro recognition.

**End**=the man who questions, interrogates can break out of being trapped in blackness.

**New Humanism**=Negro’s are humans, they do not need a special history for being equal as whites (against essentialism—against black greatness and against copying Europe)

**Against the Negritude Movement (by Cesaire).**

Between the two books (*Black Skin* and *Wretched*) Fanon starts to be interested in oppression in general, not only Negro.

**Wretched of the Earth**

The proletariat sustain the master, the proletariat must be violent to liberate himself. He must regain a new humanity, not based on past culture. The white will be shoked to see the Negro be human, sacrifice for a better future🡪this will give self-worth to the Negro.

**Influence on**: (45:00—continue)

Postcolonial Theory

Said: orientalism

Spivak: the subaltern cannot speak

Glissant: right to opacity

Bhabha: hybridity

Chakrabarty: provincialize Europe

**Seminar Text Notes**

**Seminar notes Part I: Classical Political Philosophy** ([Plato](#Plato), [Aristotle](#Aristotle), [Hobbes](#Hobbes), [Lock](#Lock1), [Rousseau](#Rousseau), [Marx](#Karlmarx), [Bentham](#Bentham))

**Plato—*The Republic*, Book I**

**Index**

S—Socrates \*inside an argument S refers not to Socrates, but to a generic subject.

C—Cephalus

P—Polemarchus

T—Thrasymachus

**Justice as the will of the majority**

Socrates is forced to stay by the majority which insists.

**Justice as Honesty (Socrates and Cephalus)**

C: Old age is happy for me since calm by nature (not attached to passions). Being rich helps one being just—since not so tempted to sin. *Justice is to speak the truth and pay your debt*

Also, good poor man=not happy, bad rich man=not happy, good rich man=happy. rich can be a good comforter. The rich man has no debts to the gods.

S: X asked S to hide p when sane. When insane, X asks S to give p back🡪S ought do it. If, S ought not, C’s definition is wrong.

C: I was wrong.

**Justice as Loyalty (Socrates and Polemarchus)**

P: Justice is: *Friends should help/not harm each other, enemies should be harmed/not helped*. Give each man what is proper to him.

For A(activity) what proper Q(quality) is given to S(subject)? In case of justice: *J(activity) gives G(quality) to F(subject)/gives E(quality) to e(subject)*.

S: Thus, one ought injure e. If injured e🡪deteriorating their nature🡪disabling their good=J🡪J against J🡪contradiction.

Also, justice, as defined above, is not good for much (in time of peace) it is good for stealing from e and give it to F (skilful player =better than J in obtaining p. When p not used, J is useful).

Also, Is J to do G to F when F is G/J to do E to e when e is E.

P: I was wrong!

**Justice as the interest of the stronger**

**Definition**

T: justice=(*nothing else than*) interest (of the) stronger.

S: Clarification of definition. It cannot be that what the stronger does (interest)=good for everyone.

T: Clarification: a)in each state “justice” is the interest of the government b) the government are always those in power🡪Justice is the interest of the powerful/stronger. By definition the stronger does not make mistake🡪always when c does what R wants, c follows the interests of R. (reply by T to S’s objection that a ruler can err and thus c not always follow his interest)

**Argument**

S: In any art (including the art of ruling), when defined in the strict sense, it is always about the object—what it does provide; never about the subject. (This is so since only when art p is wrong it needs help from art q or art p/or art p helps art p. Since any art is perfect, it never needs any help=cannot be its own interest)🡪A ruler is not about personal gain, but care for the people. (Art p is a ruler over object=subject z).

T: Justice is never about the object, the servants, but the rulers, fool Socrates. Just=the interest of the strong; unjust=one’s interests against the strong. The highest type of injustice=the unjust becomes itself the ruler, the strong. S who disobeys rules for S’s advantage is freer than just S. Perfect just S always gets less than perfect unjust S (which has everything).

S: T does not seem to distinguish between the art of pay/receiving pay and art h. Art of pay=giving pay to T for helping S. Art of receiving pay=T gains something for helping S.

Art h is that which T does to S. An art can benefit S even without pay, it just does not satisfy T. Since ruler works for others, ruler needs to be played (in honour, avarice, benefiting the people). Now, let’s see how injustice is more advantageous than justice…

T: Justice=foolish, not virtue. Injustice=wise and virtue.

S: However:

1. Fool=wants more than itself and the opposite . Wise=wants just more than the opposite. The just=wants more than the unjust, not more than itself. The unjust=wants more than the just and unjust🡪the unjust is fool and the just is wise. (wise=just, ignorance=injustice)

(why is it foolish to want more than itself?—A wise man can be wiser than an ignorant, by definition the wise=wise🡪wise cannot be wiser than wise)

1. The unjust is dysfunction=in relation to others (reaping people apart, conflict🡪need to cooperate) and in relation to self (leads to inner non-unity)🡪 Justice is the excellence of the soul + soul is ill without performing its excellence🡪injustice=ill=misery and justice=happiness + happiness more profitable than misery🡪**Conclusion:** less profitable than the just. T: ☹

**Overall Conclusions:**

Is not just about paying debts🡪but a proper attitude🡪justice cannot be about hurting people.

Justice can be only about its object, helping an object to not have a deficiency

Justice is about performing an art about the objects (subject)

Justice=order of the parts of the soul🡪order at society level🡪the state needs order which serves the citizen (the necessity of the state which defends citizens, however Authoritarian.

**Remarks about Justice**

Is not just about paying debts🡪but a proper attitude🡪justice cannot be about hurting people.

**My argument for justice of the week**

Justice is not the interest of the stronger=The philosopher is absorbed in ideas, not cares about self-serving. Justice is not the interest of the stronger because we are not the stronger. The week united win.

**Aristotle—*Nicomachean Ethics*, Book V**

**Q: What is justice?** Justice=what actions is it concerned with? =what type of means it is? =between what extremes is an intermediate?

C: Justice=the state of character which makes people disposed to do the just+ makes them act justly+ wish for what is just.

Injustice=disposition which makes people disposed to do the unjust + wish to do the unjust.

E: Various meanings of just and unjust:

Unjust: the lawless+ the unfair + concerned with goods of adversity and prosperity (goods for him, but which can be generally good or generally bad.) + aimed at increasing one’s happiness and maybe not even that of oneself. (injustice=vice fully).

Just=the lawful + the fair+ the acts which promote happiness for the political society+ directed towards oneself and others. (justice=virtue fully).

The law makes S do brave acts, temperate acts, good-tempered acts +other virtues and avoid bad acts. (a good framed law and a bad framed law—the good law makes the interdiction of bad actions proper and following good actions proper).

Injustice qua injustice (unfair=particular/species; unlawful=the whole/genus)

Injustice done out of appetite etc.=not qua injustice (non-unfair) (unlawful)

Injustice done out of profit, honor, safety=qua injustice (unfair) (unlawful) (particular)

Justice qua justice (lawful) (fair=part)

Justice not as fairness=not qua justice. (not about fairness) (lawful)

Justice as fairness=qua justice. (fair) (lawful) (particular)

**About justice as a part**

Particular justice=(A) distribution of honor or money (B) plays a rectifying part in transactions between man and man. (justice as a means between a loss and a gain. The one acting unjust gains more that is fair. The one treated unjustly has less than what is fiar. Justice=giving each what is fair) (Justice=equal share=proportion) The just must be equal and an intermediate+ relative (for certain people). Justice p by nature, or by custom.

(money as establishing justice=measure for equality) (justice in state between rulers and citizens done through respecting laws)

**Q: Sometimes acting unjust does not imply being unjust, when?**

C: If act p is unjust and done voluntarily, then S is unjust. If act p is unjust and done involuntarily, then S is not unjust. (involuntarily=out of ignorance or not in S’s power; voluntary acts=by choice—after deliberation, not by choice) (4 types of injuries in transaction—1) misadventure (not expected) 2) mistake (expected but unwanted target) 3) knowledge but not deliberation (passion) 4)from choice) (involuntary acts down out of ignorance are excusable; involuntary acts out of passion is excusable). (S is just if S acts justly by choice).

“Assuming that we have sufficiently defined the suffering and doing of injustice, it may be asked (1) whether the truth in expressed in Euripides’ paradoxical words:

*I slew my mother, that’s my tale in brief. Were you both willing, or unwilling both?*

Is it truly possible to be willingly treated unjustly, or is all suffering of injustice the contrary involuntary, as all unjust action is voluntary? And is all suffering of injustice of the latter kind or else all of the former”—85 reader

**All unjust action is voluntary?**

**All suffering from injustice is involuntary?**

S can involuntarily be treated justly.

S can voluntarily be treated justly.

S can voluntarily act justly.

S can involuntarily act justly.

S can voluntarily act unjust.

S can involuntarily act unjust.

S can involuntarily be treated unjust.

Can S voluntarily be treated unjust? Yes, if the definition of unjust does include also “ not respecting S’s wishes”.

1) is the one which has less the unjust or the one which has the excess 2)is it possible to treat oneself unjustly?. The two questions are inter-related, for if the distributer acts unjustly (and not G with the excess) then S can treat oneself unjustly voluntarily? In case of virtuous people, which want to have less than their share🡪it cannot be about unjustly treating since S wants this (87)

**To know how to act just based on a certain state of character is not easy.**

To know how to do actions for achieving justice is not easy.

Some beings (Gods) cannot have too much share of the good things in themselves. Some humans have a certain share until which is good, afterwards is bad. For the incurably bad, any quantity of that which is good in itself is bad🡪justice is a human thing (88)

**Equity and Equitable and their relation to the just and the unjust**.

The equitable is good, it is different than the just and it is at the same time part of the just. In other words, equitably is not legal justice, it corrects legal justice. R: All law is universal but is impossible to make a universal statement about everything. (When laws do not work, decrees are needed) Equity=to take less than your share because you are equitable.

Q: Can a man treat himself unjustly?

C: no

E: S can be unjust towards the state through suicide, not himself. A man cannot unjustly treat himself🡪S cannot be unjust towards oneself.

Look 57-58.

**Additional Notes on Aristotle— *Nicomachean Ethics*, Book V**

**The Essentials**

„With regards to justice and injustice we must (I) consider what kind of actions they are concerned with, (II) what sort of mean justice is, and (III) between what extremes the just act is intermediate” (Aristotle, *Nicomachean Ethics*, Book V, page 38 on Reader).

„The just, then, is the lawful and the fair, the unjust the unlawful and the unfair” (39)

I)

There are two types of injustice/justice. Injustice/justice as representing the entire genre or injustice/justice representing a specific species. (The genre is vices/virtues or unlawful/lawful) (The species is unfair/fair)

**Injustice represents that species of vice which are done neither from appetite or cowardice**, but aimed at gain (unfair) (from one’s will)\* **Justice represents the species of virtue that is lawful.**

**The laws of the state promote the happiness of that political society.** The laws promote courage (e.g. not to desert your post); temperance (e.g. not adultery or commit one’s lust) and so on. Possessing virtue means expressing it not only in relation to oneself, but with the neighbor. **Ture virtues, since it is harder, is to be just to your neighbor**.

(II)

Wickedness aiming at something absolutely bad is perceived as aiming to a lesser evil, thus it is seen as aiming for the good and, thus, grasping (i.e. being rational). One ought not to aim for what is good in general, since this might not be good for oneself (e.g. prosperity is generally good, but not good for the one obtaining it through vicious acts).

\*honor, money, safety… motivated by the pleasure of gaining.

Particular justice (fairness) is manifested as (A) distributions of honors or money to those who share into their constitution; (B) playing a rectifying role in transactions. (there can be (1) voluntary, (2) involuntary—the involuntary can be (a) clandestine and (b) violent)

(III) (about A)

Since the just is an intermediate, it must be relative (i.e. for certain persons). The just is the proportional. The man who acts unjust has too much while the one treated unjustly has too little. Justice in its particular sense is fairness (equality) and implies 4 things: 2 persons, 2 objects distributed (product and gain). Justice as equality is situated between deficiency and excess.

(IV) (about B)

The difference between A and B is that B looks at arithmetic proportion. (A looks at geometrical proportion)

**Additional Information (SparkNotes\*)**

**(\*these notes are not done by me, but taken from:** [**https://www.sparknotes.com/philosophy/ethics/section5/**](https://www.sparknotes.com/philosophy/ethics/section5/)**)**

**Summary of the whole text**

Justice can mean either lawfulness or fairness, since injustice is lawlessness and unfairness. The laws encourage people to behave virtuously, so the just person, who by definition is lawful, will necessarily be virtuous. Virtue differs from justice because it deals with one’s moral state, while justice deals with one’s relations with others. Universal justice is that state of a person who is generally lawful and fair. Particular justice deals with the “divisible” goods of honor, money, and safety, where one person’s gain of such goods results in a corresponding loss by someone else.

There are two forms of particular justice: distributive and rectificatory. Distributive justice deals with the distribution of wealth among the members of a community. It employs geometric proportion: what each person receives is directly proportional to his or her merit, so a good person will receive more than a bad person. This justice is a virtuous mean between the vices of giving more than a person deserves and giving less.

Rectificatory justice remedies unequal distributions of gain and loss between two people. Rectification may be called for in cases of injustice involving voluntary transactions like trade or involuntary transactions like theft or assault. Justice is restored in a court case, where the judge ensures that the gains and losses of both parties are equaled out, thus restoring a mean.

Justice must be distributed proportionately. For instance, a shoemaker and a farmer cannot exchange one shoe for one harvest, since shoes and harvests are not of equal value. Rather, the shoemaker would have to give a number of shoes proportional in value to the crops the farmer provides. Money reflects the demand placed on various goods and allows for just exchanges.

Political justice and domestic justice are related but distinct. Political justice is governed by the rule of law, while domestic justice relies more on respect. Political justice is based in part on natural law, which is the same for all people, and in part on particular legal conventions, which vary from place to place.

An agent is responsible only for acts of injustice performed voluntarily. We call injustice done out of ignorance “mistakes,” injustice done because plans went awry “misadventures,” and injustice done knowingly but without premeditation “injuries.” Ignorance is an excuse only if it is reasonably unavoidable.

Aristotle reasons that no one can willingly suffer an injustice and that when goods are unjustly distributed, the distributor is more culpable than the person who receives the largest share. People mistakenly think that justice is an easy matter, as it simply requires obedience to laws. However, true justice comes only from a virtuous disposition, and those lacking in virtue are unable to perceive the just course of action in all cases.

Laws may not always be perfectly applicable. In particular circumstances in which the laws do not produce perfect justice, equity is necessary to mend the imbalance. Therefore, equity is superior to legal justice but inferior to absolute justice.

It is impossible to treat oneself unjustly. Injustice involves one person gaining at another’s expense, so it requires at least two people. Even in the case of suicide, it is not the victim, but the state, that suffers an injustice.

**Analysis**

Justice, for Aristotle, consists of restoring or maintaining a proper balance. He hardly distinguishes the justice that deals with criminal cases and the justice involved in legal commerce except to call the former “involuntary” and the latter “voluntary.”

It might be difficult to see what a commercial transaction might have in common with a brutal assault. For Aristotle, they both involve exchanges between two people in which one person stands to gain unfair advantage and the other stands to receive an equivalent disadvantage. Since justice deals with maintaining a proper balance, any case that might result in unfair advantage or disadvantage is a concern of justice.

Though Aristotle considers justice to be a virtue, it is not listed in his table of virtues and vices because it is a special case. Because just behavior *is* virtuous behavior, justice encompasses all the other virtues. Further, it is not the mean between two extremes—injustice itself is a single extreme.

The earlier suggestion that justice involves restoring or ensuring balance fits very nicely with Aristotle’s Doctrine of the Mean. Justice is a mean state of people having their proper due, while injustice involves people having either too much or too little.

At the outset, Aristotle distinguishes between universal justice, which is a general trait of the virtuous character, and particular justice, which is the primary concern of Book V. Particular justice deals with honor, money, and safety because these are “zero sum” goods. That is, a gain for one person results in a corresponding loss for another. This is most obvious with money. If I steal fifty dollars from you, my unjust gain of fifty dollars corresponds to your unjust loss of fifty dollars. The same idea can be applied more problematically to honor and safety. Presumably, honors unjustly conferred on one person mean that another is unjustly deprived of these honors. An assault on an enemy ensures one’s safety to the extent that it hurts the enemy’s safety.

Because particular justice involves this zero sum exchange of goods, Aristotle associates particular injustice with greed or the desire to have more than one’s due. In Chapter 2, Aristotle points out that someone who commits adultery for the sake of gain is behaving unjustly, but someone who actually loses money by committing adultery out of lust is exhibiting the vice of licentiousness, not injustice.

This notion of zero sum exchange is problematic for a number of reasons. Most obviously, especially in the case of safety, it is far from clear that one person’s gain is always equal to another person’s loss. If I steal an item of great personal value to you, your loss far exceeds my gain.

More significant, though, is the implication that if one person is treated unjustly, then another person must have acted unjustly toward that person. Aristotle has made it clear that injustice is a result of wanting more than one’s fair share and has stated explicitly that behavior motivated by lust or anger is not unjust but rather licentious or irascible. Presumably, a person can suffer a loss, and hence suffer an injustice, as a result of someone else’s lust,anger, or cowardice. The idea that justice is a zero sum game, where one person’s loss is always another’s gain, is thus not entirely consistent with Aristotle’s discussion of virtue.

Distributive justice is a central notion in Aristotle’s *Politics* but gets only a brief mention here. Aristotle’s suggestion is that wealth and honor be distributed according to virtue. The most virtuous people make the most significant contributions to the life of the city, so they have the right to the greatest honors.

Distributive justice reinforces Aristotle’s aristocratic bias. Women, working men, and slaves do not have the freedom to fully exercise all the virtues, so they will necessarily receive a lesser share of the city’s wealth. Distributive justice is somewhat circular in this sense: those who have the greatest privilege have the greatest access to the leisure, freedom, and wealth necessary for virtue, and so are most deserving of their great privilege.

Aristotle would have seen his distributive justice not as reinforcing an unjust aristocracy but as ensuring the best form of aristocracy. That male aristocrats should rule is pretty much unquestioned by Aristotle. His concern is that the right male aristocrats should rule. His concept of distributive justice is meant to ensure that the greatest privilege go to those male aristocrats who exhibit the greatest virtue rather than to those who have the greatest wealth, the greatest military strength, or the most friends. Aristotle sees himself as trying to defend just institutions, not as trying to perpetuate injustice.

**Thomas Hobbes**

**Chapter 13 The natural condition of man (the state of nature)**

**Explaining the state of nature**

1. Premise: People are equal in body or strength.
2. Premise: There are limited goods on this world. When a) good x is not available for more than one b)S1 and S2 are equal 🡪 conflict.
3. Conclusion: People are in conflict

—This state of nature is war—not actual war but ‘bad weather’ since the possibility for conflict looms in the air.

**Causes of conflict:**

1. Competition—both S want the same shit
2. Distrust—Due to competition, people distrust each other🡪Normally good people strike first for protecting what they have.
3. Glory—Each person wants to be valued by others🡪when S can S will be violent against his enemies.

**How it is in the state of nature:**

No hard work.

No culture.

No technology

No knowledge

No literature

No idea of property

**No justice/injustice in the state of nature**

There is no common power🡪there is no law🡪there is no notion of justice and injustice🡪there is no right or wrong until the state is made. (the state can be made when people can decide on who to rule them.

**Passions pro the state (peace)**

Fear of death. Desire for comfortable work + hope to achieve this through hard work. Reason agrees on an advantageous peace treaty.

**Chapter 14—The first and second natural laws, and contracts**

**Definitions:**

**The RIGHT OF NATURE**, which writers commonly call *jus naturale*, is the liberty that each man has to make his own decisions about how to use his own power for the preserva- tion of his own nature

**The proper meaning of LIBERTY** is the absence of external obstacles.

**Natural Law**=is a command or general rule, discovered by reason, which forbids a man to •do anything that is destructive of his life or takes away his means for preserving his life, and forbids him to •omit anything by which he thinks his life can best be preserved.

Law=a command.

Right=the liberty to do as one chooses.

**The birth of the contract**

Law of Nature—seek peace through one’s own growth

Second Law of Nature—disactivate one’s rights when everybody does so for the greater good.

Ways of disactivating a right.

Through renunciation—the person S gives his rights to is not specific.

Through transfer—the person S gives his rights to is specific.

Contract=mutual transferring of a right.

Pact=S1 does his part and trusts that S2 will do his.

Gift=S1 does it for S2 without anything in return.

—there seems to be a kind of obligation to do one’s part in a contract/pact. If there is no superior power, the two camps can retreat when they hear a suspicion of the other camp not respecting the pact.

**Critique of Aristotle on Distributive Justice**

The equality of value of the things contracted for (as if it were an injustice to sell dearer than we buy); ·but this is a useless notion, because· the value of anything that is contracted for is measured by the desires of the contractors, and therefore what they are contented to give *is* the just value.

•And these same writers identify *distributive* justice with the distribution of equal benefit to men of equal merit (as if it were an injustice to give more to a man than he merits). ·This is wrong too, because· merit is rewarded only by grace and isn’t owed anything as a matter of justice. (The only exception to this is the kind of merit that goes with covenants—one party’s performance *merits* the performance of the other party—and this falls within the scope of commutative justice, not distributive.) So this distinction, understood in the usual manner, is not right. Using the term properly,

•*commutative* justice is the justice of a *contractor*—that is, doing what one has covenanted to do in buying and selling, hiring and letting to hire, lending and borrowing, exchanging, bartering, and other acts of contract.

•*distributive* justice is the justice of an *arbitrator* whose job it is to define what is just. Having been trusted by those who make him arbitrator, if he performs his trust he is said to *distribute* to every man his own. This is indeed just distribution, and it could (though improperly) be called ‘distributive justice’; but a more proper label is ‘equity’. That is also a law of nature, as I will show a little later.

As justice depends on a previous covenant, so GRATITUDE depends on a previous grace, that is to say, a previous free-gift.

**Laws of Nature**

First Law of Nature—seek peace through one’s own growth

Second Law of Nature—disactivate one’s rights when everybody does so for the greater good.

**Third law of nature:** Men should perform the covenants they make.

**Fourth law of nature:** A man who receives benefit from another out of mere grace should try to bring it about that the giver of the benefit doesn’t come to have reasonable cause to regret his good will.

**Fifth law of nature:** Every man should strive to

accommodate himself to the rest.

**Sixth law of nature:** A man ought to pardon the past offences of those who repent of their offences, want to be pardoned, and provide guarantees of good behaviour in the future.

**Seventh law of nature:** In revenge (that is, returning evil for evil), men should look not at the greatness of the past evil but at the greatness of the future good.

**Eighth law of nature:** No man should—by deed, word, facial expression or gesture—express hatred or contempt of someone else.

**Ninth law of nature:** Every man should acknowledge ·every· other as his equal by nature. The breach of this command is *pride*.

**Tenth law of nature:** At the entrance into conditions of peace, no man should insist that *he* retain some right which he is not content to be retained by every- one else.

**Eleventh law of nature:** If a man is trusted to judge between man and man, he should deal equally be- tween them.

**Twelfth law of nature:** Anything that can’t be divided should be enjoyed in common, if that is possible; and it should be enjoyed without limit if possible; and if there isn’t enough of it for that, those who have a right to it should have equal shares of it.

**Thirteenth law of nature:** If a thing that cannot be divided or enjoyed in common, a *lottery* should be set up to determine who is to have the entire right to the thing or (for an alternating use of it) who is to have it first.

**Fourteenth law of nature:** Things that can’t be enjoyed in common or divided ought to be judged to have been acquired *through a lottery* to the first possessor, or in some cases to the first-born.

**Fifteenth law of nature:** All men who mediate peace should be allowed safe conduct.

**Sixteenth law of nature:** When men have a controversy, they should submit their right to the judgment of an arbitrator.

**Seventeenth law of nature:** No man is a fit arbitrator in his own cause.

**Eighteenth law of nature:** No man ought to be accepted as an arbitrator in any case where it seems that he will get greater profit or honor or pleasure from the victory of one party than from the victory of the other.

**Nineteenth law of nature:** In a controversy of fact, the judge should not give more credence to one party than to the other; and so if there is no other evidence he must give credence to a third ·person as witness·, or to a third and fourth, or more;

—These laws start from the state of nature and lead to the necessity of a state. These are the most reasonable things a man would do in the state of nature. If people would follow each man would institute a state. The state is necessary for people to respect these. Covenants exist only in a state, since there is no force imposing that the parties to respect it. (Oaths have no value in increasing a covenant)

John Lock

**From *Second Treaties on Government* (S.T.G.)**

**The Law of Nature**

How are men by nature? They are free and equal. Equal because humans are part of the same species and status. (Unless God explicitly wants a person above others). We have the duty to preserve others and to preserve ourselves.

However, one is not free to do everything. One is not free to: destroy oneself, destroy anything in his possession unless it is required for noble ends. “*No one may hurt others in life, health, liberty, or possession*.” (S.T.G., page 4). Duty to preserve others.

“•we are all the work of one omnipotent and infinitely wise maker;

•we are all the servants of one sovereign master, sent into the world by his order to do his business;

•we are all the property of him who made us, and he made us to last as long as *he* chooses, not as long as *we* choose;

•we have the same abilities, and share in one common nature, so there can’t be any rank-ordering that would authorize some of us to destroy others, as if we were made to be *used* by one another, as the lower kinds of creatures *are* made to be used by us” (ibid)

This law of nature is found in reason. One does not know it automatically; one discovers it through reason. Remember Lock’s empiricism and philosophy of mind (tabula-rasa). The law of nature is the standard for all laws. Respecting promises exists also before the state.

**On Punishment**

Any S against the law of nature needs to be punished, but only “as much as may serve for •reparation and •restraint.” (ibid). The injured party, besides the right to punish, has also the right to seek reparation.

**A magistrate can stop one from being punished, but cannot stop one from being requested *‘to reparation’*. Everyone has the right to prevent the crime from happening again.** “And so it is that in the state of nature everyone has a power to kill a murderer, both •to deter others from this crime that no reparation can make up for, by the example of the punishment that everyone inflicts for it, and also •to secure men from future crimes by this criminal; the murderer has renounced reason, the common rule and standard God has given to mankind, and by the unjust violence and slaughter he has committed on one person he has declared war against all mankind, so that he can be destroyed as though he were a lion or a tiger” (5).

**Replying to Objections**

Men cannot judge in their own case, you state the opposite. Lock answers, indeed, the state of nature has some limitations, but how just is that all decisions to be taken by only by the king, including decisions concerning the king himself?

“ ‘Where are there—where ever *were* there—any men in such a state of nature?’ Here is an answer that may suffice in the mean time:- The world always did and always will have many men in the state of nature, because all monarchs and rulers of independent governments throughout the world are in that state. I include in this *all* who govern independent communities, whether or not they are in league with others; for **the state of nature between men isn’t ended just by their making a pact with one another. The only pact that ends the state of nature is one in which men agree together mutually to enter into one community and make one body politic**” (6) State of war: When X threatens the life of Y, X creates state of war. Y has all the right to kill X.

**J.S. Rousseau—Social Contract Book I**

**About force:** (i) Force is physical, it does not have normative content. One obeys force out of prudence, not duty. (ii) Another force can make one this force states to be right as being wrong. From (i) and (ii)🡪Force cannot become a right (not even if imposed).

**About the state of nature:** In this state there are just relations between persons, not also between objects🡪war is impossible (the relations between people are two week)

**About Slavery:** Since **about force** is true🡪there exists no legitimate right to slavery, since: (i) the slave receives nothing in return for giving up his freedom (freedom has infinite value, surviving as a labourer is not a reward), (ii) there is no war in the state of nature to legitimise slavery.

**About the general will:** it is not the sum of individual wills; it is aiming towards the common good of the community. The general will is sovereign, owns all the land. Simultaneously, each man has the right to his/her land. A man/women is both citizen (subjugated to the general will) and sovereign (as a part of the general will). This does not mean that a man/women can give him/herself the laws in his/her own interest.

**State of Nature:** But this supposed right to kill the loser is clearly not an upshot of the state of war. Men are not *naturally* one another’s’ enemies. [The next sentence is expanded in ways that the ·small dots· convention can’t easily handle.] Any natural relations amongst them must exist when they are living in their primitive independence without any government or social structure; but at *that* time they have no inter-relations that are stable enough to constitute either the state of peace or the state of war. War is constituted by a relation between things, not between persons; and because the state of war can’t arise out of simple personal relations but only out of thing-relations, there can’t be a private war (a war of man against man) in the state of nature, where there is no ownership, or in the state of society, where everything is under the authority of the laws.

**Against Force as a right**: Force is a physical power; I don’t see what moral effect it can have. Giving way to force is something you have to do, not something you choose to do; ·or if you insist that choice comes into it·, it is at most an act of •prudence. In what sense can it be a •duty? To renounce your liberty🡪renounce your humanity🡪renounce everything🡪no proper exchange, illegitimate

**Karl Marx**

**Communist Party Manifesto**

“Freeman and slave, patrician and plebeian, lord and serf, guild-master‡ and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes”

The new class struggle is simplified: Bourgeoisie and Proletariat. In the past there were more classes, but the same idea: conflict between oppressors (advantaged) and oppressed (disadvantaged).

The Birth of the Bourgeoisie

The modern bourgeoisie is itself the product of a series of revolutions in the modes of production and of exchange. He is the result of the industrial revolution, revolutions against the feudal limited mode of production. Communication, travelling, technology🡪more goods produced faster and through industry one man can own the production of a lot of things.

As the bourgeoisie won economical power🡪they won political power: the bourgeoisie started to cooperate with the monarchy against the nobles in France (in a period in which bourgeoisie manufacturing grew).

The bourgeoisie reduced all the sacred, religious, dimension of feudal authority to the nakedness of *money*, *interest*, *utility*.

Unlike past societies, the bourgeoisie need to constantly revolutionize their means of production and exchange for evolving. It is based on constant market. The old relations were constant (no so much competition).

The bourgeoisie force other nation to adopt their style, to produce faster and more🡪the bourgeoisie create a world in their image.

The problem with capitalism🡪crises due to overproduction and lack of proper payment to workers🡪eventually the destruction of capitalism (historical necessity of change)

The birth of the proletariat

But not only has the bourgeoisie forged the weapons that bring death to itself; it has also called into existence the men who are to wield those weapons – the modern working class – the proletarians—creating the working class.

The worker loses his individual character, he works for a low wage since he is asked only to do small stuff (division of labor + advanced machinery). The misery of the worker increased if new machinery replaces his work or if he is asked to work more—alienation of the proletariat.

The conflict between classes begging

The proletariat revolt started: individually🡪collectively. Initially, the collective mass attacked not the capitalist conditions of production but against the instruments of production themselves—destroying tools, factories etc.

The bourgeoisie direct the proletariat against monarchy, not against them… the bourgeoisie remain in power for now. The proletariat becomes pourer as machinery equalize the jobs🡪and the wages of everybody🡪riots and protests through trade unions created by the proletariats.

The unique character of the proletariat

All the preceding classes that got the upper hand sought to fortify their already acquired status by subjecting society at large to their conditions of appropriation. The proletarians cannot become masters of the productive forces of society, except by abolishing their own previous mode of appropriation, and thereby also every other previous mode of appropriation. They have nothing of their own to secure and to fortify; their mission is to destroy all previous securities for, and insurances of, individual property.

All previous historical movements were movements of minorities, or in the interest of minorities. The proletarian movement is the self-conscious, independent movement of the immense majority, in the interest of the immense majority. The proletariat, the lowest stratum of our present society, cannot stir, cannot raise itself up, without the whole superincumbent strata of official society being sprung into the air.

Though not in substance, yet in form, the struggle of the proletariat with the bourgeoisie is at first a national struggle. The proletariat of each country must, of course, first of all settle matters with its own bourgeoisie.

The aim of Communism

The Communists, therefore, are on the one hand, practically, the most advanced and resolute section of the working-class parties of every country, that section which pushes forward all others; on the other hand, theoretically, they have over the great mass of the proletariat the advantage of clearly understanding the line of march, the conditions, and the ultimate general results of the proletarian movement.

The immediate aim of the Communists is the same as that of all other proletarian parties: formation of the proletariat into a class, overthrow of the bourgeois supremacy, conquest of political power by the proletariat.

The aim of Communism is abolition of private property, but not of private property as such, but of bourgeois property—which is based by ‘ownership’ and exploitation.

The relationship between Proletariat and Bourgeois

In bourgeois society capital is independent and has individuality, while the living person is dependent and has no individuality. The bourgeois gains capital while the proletariat just receives minimum resources🡪it is a type of property based on exploitation.

Replies to Objections Against Communism

No Property, no individuality=no bourgeois property and individuality.

No culture= no class culture, no bourgeois culture.

Without wage-labor—people would be lazy=in bourgeois society worker gains nothing and the capitalist does not work—people would not have ‘work for the capitalist’ if there is no ‘capitalism’—(tautology).

No family=no bourgeois family, family based on exploitation and profit.

No countries=the proletariat have no countries; they need to form their nation by overthrowing capitalism.

Women become common property=we mean that women are not individuals to be exploited by men, women are free to represent themselves.

The Communists will change all past thinking

But Communism abolishes eternal truths, it abolishes all religion, and all morality, instead of constituting them on a new basis; it therefore acts in contradiction to all past historical experience.” What does this accusation reduce itself to? The history of all past society has consisted in the development of class antagonisms, antagonisms that assumed different forms at different epochs.

Society Plan’s by the communists

1. Abolition of property in land and application of all rents of land to public purposes.  
2. A heavy progressive or graduated income tax.  
3. Abolition of all rights of inheritance.

4. Confiscation of the property of all emigrants and rebels.  
5. Centralization of credit in the hands of the state, by means of a national bank with State capital and an exclusive monopoly.  
6. Centralization of the means of communication and transport in the hands of the State.  
7. Extension of factories and instruments of production owned by the State; the bringing into cultivation of waste-lands, and the improvement of the soil generally in accordance with a common plan.  
8. Equal liability of all to work. Establishment of industrial armies, especially for agriculture.  
9. Combination of agriculture with manufacturing industries; gradual abolition of all the distinction between town and country by a more equable distribution of the

**Bentham—The Principle of Utility**

Two masters of man=pleasure/pain🡪from them alone S determines good/bad (tendency) + S does anything. If promotes pain🡪then bad. If promotes happiness🡪then good. (determine the chain of cause and effect)

* + A measure of government=conforms to utility iff it produces more happiness than it destroys.
  + Ought/right/wrong=have meaning only when referred to utility.
  + Utility cannot be proved, does not need proof, since is the basis of all normativity.
  + When S tries to disprove utility, S uses it🡪S can just show that it is used badly=misplaced.

**Definition**: The principle of utility=rational and lawful application of the above (for community + every measure of government). Utility=the property of p to lead to pleasure and to avoid pain. The interest of the community=the interest of sum of individuals. X is conformable to utility if it has the tendency to create more happiness than it destroys. S obeys utility=iff S respect the principle of utility.

**Proof:** Utility is the basis of all actions🡪cannot be and needless to be proved. S argues against Utility=S does not show that Utility is wrong, just that it is misplaced (S cannot not use utility). In practice, man does not always follow Utility, does not fully believe in Utility, however, he always tries to apply Utility.

If S still believes that Utility is wrong, let S ask himself these:

1. One questions utility…
2. Can one think of another principle than utility (and not be just caprice)?
3. If yes, then: Is ‘the approbation of the principle without influence of circumstances’ sufficient? A. Ought S’s sentiment be standard for all? B. Or any S’ sentiment can be standard for themselves?
4. If A, then it is not despotically?
5. If B, then are there not as many standards as people? Is what is right for S today also tomorrow/in another place? Besides ‘I like it/dislike it’ can this principle bring anything else to the table?
6. Based on what reflection is, in case B, applied the principle?
7. How S justifies his adoption of the new principle?
8. If one considers that there is another principle than utility, can one have a *motive* to act other than utility? If only utility is motive🡪the other principle is useless.
   1. If S adopts his/her principle until p, and after p he/she adopts Utility🡪establish p. *right* has no *meaning* if not *motive* for doing right x. *Ought* has *meaning* if utility. Philosophy of language=meaning of words.

**Seminar notes Part II:** **Rawls, Arendt, Fanon** (**Contemporary Problems)**

Rawls—Justice as Fairness

* Justice is the first virtue of institutions/just as truth is for thought.
* Justice is equal to everybody, is uncompromising, bye bye Utilitarianism.
* **The principles of social justice** (based on which one chooses between dif. social arrangements)=providing the way to assign rights and duties in basic institutions + appropriate distribution of benefits (economic + social conditions)
* Each person has a different conceptions of justice, there needs to be agreement between people, efficacy and stability need also to be kept. **Iff a principle of justice** leads to the broadest respect of other necessities, then it ought to be the principle.
* **Social justice** **respects**: freedom of thought and liberty of conscience, competitive markets, private property in the means of production, and the monogamous family are examples of major social institutions.
* **Deep inequality**=some social/economical positions influence life prospects.
* „The various conceptions of justice are the outgrowth of different notions of society against the background of opposing views of the natural necessities and opportunities of human life” (9). Justice is one part of a social ideal.
* Aristotle speaks of justice applies to actions (respect what is other’s own/deserved), while Rawls talks of duties of institutions
* **Justice as fairness**=the principles of justice must regulate all further agreements, forms of government.
* **Veil of ignorance=**contractualist approach=thought experiment=people need to choose their conception of justice while not knowing their position in society and talents, strength, and their psychological beliefs and preferences. (it is assumed that the members are rational, mutually disinterested\*, will respect the now-established rules in the future. \*not egoistic, but just not concerned with others)
  + **Principle of equality=**equality in assigning basic rights and duties
  + **Principle of difference=**wealth and authority inequality are allowed if they lead to benefit for everyone.

(this theory is planned to deal only with social justice, not with all other virtues. The terms contract refers to an ethical tradition—it implies the plurality of opinions and the idea of an agreement between people—Rawls contract is different then the usual contractualist theories since it applies not to forms of government, but moral rules. It is a purely hypothetical situation, without a clear initial position)

Rawls—*Political Liberalism* (Later Rawls)

**Defining Terms**

* **Political conception of justice**=normative in its own right.
* **Justice as fairness**=Rawls conception of justice
* **political conceptions**=in the political life of **public reason**, there are different political conceptions which are reasonable, even if they are different.
* **Reasonable pluralism**=in liberalism, there can be different political conceptions at the same time. Citizens can have different comprehensive doctrines, but these doctrines cannot take part into politics.
* **Comprehensive doctrines**=different doctrines, set of beliefs and practices
* **Overlapping consensus=**different doctrines don’t need just to tolerate each other, they ought to all endorse the existence of other political conceptions and c. doctrines.
* **The main moral/philosophical conceptions of a constitutional democratic regime:** Freedom, equality, legitimacy of exercising political power, stability for the right reasons, overlapping consensus.
* **Citizens=**the moral agent is transformed in a citizen, a person with political rights and duties. (the rights/duties/virtues of a citizen are more limited than the moral agent)
* **Liberal conception=page x | vi.**

**Theme of the text:** Explaining political pluralism, how different comprehensive doctrines and political conceptions can co-exist in a liberal society. Explain how Theory of Justice is compatible with pluralism of political conceptions.

**Explaining concepts**

* **A political conception is freestanding**=based on political principles, not comprehensive doctrines, if it is reasonable/reciprocal=if both ends of a deal would under no manipulation accept x. (moral rights and duties, justice, social cooperation)
* **Principle of reciprocity**=political power is proper iff we sincerely believe that our reasons for x may reasonably be accepted by other citizens as a justification of x. (there cannot be any reciprocity in adopting slavery—non-basic liberties)
* A screenshot of a cell phone

  Description automatically generatedWhat is the most reasonable basis of social unity?

A close up of a newspaper

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* **Public reason** deals with **constitutional**
* **essentials and matters of basic justice**,

not with other cultural aspects. (x | ix—

about original position).

* **Proviso=**Reasons from comprehensive

doctrines can be introduced in public

reasoniff these beliefs are argued based on reasonable political conceptions. (Through proviso, the link between comprehensive doctrine and political conceptions is tightened🡪more individual reasons for consensus🡪more stability)

* **Political conceptions change over time, are in debate with each other**.

**Rejecting criticism to public reason**

1. **It is too restrictive since it does not apply to all cases**. Reply: there are few cases in which it does not work and in such cases the particular situation needs to be assessed.
2. **It is too restrictive since it seems to settle the question in advance**. Reply: public reason does not settle particular questions, it just specifies the terms in which problems to be solved.
3. **It is too restrictive since it does not provide enough reasons to settle all cases.** Public reason acts as a judge, uses the cannon to settle situations.
4. **In some cases, people do not agree on one political conceptions**. Reply: in such cases people will vote for the right version.

**Specifying proper arrangement of institutions (in accordance with Rawls’ theory)**

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Hannah Arendt

**From *Between Past and Future*, chapter “What is Freedom?”**

Political view of freedom (Ancient Greek, Romans)

freedom=action=beginning=miracle

* There needs to be a public space which

allows action, this space is the polis

* Freedom and politics are related, since

politics creates the public space

* Freedom is a principle, action, is about virtuous action, beginning a new project.
* Man *initiates* things, like a miracle, an “infinite improbability”, mystical interpretation of action
* Hannah Arendt agrees with the political

view and rejects the opposite.

Non-political view of freedom (Christianity; Philosophy)

freedom=sovereignty (will)

* It speaks about liber arbitrum, the ability to act not influenced by external causes or internal causes (motives). This also means sovereign=to be the owner of action
* One can be free just by willing, even if the external world is oppressive one can control his/her inner state (Epictetus—only what is in your control, Christians)
* Freedom and politics are seen as opposite, political regime is free as long as it allows people to not be concerned about politics. The rulers oppress the people.

„Without a politically guaranteed public realm, freedom lacks the worldly space to make its appearance” (149/163)

Frantz Fanon

**From *Black Skin, White Masks* (page 186-205):**

* “The coloured man’s comprehension of the dimension of *the other”* is influenced by language.
* “It is implicit that to speak is to exist absolutely for the other”
* To speak a language above all means to adopt a culture
* The Negro in Antilles faces the problem of language (He becomes more a man as long as he speaks French—linguistic inferiority complex)
* Martinique Negro’s hating their language, their culture, wanting to be white.
* After returning to their villages, from France, they are critical of their culture and almost forget their language. The villagers are willing to ridicule any failure of the ‘returned Negro’ to comply with his ‘new Parisian standards’.
* (the Prospero complex)
* Negro people are considered to have no history, no past=being non-human. They strive to be human, white. White treat them with paternalistic *understanding*, using their tongue… talking to them as if they are their child.
* There are different stages in development of language… can we see if the Negro’s language is on the inferior stage of development?
* What is important, is to teach the Negro not be the slave of their archetypes. Through assigning their native tongue to the Negro… we imprison him to a state of submission, to an essence.
* Speaking French, instead of dialect, it is a confrontation-it means to show “against the white, that the Negro is equal”. The white does not want this, but by doing this… the Negro just manifests its inferiority complex (denies himself)
* The Negro literature culture emerged, developed in the context of the white… language tells you culture… who you are in the world.

1. Due to corona situation, the 2020 class had to skip the text from Kymlica and Okin + the class on Okin. [↑](#footnote-ref-1)