

**DRAFT ONLY: AS OF Wednesday, October 28, 2009**

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**GVPT 449H** (Fall, 2009) *Distributive Justice: Theory and Practice (Policy, Politics, and What's Right)*

[www.bsos.umd.edu/gvpt/oppenheimer/djtheory/](http://www.bsos.umd.edu/gvpt/oppenheimer/djtheory/)

This is an honors research seminar. It focuses on both the philosophical theory of justice in distribution and on the differential quality of performance with regard to justice of the developed democratic nations. Students will be expected to do a major paper that will include both a theoretical part (the student's own theory of justice in distribution) and an evaluative part regarding a policy or polity with regard to distributive justice. Drafts of parts of this project will be due at intervals during the term. There will be no final exam.

Students will explore how to evaluate (and analyse) the subject of distributive justice. The seminar pushes students to integrate the normative theory of social justice (a branch of both ethics and political philosophy), the philosophy of knowledge, and some matters of policy evaluation. Evaluation of policy must begin with some understanding of the problems: the facts. But it also needs the philosophical examination of what's right. To do this, we look at an important public policy problem: "What is distributive justice, and how do the social policies of the modern democratic states stack up?" We begin by pursuing the characteristics of the distribution of income and

**I will try to meet any extraordinary needs of any student. Such needs can arise out of either preexisting or new conditions. All students should ask themselves if they have any special pre existing condition which should be considered by us in the grading (or other procedures) in the course. Such conditions may include personal, social, physical, emotional or other impairments. Students who wish preexisting conditions to be properly considered must inform me NO LATER THAN 2/13. When relevant, the student must submit some degree of documentation regarding the condition, and a personal statement of how it impacts in the academic performance in the course, in writing. If a newly arising condition develops during the course, official and personal documentation WILL be required. Further, when ever possible, the student is obligated to inform me of the conditions as they arise, and not after the consequences (e.g. missed exams) occur.**

wealth in a few democracies. Along the way, we consider what one can expect to find in the way of distributional patterns in a democratic setting. This is followed by the views and definitions of distributive justice among contemporary philosophers. Various empirical approaches to the understanding of distributive justice will also be considered.

Thus, the beginning of the seminar is concerned with the empirical and ethical nature of distributive justice. It will culminate in the development of a personal theory of distributive justice, which will be shared among, and evaluated by, class members.

In the second half of the course students will be involved in presenting and critiquing each

others (team) research which will involve both the evaluation (empirical and ethical) of an economic distributive problem in the United States or elsewhere related to public policy and a personal theory of distributive justice.

The small course size should allow us to engage in dialogue, and a number of aspects of this course will emphasize this. First, because this is not a lecture course, students will be expected to participate in discussion, and this **participation will count** toward one's grade. All **reading is to be done before the class** for which it is assigned to insure informed discussion. There may be at any time, a pop quiz (each worth 25 points) if the reading does not appear adequately prepared for class. We will employ email and probably a chat room to enhance dialogue. The chat room, Xx, should enable students to continue, and even to generate the arguments outside of class.

Prerequisites for the course are GVPT 100 and 241 (although they can be waived for good reason) and membership in an honors program.

## WRITTEN ASSIGNMENTS

Students will have a number of smaller written projects that can be thought to be the platform for the final research project of the semester. There is no final examination. The main written assignments are:

1. First, each student must write up what they consider to be a major problem in distributive justice that they wish to pursue for the semester: due on 9/21. (MAX 3 pages, 10 points)
2. Students should prepare a (one page MAX, 5 points) criticism of Rawls and another of Nozick prior to this. It will be read and commented on by me. Due 10/1,
3. Nozick's due 10/8.
4. Fourth, students will define a notion of distributive justice which conforms to their own value structures: due 10/30. (MAX 3 pages, 20 points)
5. Fifth, each student will write a paper (MAX 2 pages, 15 points) on the normative aspects of the distributive policy described in paper #1: due 11/10.
6. The final written project will often partially be a team project: an evaluation of the performance of a public policy in the achievement of distributive justice as defined by the student. Your project may employ statistical analysis but that is not a requirement. The project will require an evaluative comparison of the empirical and normative nature of the distributive impact of a policy such an aspect of social security, welfare, or housing policy. The final paper is due: Dec. 18, noon. (MAX 11 pages, 45 points)

Thus, over the course of the semester, you will have selected a problem, a philosophical position, and then an aspect of the policy area to evaluate using the student's own chosen principles of distributive justice as a measuring rod.

*Style and other details re papers:*

1. Maximum length does **not** include covers, or bibliography. Margins of 1" all around. Single spaced, standard sized fonts (12 point).
2. I prefer word documents (DOC, **not DOCX**), but can handle word perfect as well. PDF is less useful but also suitable, if you have the ability to read comments I put in the PDF documents.

3. All material ought to be cited in parentheses in the text e.g. (Rawls, 1993, p. 39) or casually (e.g. "As Rawls (1993) says on p. 39, ...). But then there must be a bibliography: e.g. "Rawls, John (1993) Political Liberalism. Columbia University Press." Footnotes should be substantive.
4. Only referenced pieces are to be in the bibliography.
5. All papers are to be handed in electronically to both the professor and the TA by midnight of the due day. Spelling and grammar count. Good form (e.g. bibliographies, footnotes, etc.) is required.
6. In assigning grades to team projects, the *individual and team* will be graded. Individual grades will be the group grade, weighted by the individual's relative contribution to the team as reported by team members.

*Disputed grade procedures:*

No grade can be disputed unless your quizzes or papers accompany your protest. The protest must be in writing: typed and must specify *precisely* why you think the grade was in error. All protests should be handed in within one week of the grade being returned to the student.

No papers handed in for other courses will be accepted for credit in this seminar unless there has been a *prior* agreement to that explicitly worked out with the instructor.

**HONESTY:**

The University is an academic community. Its fundamental purpose is the pursuit of knowledge. Like all other communities, the University can function properly only if its members adhere to clearly established goals and values. Essential to the fundamental purpose of the University is the commitment to the principles of truth and academic honesty. Accordingly, the Code of Academic Integrity is designed to ensure that the principle of academic honesty is upheld. While all members of the University share this responsibility, The Code of Academic Integrity is designed so that special responsibility for upholding the principle of academic honesty lies with the students. (The University of Maryland Student Honor Council)

All University of Maryland students are asked to write and sign the following Honor Pledge to all submitted assignments and exams:

I pledge on my honor that I have not given or received any unauthorized assistance on this assignment/examination.

The University of Maryland honor system is fully described in the Code of Academic Integrity. Please read: [www.studenthonorcouncil.umd.edu/code.html](http://www.studenthonorcouncil.umd.edu/code.html). The Code is administered by an all-student Honor Council. The student Honor Council office is located in room 2118 Mitchell Building and can be reached at 301-314-8204.

The Honors College works to enrich its community life by promoting an atmosphere of honesty, trust, and mutual responsibility. In the event that a Honors College student is found responsible for a violation of the Code of Academic Integrity by the Student Honor Council, he or she will be dismissed from the Honors College for the semester in which the violation took place and for all subsequent semesters in which the student is enrolled as an undergraduate at Maryland.

***I fully enforce all university honesty guidelines.***

## **COURSE EVALUATIONS:**

Your participation in the evaluation of courses through CourseEvalUM is a responsibility you hold as a student member of our academic community. Your feedback is confidential and important to the improvement of teaching and learning at the University as well as to the tenure and promotion process. CourseEvalUM will be open for you to complete your evaluations for fall semester courses between Tuesday, December 1 and Sunday, December 13. You can go directly to the website ([www.courseevalum.umd.edu](http://www.courseevalum.umd.edu)) to complete your evaluations starting December 1. By completing all of your evaluations each semester, you will have the privilege of accessing the summary reports for thousands of courses online at Testudo.

## *AVAILABILITY OF INSTRUCTOR:*

- Both the TA & I will do our best to be available to help you with the material. But you must be sufficiently aggressive to let me know when you are having problems. Make sure you note my telephone numbers, office hours, and office numbers at the top of the syllabus. *Those office hours are for you. Use them.*

## **READING MATERIALS:**

### *Books:*

1. Iceland, John (2006) Poverty in America: A Handbook 2<sup>nd</sup> ed. (Paperback) U of Calif. \$22 isbn 0-520-24841-4
2. Levy, Frank. The New Dollars & Dreams: American Incomes & Economic Change. Russell Sage Foundation 0871545152 \$17
3. Goodin, Robert E., Bruce Headey, Ruud Muffels, Henk-Jan Dirven. The Real Worlds of Welfare Capitalism Paperback Cambridge Univ Pr 0521596394 \$37
4. Nozick, Robert Anarchy, State and Utopia Basic Books. 0-465-09720-0 \$22-25.
5. Rawls, John Justice as Fairness: A Restatement Harvard University Press. 0-674-00511-2 \$23

### *Other:*

Will be listed in the assignments and available as follows \*E\* means electronically.

## **READINGS & OTHER ASSIGNMENTS**

### **PART I: THE REALITY OF INCOME AND WEALTH DISTRIBUTION (3 WEEKS) (9/2 - 9/16):**

**Readings:** (\*E\* & \$ means that the items are on line - ck website)

#### **Week 1: on individual decisions and how it has come to effect income distribution:**

1. Levy, Frank. (1998) The New Dollars & Dreams: American Incomes & Economic Change. W W Norton, N.Y. pp. 1-4, 15-24, 201-202, and Chapters 5, & 7.

#### **Week 2: An overview on current governmental policy.**

2. Goodin, et. al. Ch. 2, 5 through 8 (skim Chapter 6) and look at appendix re the measures when

confused. .

3. Levy, Frank. (1998) The New Dollars & Dreams: American Incomes & Economic Change. W Norton, N.Y. Chapter 8.

### **Week 3: How governmental policy is subject to change.**

4. \*E\* Thomson, David. "Generations, Justice, and the Future of Collective Action." in Peter Laslett and James S. Fishkin, eds. (1992). Justice Between Age Groups and Generations. pp. 206 - 235. New Haven: Yale University Press.

### **Written Assignment #1 (10 Points): Due 9/21:**

Write a paper of no more than 3 pages contrasting the roles of individual (micro) decisions, market forces, and social or political policy on some aspect of the distribution of income or other valuable (eg housing, education, freedom, health care). Do this with **explicit** reference to what you got out of the readings.

To narrow the topic properly, you should develop your essay using some specific cuts through the material such as **one** of the following: family structure (c.f. Levy); historical patterns for levels of support (c.f. Levy, Thomson, Goodin); and national patterns of welfare policies in different societies (c.f. Goodin); or the general macro economy (c.f. Levy).

## **PART II: THE THEORY OF WHAT'S JUST (4 WEEKS): 9/23 - 10/14**

### **Readings:**

#### **Week 1 +: Justice in the *Pattern* of Distribution? 9/23**

1. Rawls, Justice as Fairness: , Cambridge: Harvard University Press: (Part I: §1-2, 6; Part II: §12-14, 17-22; Part III: § 27-29 & 33-40; Part V: all.

#### **Week 2: Justice: Is There a Consensus? 9/30**

These readings are at: <http://www.bsos.umd.edu/gvpt/oppenheimer/id27.htm>

2. \*E\* Frohlich, Norman and Joe A. Oppenheimer (1990) "Choosing Justice in Experimental Democracies with Production" American Political Science Review, v. 84, #2 (June): pp. 461-477.
3. \*E\* A Role for Structured Observation in Ethics. by Norman Frohlich & Joe Oppenheimer, Published in Social Justice Research, March '97: v. 10, #1, pp. 1-21.
4. \*E\* "Some Democracies are More Equal Than Others: Using Social Welfare As A Metric For Political Evaluation," (Joe Oppenheimer, Norman Frohlich, Maria Dimitriu & Cyrus Aghamolla) For presentation at 2008 APSA meetings, Boston, Aug. 29, 2008. Look also at the slides at [www.bsos.umd.edu/gvpt/oppenheimer/209j/demper.pdf](http://www.bsos.umd.edu/gvpt/oppenheimer/209j/demper.pdf) .

### **Recommended:**

Howe, Roger E. and John E. Roemer. (1981) "Rawlsian Justice as the Core of a Game." American Economic Review 71, #5 December: 880-895.

Rae, Douglas. (1975) "Maximin Justice and an Alternative Principle of General Advantage," American Political Science Review 69: 630-647.

Nagel, Thomas. Equality and Partiality. Paperback, 208pp. ISBN: 0195098390, Oxford

University Press, Incorporated Pub. Date: February 1995.

**Written Assignment #2 (5 Points): Due 10/1:**

**If you have criticisms of or points that bother you regarding Rawls that we did not cover in class, then write a paper of no more than 1 page analysing one or two aspects of Rawls' theory of distributive justice that particularly bother or entice you. Do this with **explicit** reference to what you got out of the readings.**

Narrow the topic properly by focussing on only those aspects that you wish to discuss. A single short paragraph (1 or 2 sentences) can tie these aspects to the bigger picture he sketches.

**Week 3 & 4: Justice in the Procedures of Distribution? 10/7, 10/14**

5. Nozick, Robert (1974) Anarchy, State and Utopia, New York: Basic Books.
  - A. On the development and nature of the state - Chaps 2, 4 (pp 54-56, 64-87) 5 (pp 88-113)
  - B. On distributive justice - Chapters 3 & 7 (pp. 26 - 53, 149 - 164, 174-204).

**Written Assignment #3 (5 Points): Due 10/15:**

**If you have criticisms of or points that bother you regarding Nozick that we did not cover in class, OR if you didn't write a similar piece on Rawls, then write a paper of no more than 1 page analysing one or two aspects of Nozicks' theory of distributive justice that particularly bother or entice you. Do this with **explicit** reference to what you got out of the readings.**

Narrow the topic properly by focussing on only those aspects that you wish to discuss. A single short paragraph (1 or 2 sentences) can tie these aspects to the bigger picture he sketches.

6. **\*E\*** Schmidtz piece.

**Written Assignment #4 (20 Points): Due 10/30:**

Using your understanding and evaluation of Rawls and Nozick to generate and support your points, write a paper of no more than 3 pages, explicitly giving a framework for the principle of justice in property and income distribution that you believe in. Specifically you may want to address "How do you deal with the large scale injustices of previous acquisitions of property (i.e. slavery, Indians, etc.) in your theory and why?"

**PART III: SOME POLICY DOMAINS (3 WEEKS): 10/28 - 11/11**

**Week 1: Poverty 10/28**

1. Iceland, John (2006) Poverty in America: A Handbook
2. \$ [www.bsos.umd.edu/gvpt/oppenheimer/209j/wealth.pdf](http://www.bsos.umd.edu/gvpt/oppenheimer/209j/wealth.pdf)
3. \$ [www.bsos.umd.edu/gvpt/oppenheimer/djtheory/newhome.pdf](http://www.bsos.umd.edu/gvpt/oppenheimer/djtheory/newhome.pdf)
4. \$ [www.bsos.umd.edu/gvpt/oppenheimer/dj/schlpov.pdf](http://www.bsos.umd.edu/gvpt/oppenheimer/dj/schlpov.pdf)
5. \$ [www.bsos.umd.edu/gvpt/oppenheimer/dj/socio-ec\\_updates.pdf](http://www.bsos.umd.edu/gvpt/oppenheimer/dj/socio-ec_updates.pdf)

**Week 2: Medical 11/7**

6. \*E\* "Second Class Medicine," Consumer's Reports, Sept. 2000, v 65, No. 9: 42 - 50.
7. \$ [www.bsos.umd.edu/gvpt/oppenheimer/dj/Gawande.pdf](http://www.bsos.umd.edu/gvpt/oppenheimer/dj/Gawande.pdf)
8. \$ [www.bsos.umd.edu/gvpt/oppenheimer/dj/bankruptcy.htm](http://www.bsos.umd.edu/gvpt/oppenheimer/dj/bankruptcy.htm)

**Week 3: Prisons 11/11**

9. \$ "Solitary"
10. Mental health and prisons

**Written Assignment #5 (15 points) due 11/10:**

Write a paper of *no more than 3 pages*, explicitly explaining the normative dimensions (given your theory of justice) regarding the problem you are writing about (usually this was described in your first paper).

**PART IV: RESEARCH REPORTS, DISCUSSIONS (3 WEEKS): 11/18 - 12/2**

**SUMMING UP 12/9**

**Written Assignment #6 (45 points) due 12/18:**

Write a paper of *no more than 11 pages*, explicitly giving a framework for the principle of justice in property and income distribution **that you believe in**, applied to a policy problem or context if you prefer. Specifically tell us

i.) which elements of the theories of distributive justice conform to your current notions of what is right.

and

ii.) how you would deal with any relevant large scale injustices of previous acquisitions (i.e.

slavery, Indians) or why this is unnecessary

Explain your position carefully. Give full credit to the assigned readings where relevant.