## Government of the Russian Federation

## National Research University Higher School of Economics

Department of Practical Philosophy

Syllabus of the course**:**
**The Theory of Justice**

Master's program "Philosophical Anthropology"
Philosophy (47.04.01)

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Руководитель школы В.Н. Порус _____

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Академический руководитель образовательной программы

О.А. Жукова _____

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## Scope of Use

The current program outlines the requirements for students' knowledge and skills and the content of the course.

The syllabus is developed for the department, responsible for teaching the course, professors and teaching assistants, students of the master's program 'Political Analysis and Public Policy'.

This syllabus meets the standards required by:

Standards of National Research University Higher School of Economics of Federal Masters' Degree Program Philosophy (47.04.01)

Curriculum of the master's program 'Philosophical Anthropology' as of 2016.

## 1 Objectives of the course

- The students are getting some basic skills of ethical analysis of conflicts, war, massive violence and global security. The analysis will be based of both descriptive and prescriptive approach.
- They are getting some positive knowledge related to this much disputed sphere.
- They are supposed to work out some firm and everlasting values related to the sphere of war and violence, which they will be capable to justify and develop.

## 2 Supposed results.

The students are supposed to adopt the following competences:

System competencies

| Code (RUS) | Code (ENG) | Competence description |
|---|---|---|
| **СК-1** | **SC-1** | Ability to analyze and improve familiar research methods and professional skills |
| **СК-2** | **SC-2** | Ability to generate concepts and theoretical models, to test new methods and tools for professional activities |
| **СК-3** | **SC-3** | Ability to learn new research methods and approaches on his/her own, to evolve professionally |
| **СК-8** | **SC-8** | Ability to carry out research and other professional activities in an international environment |

Professional competencies

| Code (RUS) | Code (ENG) | Competence description |
|---|---|---|

| | | |
|---|---|---|
| **ПК-1** | **PC-1** | Ability to organize research and analytical teamwork |
| **ПК-2** | **PC-2** | Ability to use organizational and managerial skills in her/his research and social projects, consulting activities, analytical work. |
| **ПК-3** | **PC-3** | Ability to freely use foreign languages for professional communication |
| **ПК-4** | **PC-4** | Ability to communicate effectively with different audiences, to deliver her/his message clearly and to tailor it depending on the audience's age, education, attitude to the speaker, etc. |
| **ПК-5** | **PC-5** | Ability to report the work results and present them according to required standards |
| **ПК-6** | **PC-6** | Ability to prepare analytical materials (reviews, notes, reports, recommendations, etc) and policy proposals for decision-makers. |
| **ПК-8** | **PC-8** | Ability to analyze political, economic and sociological data using different qualitative and quantitative methods. |
| **ПК-9** | **PC-9** | Ability to use deep knowledge of legal and ethical standards in assessing the impact of his/her professional decisions, especially when working on important social issues. |
| **ПК-10** | **PC-10** | Ability to apply knowledge of contemporary research methods, to interpret the results of research and to present them in an ethical manner |

Personal and social competencies

| **Code (RUS)** | **Code (ENG)** | **Competence description** |
|---|---|---|
| **ПК-11** | **PC-11** | Ability to define and spread legal and ethical standards in her/his professional and social activities. |
| **ПК-12** | **PC-12** | Ability to leverage social and multicultural differences to solve problems in professional and social activities |
| **ПК-16** | **PC-16** | Ability to address ideological, social and personal challenges and issues |
| **ПК-17** | **PC-17** | Ability to act according to the principles of social responsibility in her/his professional activity |

## 3 Role of the discipline within the structure of Master program

Example: *This course is a professional one, taught in the second year of master's program 'Political Analysis and Public Policy'. This is an elective course which requires prior knowledge in political science and public policy analysis*.

This course is based on knowledge and competences which were provided by the following disciplines:

- Philosophy.
- Political Science

The following knowledge and competences are needed to study the discipline:

- The basic skills of philosophical analysis
- The basic knowledge of the structure of the political
- The knowledge of the basics of international and domestic legislation
- Some general knowledge of sociology would help

Main competences developed by studying this discipline can be used to study the following discipline:

- Political and applied ethics
- Political analysis
- Public policy

## 4 Course Plan

| № | Topic | Total hours | Work in the class | | Independent work |
|---|---|---|---|---|---|
| | | | Lectures | Seminars | |
| 1. | Ethics, Morality, Justice | 8 | 4 | 0 | 8 |
| 2. | Language, Logic and Meaning of Justice | 12 | 4 | 4 | 8 |
| 3. | Utilitarian Theory of Justice | 12 | 4 | 4 | 8 |
| 4. | The Theory of Justice of John Rawl | 12 | 4 | 4 | 8 |
| 5. | The Justice of Political Liberalism | 12 | 2 | 4 | 8 |
| 6. | Libertarian Theory of Justice by Robert Nozick | 12 | 2 | 4 | 8 |
| 7. | Justice by Agreement by David Gauthier | 12 | 2 | 4 | 8 |
| 8. | Marxism as a Theory of Justice | 6 | 2 | 2 | 4 |
| 9. | Feminism and Justice | 6 | 2 | 2 | 4 |
| 10. | Communitarian Critique of Justice | 12 | 2 | 4 | 8 |
| 11. | Just War Theory | 8 | 2 | 0 | 8 |
| 12. | The Russian Historical Discourse of Justice | 8 | 2 | 0 | 8 |
| **Total:** | | 152 | 32 | 32 | 88 |

## 5 Requirements and Grading

| Type of grading | Type of work | 1 year | | Parameters |
|---|---|---|---|---|
| | | 1 | 2 | |
| Current | Essay Paper | 8 | | 10 thousand characters by the end of the first module is due |
| | | | 8 | Research paper on one of the topics. 20 thousand characters |
| | Homework | * | * | Weekly homework is due |
| Midterm | Exam | 9 | | Oral presentation of the main thesis of the essay |
| Final | Exam | | 9 | Oral exam by the end of the semester. |

### 5.1 Course Evaluation Criteria

Class attendance is required. Unexcused absences will lower the participation grade. Students are expected to regularly do the homework reading and study according to the lists of sources (books, documents, electronic resources) provided by the lecturer. On seminars students are expected to take active part in the discussion and demonstrate good acquaintance with content of lectures, documents and respective literature. If the student misses more then 20% of class meetings, additional assignment will be provided. The deadlines should be met. In case of the missed deadline the instructor will extract one point off the grade for each day missed. The Essay will be evaluated on the basis of the text written and oral presentation of the main thesis of it. Research paper should contain the analyses of literature on the subject as well as personal attitude to the subject matter. The oral exam by the end of the course will be provided in the form of a conversation of the student with the course instructor on one of the topics of the course.

## 6 Course Description. The content of the course.

## 1. Ethics, Morality, Justice

*Ethics.* The meaning of Ethics and Morality. Ethical Theory, General Ethics and Individual Ethics. The History of Morality. The Sociology of Morality. The Psychology of Morality. The stages of moral growth. Moralism, Immoralism, Amoralism. Human nature. Ethical skepticism.
*Metaethics*. Theories of Metaethics. Naturalism. Emotivism. Universal Prescriptivism. Intuitivism. The nature of moral concepts. Good and Evil. Moral Relativism. Sentimentalism.
*Normative Morals.* Moral Theory. Egoism. Psychological Egoism. Religious Ethics. Convention. Particularism. Teleological Ethics. Consequentialism. Utilitarianism. Hedonism. Deontology. Kant's categorical imperative. Virtue Ethics. Morality and Rationality. Negative versus Politive Rights and Duties.

Elitism. Applied Ethics. Theories in Applied Ethics. Virtue Theory.
*Justice.* The Ethics of Justice and indidividual perfection. Mutual aid. Cooperation. Equality. Morals and Politics. Rules, Norms and Principles. Happiness. Realizing of the self. Ideals.

**Required readings:**:
Simon Blackburn. *Being Good. A Short Introduction to Ethics*. Oxford: Oxford Univiversity Press, 2002.

**Optional readings**:
Jan Narveson. This is Ethical Theory. Chicago and La Salle, Illinois: Open Court, 2009
Robert L. Holmes. Basic Moral Philosophy. Belmon, California: Wadsworth Publishing Company, 1993
William K. Frankena. Ethics. London, etc.: Prentice-Hall, INC, 1963
Richard M. Hare. Sorting out Ethics. Oxford: Clarendon Press, 1997
Richard M. Hare. *Moral Thinking: Its Levels, Method and Point*. Oxford: Oxford University Press, 1981.
Alasdair MacIntyre. A *Short History of Ethics. A history of moral philosophy from the Homeric age to the twentieth century.* New York, NY: Macmillan Publishing Company, 1996.
Alasdair MacIntyre. *Whose Justice? Which Rationality?* Notre Dame, Indiana: University of Notre Dame Press, 1988

## 2. Language, Logic and Meaning of Justice

The revival of the normative ethics and the emergence of the problematic of justice. Aristotle on the subject matter of justice.
*The subject and typology of justice.* The language of morals and the lexical analysis of justice. Structural functionalism on the basic structure of society and the core of the societal community. The relations of distribution, exchange and retribution. Universal justice and private justice. Distributive, retributive and communicative justice. Proportional and Equal Justice. Virtues of justice.
*The paradigms of justice.* Distributive, retributive and communicative paradigms of justice. The role of the paradigms.
*Formal, substantive and procedural justice.* The principles and the possibility of implication. The types of procedural justice.
*Egalitarian and hierarchical justice.* The historical process and the tendency to egalitarian justice. Different forms of equality. Equality of chances and equality of resources.
*The circumstances of justice.* Hume on the circumstances of justice. The scarcity of resources and the limited altruism.
*Conceptions of justice.* The diversity of realization of freedom and equality.
*The content of liberal justice*. Justice as the major liberal value. Justice as an alloy of freedom and equality.
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**Required readings:**:
Aristotle. *Nicomachean Ethics*. Book 5. Any edition.
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С. 14-55.
John Rawls. *A Theory of Justice*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971 or other edition Chapter 1. Paragraph 1 and 2.

**Optional readings**:
Tom Campbell. *Justice.* London: MacMillan Education, 1988. PP. 1 – 36.

Michael Walzer. *Spheres of Justice*. A Defense of Pluralism and Equality. New York: Basic Books, 1983. PP. 3-31.
Frederick Hayek. Social or Distributive Justice // Justice / Ed. A. Ryan. Oxford: Oxford University Press, 1993

## 3. Utilitarian Theory of Justice

*The conception of justice of the classical utilitarianism.* Bentham on utility and hedonism. Welfairism and Consequentialism. The ideal of Equality. Psychological hedonism and the principal of the maximum happiness for the greatest number. Axiological hedonism. Mill on justice, utility and rights. Act utilitarianism and Rule utilitarianism. The role of distributive justice. Utilitarian nature of socialism. The utilitarian transformation of the liberal idea. The critique of the classical utilitarianism. The further transformation of utilitarianism in the works of Moore and Sidgwick.
The conception of justice of the utilitarianism of the rational preference satisfaction. Desire, preference, value and utility. Hare and the idea of the utility of preference satisfaction. Pareto efficiency.. Kaldor-Hicks efficiency. The utility of economical interaction. Harsany. Utility and rational choice theory.
*Liberal critique of the utilitarian justice.* Utilitarianism does not take into consideration the mode of distribution of goods. It does not consider the differences of the individuals. It does not consider the nature of the satisfied desire. Intuitively unacceptable practical results of utilitarian recommendations.
*The advantages and drawbacks of the utilitarian justice.* Utilitarianism as a practical philosophy of radical reforms. The law of the reduction of the final value. Utilitarianism as a champion for social equality. Utilitarianism and game theory. Negative utilitarianism.

**Required readings:**:
John Stuart Mill. *Utilitarianism*. Indianapolis. Cambridge: Hackett Publishing Company, 1979.
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика. России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С. 55-73.

**Optional readings**:
Jan Narveson. *This is Ethical Theory*. Chicago and La Salle, Illinois: Open Court, 2009. PP. 175-185.
Robert L. Holmes. *Basic Moral Philosophy*. Belmon, California: Wadsworth Publishing Company, 1993. PP. 154-175.
William K. Frankena. *Ethics*. London, etc.: Prentice-Hall, INC, 1963. PP. 29-47.
Kymlicka W. *Contemporary Political Philosophy. An Introduction*. Oxford: Clarendon Press, 1990, or other edition. Chapter 1 on Utilitarianism.
John Rawls. A Theory of Justice. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971 or other editions Chapter 1, paragraph 1 "Classical Utilitarianism".
Robert Nozick. Anarchy, State and Utopia. New York. Basic Books, 1974 or other edition.

## 4. The theory of justice by John Rawls

Rawls and the revival of deontological liberalism.
*Hypothetical choice and the curtain of ignorance*. The basic social institutions as the subject of justice. The methodology of Rawls. The method of hypothetical contract. Reflective equilibrium. Rational choice theory. Rational autonomy of the parties. Maximin strategy.
The principles of justice. Equal liberty. Difference principle and fair equality of opportunity.

*The institutes of the just society*. Three stages of justice. Principles, constitution and legislation of justice. The problems of economical justice.
*Two principles of justice and the problem of stability*. The just society as a stable society. The right and the good and the principle of Aristotle in the implementation of social justice. Deontology of right and teleology of good in a unique balance of two principles of justice.
*The criticism*. The criticism of the method of the hypothetical contractualism. Utilitarianism of Rawls. The practical advantages of the theory and the possibility of its implementation.

**Required readings**:
John Rawls. A Theory of Justice. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971 or other edition. Part 1. "Theory".
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика. России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С. 72-95.

**Optional readings:**
Will Kymlicka. *Contemporary Political Philosophy. An Introduction*. Oxford: Clarendon Press, 1990, or other edition. Chapter 2.
Jan Narveson. *This is Ethical Theory*. Chicago and La Salle, Illinois: Open Court, 2009. PP. 185-195.
Percy B. Lehning. John Rawls. An Introduction. Cambridge: Cambridge University Press, 2006.
Paul Voice. Rawls explained. From Fairness to Utopia. Chicago and La Salle, Illinois: Open Court, 2011.

## 5. The Justice of Political Liberalism

*Political constructivism of Rawls.* The phenomenon of "Two Rawlss". The critique of Habermas on Rawls. The communitarian critique. "Political, not metaphysical" slogan of a new version of the theory of justice by John Rawls. The transformation of the idea of the practical reason. The transformation of the conception of the person. The transformation of the conception of the society.
*The idea of an overlapping consensus.* Comprehensive religions and metaphysical doctrines versus reasonable political doctrines. Justice as fairness as a political doctrine and the possibility of a consensus based on it. The idea of toleration as the framework of jutice.
*Priority of rights and ideas of the good.* The new version of the deontological conception of justice. Five ideas of the good: Good as rationality, primary social goods, the good of comprehensive doctrines, good of political virtues, good of the well-organized political society and the good of justice in general terms.
*The idea of Public Reason.* Public reason and private reason. Public reason and the principle of efficiency.
*The specificity of the general justice of political liberalism.* The critique of the new development in the theory of justice. The practical vagueness and the lack of deontic force in the new theory of justice. The tendency to cultural relativism.

**Required readings:**
John Rawls. *Political Liberalism*. New York: Columbia University Press, 1993 or other edition Lecture 1 "Fundamental Ideas".
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика. России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С. 212-231
**Optional readings:**
Percy B. Lehning. John Rawls. An Introduction. Cambridge: Cambridge University Press, 2006.
Paul Voice. Rawls explained. From Fairness to Utopia. Chicago and La Salle, Illinois: Open Court, 2011.

## 6. Libertarian Theory of Justice by Robert Nozick

Justice based on the idea of natural rights.
*The idea of libertarian justice*. The Libertarian Manifesto by John Hospers. Nobody is supposed to be slave or a master of another human being. The government as the most suspicious institute in human history in terms of rights. The idea of the minimal state. Force and fraud are the only perils of society to be prevented by the state apparatus. Liberalism versus Libertarism. The critic of the liberal justice by libertarianism. The critique of the idea of the social justice.
*The critique of deontological liberalism of John Rawls*. The critique of the general idea of distributive justice. Patterned theories of justice and End-state theories of justice versus historical theories of justice. Violence as the usual outcome of distributive justice. The argument from Wilt Chemberlain on the justice of economic distribution. The critique of the methodology of the hypothetical choice under the curtain of ignorance. The critique of the empty abstraction of Rawlsian justice. The critique of expropriation of natural talents.
*Principles of Justice*. The justice of origianal privatization of common goods. The justice of transfer. The justice of rectification. Lockean proviso on privatization of the common good. The conditions of just privatization of the common good.
The drawbacks and advantages of the theory of Nozick. The formality of the principle of right. Practical inconsistency of the principles. Violence as the possible outcome of the application of principles.

**Required readings:**
Robert Nozick. *Anarchy, State and Utopia. New York*. Basic Books, 1974 or other edition Part 1. Part 2, paragraph 7.
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика. России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С.95-114

**Optional readings:**
Will Kymlicka. *Contemporary Political Philosophy. An Introduction*. Oxford: Clarendon Press, 1990, or other edition. Chapter 3.
D.D. Raphael. *Concepts of Justice*. Oxford: Oxford University Press, 2001. PP.214-220

## 7. Justice by Agreement by David Gauthier

*The general ideal of rational normativity.* The critique of moralism. The justice of amoralism
*The foundations*. The maximizing theory of rationality. Utility, value, preference satisfaction. The situation of choice. Rational choice theory and game theory. Rational bargaining theory. Parametric and strategic choice. Optimality of the bargain. Prisoners dilemma. State of nature, market and cooperation as the stages of justice.
*Market as justice-free zone*. Free riders and parasites as the inevitable actors on the free market. The injustice of the free market. The injustice of the factor rent and the critique of Nozick.
*Cooperation.* The principle of maximinimal relative concession. The principle of constrained maximization.
*The ban on bettering your situation by worsening the situation of others.* Freedom and equality as the fundamental prerequisite for cooperation.

*The conceptions of Society and Individual*. The theory of progress as the movement from natural individual to economical individual and the to liberal individual. The interiorization of the societal values by liberal individual.
*Practical problems for the theory*. It works only within the liberal culture. Any other society is risking to be plunged even deeper in anarchy by trying to apply the principles of Gauthie.

**Required readings:**
David. Gauthier. *Morals by agreement*. Oxford: Clarendon Press, 1986.
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика. России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С.114-135.

**Optional readings:**
*Rationality, Justice and the Social Contract. Themes from Morals by Agreement*. Edited by David Gauthier and Robert Sugben. Ann. Arbor: The University of Michigan Press, 1993.
David Gauthier. Moral Dealings. Contract, Ethics and Reason. Ithaca and London: Cornell University Press, 1990.

## 8. Marxism as a theory of justice.

*The specificity of the Marxian justice.* The problems with Marxian justice. Communism as a society beyond justice. Three forms of injustice of capitalism: It does not provide the economic growth, it exploits labor, it alienates the human being. Two levels of Marxian justice: capitalist justice and communist justice.
*The Scientific critique of the liberal justice.* Marxism as a utilitarianism of consumption. The inner link of Marxism and utilitarianism.
*Kantian argument of exploitation.* Aristotle on exploitation. Kant on exploitation. Institutional exploitation under capitalism. Capitalist labor as forced, unpaid and harmful, which makes it exploitive
*Perfexionism and the argument of alienation.* The theoretical problems of perfectionism in general. Marxian perfection. Perfection as growth. Aristotelian principle of teleology and alienation. The theoretical problems of perfectionism and justice.
*Counter arguments of liberal justice.* The contradictions of the principles of alienation and freedom. Practical problems of the realization of the Marxian justice.

**Required readings:**
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика*. *России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С.135-162
Will Kymlicka. *Contemporary Political Philosophy. An Introduction*. Oxford: Clarendon Press, 1990, or other edition. Chapter 4

**Optional readings:**
Allen Buchanan. Marx and Justice. The Radical Critique of Liberalism. Totowa, New Jersey: Rowman and Littlefield, 1982.
Allen Wood. The Marxian Critique of Justice // Philosophy and Public Affairs. 1972. Vol. 1. № 3

## 9. Feminism and justice

The political nature of feminism. Suppression and exploitation of women as the major sources of the movement. The practical nature of feminist philosophy and comprehension of justice. The facts of subjugation of women all over the world.
*Contemporary feminism. Many ways to obtain gender justice*. Liberal Feminism. Marry Wallstoncraft and J. St. Mill. National Organization of Women (NOW). The Idea o Institutional Equality. Radical Cultural Feminism. The idea of elimination of gender. The radical cultural transformations based on the ideas of androginity and feminity. Marxist feminism. The private property on the means of production as the supposed cause of exploitation of women. Psychoanalytical feminism. Existential feminism. Postmodern feminism. The idea of deconstruction. Multicultural and global feminism.
The critique of distributional paradigm. Domination and suppression. The institutional nature of contemporary injustice. Exploitation. Marginalization. Powerlessness, Cultural imperialism and violence as the five basic forms of the oppression of women.
*The formal equality and righteousness*. MacKinnon on sexism, difference and dominance of male culture.
*The critique of liberal dichotomy of public and private*. The injustice of private sphere.
*The ethics of care against the ethics of justice*. The possibility of woman's morality and a special virtue of care. Gilligan's critique of moral psychology of Colberg.

**Required readings:**
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика. России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С. 162-185
Will Kymlicka. *Contemporary Political Philosophy. An Introduction*. Oxford: Clarendon Press, 1990, or other edition. Chapter 8

**Optional readings:**
Margaret Walters. *Feminism. A very Short Introduction*. Oxford: Oxford University Press, 2005
Rosemary P. Tong. *Feminist Thought. A More Comprehensive Introduction*. Davidson: Westview Press, 1998
Denice Bubeck. *Care, Gender and Justice*. Oxford: Clarendon Press, 1995.
Iris Young. *Justice and the Politics of Difference*. Princeton, N.J.: Princeton University Press, 1990.
Carole Gilligan. *In a Different Voice: Psychological Theory and Woman's Development*. Cambridge, Mass.: Harvard University Press, 1982

## 10. Communitarian Critique of Justice

Fraternity as one of the ideals of French Revolution.
*Communitarianism as moral philosophy*. The roots of communitarian philosophy in Aristotle, Aquinas Berk, Hegel, Gramchi. Common good and individual good.
*The communitarian critique of justice*. The conflict of justice and love. Sandel on the limits of justice.
*The poverty of liberal agent*. The critique of Kantian conception of the person. The communitarian idea of embeddedness of the agent into culture.
*Social atomism and asocial individualism*. Individualism and hyperindividualism. The philosophy of individual autonomy and communitarian critique.
*Moral subjectivity of liberal conceptions*. MacIntyre on emotivism of liberal moral conceptions.
*Abstract universalism. of liberal conceptions of justice*. The complex pluralism of justice and complex equality of Walzer. The possibility of overcoming monopoly and domination by way of introducing complex equality of the unique concepts of justice attached to unique spheres of culture.

**Required readings:**

Б.Н. Кашников. *Либеральные теории справедливости и политическая практика. России*. Великий Новгород: НовГУ имени Ярослава Мудрого, 2004. С. 186-212.

Will Kymlicka. *Contemporary Political Philosophy. An Introduction*. Oxford: Clarendon Press, 1990, or other edition. Chapter 5.

**Optional readings:**

Michael Sandel. *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press, 1982.

Michael Sandel. *Justice. What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009.

Alasdair MacIntyre. *After Virtue*. Notre Dame. Indiana: University of Notre Dame Press, 1984.

Charles Taylor. *Sources of the Self*. Cambridge: Cambridge University Press, 1990.

Will Kymlicka. *Liberalism, Community and Culture*. Oxford: Clarendon Press, 1989.

Amitai Etzioni. *The New Golden Rule. Community and Morality in a Democratic Society*. New York: Basic Books, 1996.

Michael Walzer. *The Spheres of Justice. A Defense of Pluralism and Equality*. New York: Basic Books, 1983.

## 11. Just War Theory

*The historical background of the idea of the Just War.* The ideas of justified war in the writings of Aristotle and Cicero. The Chinese traditional thought on the justified war. Mo Tzu. Just war in Islam. Hindi tradition on just war.

*The theological foundations of the doctrine of the Just War.* Augustine on the Just War. Gratian on Just War. Aquinas on Just War.

*The idea of the Holy War and Crusade*. 16th Brutish tradition of Holy War. Gosson. Amerinan neocons on the Holy War for sacred democracy. The ideological equivalent of the holy war. The concept of the "enemy of the humanity".

*The rights based theory of just war.* The basic rights of combatants and non combatants.

*The utilitarian theory of just war.* Utilitarian rules of war.

*The contradictions of the just war theory.* The basic contradiction of justice and justification. Justice as an end state. Utilitarianism of rights as the proper background of the Just War Theory.

*Jus ad Bellum.* Mo Tzu, Mencius, Augustine, Aquinas on limitations of war.

*Just Cause.* Self-Defence. Defence of others. Preventive war. Pre-emptive war. Humanitarian Intervention. Sufficient threat.

*Legitimate Authority.* The ban of private warfare. The problem of insurgency, national liberation movement and national resistance. The problem of sovereignty. Multitude and Global Empire. The legitimacy of the UN authority. The Westphalian model

*Good Intentions.* The subjectivity of intentions. The possibility of the correspondence of the Just Cause and Good Intentions. The philosophy of good intentions. Augustine and Aquinas. Grotious on good intentions.

*The principles of the second layer.* The historical background of the principles. The Spanish Jurists, Grotius, Vattel.

*The likelihood of success.* Hope of Success. The rationality of the principle. The possibility of the rational calculations of success.

*Last resort.* Cicero on last resort. The Roman legal practice. Grotius on last resort. Last resort in international law. The problems with the principle. The policy of appeasement. The case study: the appeasement of Germany in 1939.

*Proportionality.* The relational nature of the principle. The utilitarian justification of the principle. The problems with the principle. The permissive nature of the principle.

**Required readings:**
*Moral Constraints on War. Principles and Cases*. Bruno Coppieters and Nick Fotion (eds.) (Boston and Oxford: Lexington Books, 2002). PP. 1-25

**Optional readings:**
Christopher, Paul. *The Ethics of War and Peace: An Introduction to Legal and Moral Issues* (Upper Saddle River, Prentice Hall, 1999)
Grotius, Hugo. *The Law of War and Peace*, translated by Francis W. Kelsey (Indianapolis IN, Bobbs-Merrill Co., New York, 1962)
Hardt, Michael and Negri, Antonio. *Multitude: War and Democracy in the Age of Empire* (New York: the Penguin Press, 2004)
Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, Inc., 1977)
Johnson, James Turner. *Ideology, Reason and the Limitation of War* (Princeton: Princeton University Press, 1975)

## 12. The Russian Historical Discourse on Justice

The problems of Justice in Russian and the lack of the theoretical discourse of justice.
*The cultural split.* The controversy of hierarchical and egalitarian types of justice.
*The principle of patrimonial justice*. Two types of hierarchical society and two types of justice. The principles of aristocratism and patrimonialism.
The principle of aristocratic justice. The collisions of aristocratic principle in Russia. The tendency to parasitism.
The principle of patrimonial-utilitarian justice.
The principle of patrimonial-libertarian justice. The injustice of the "liberal reforms" in Russia and violations of the violations of the basic norms of liberal justice.
*What justice is possible in Russia.* The possible developments of the idea of justice in Russia and the contemporary problems.

**Required readings:**
Б.Н. Кашников. *Либеральные теории справедливости и политическая практика. России. Великий Новгород*: НовГУ имени Ярослава Мудрого, 2004. С.231-253.
Robert D. Putnam. *Making Democracy Work. Civic Traditions in Modern Italy*. Princeton, N.J.: Princeton University Press, 1993.
**Optional readings:**
Talcott Parsons. *The System of Modern Societies*. Prentice Hall, 1971.
В.К. Кантор *«…Есть европейская держава». Россия: трудный путь к цивилизации. Историософские очерки.* М.: РОССПЭН, 1997.
А.С. Ахиезер. *Россия: критика исторического опыта. (Социокультурная динамика России).* Т. 1. От прошлого к будущему. Новосибирск: Сибирский хронограф, 1997.
Б.Г. Капустин. *Идеология и политика в посткоммунистической России*. М.: Эдиториал УРСС, 2000.
А.С. Панарин. *Реванш истории: Российская стратегическая инициатива в 21 веке*. М.: Логос, 1998.

# 7 Teaching Methods and Recommendations

The course requires a lot of readings for every weekly class meetings. Two papers are due. The first is a small essay, which shall be written in the first quarter. The second is an research paper, much more serious work, which will demand a serious work with the literature. Please, pick up you topic and start working on the final paper as early as possible.

## 7.1 The tentative topics of the essays

Is social justice possible?
What are the main requisites of justice?
What are the components of justice?
Can justice be a vice rather then a virtue?
Is just war possible?
Hume considered justice to be "envious, jealous" virtue. Do you agree?
Do love and justice contradict each other?

## 7.2 The tentative topics of the research papers

Thomas Hobbes on justice
The communitarian critique of justice
Gauthier's theory of justice
The Kantian roots of the rawlsian theory of justice
Feminism as a theory of justice
Anarchism as the idea of justice
The idea of Justice in Plato's republic
Aquinas on Justice
Kropotkin on Justice
The idea of libertarian justice
Jan Narveson's conception of libertarian justice.

Both, the topic of the essay and the research paper should be coordinated with the course instructor.

# 8 Grading

The current work will be graded based on the effort and quality of the presentations at class. The quality of the essays will be graded too based on both the quality of the text and the ability to present orally. The quality of the research paper will be evaluated. The final exam will be based on the student presentation of one of the 15 topics of the content of the course.

# 9 The pattern of forming the final grade

O stands for "grade". The final grade $O_{final}$ will be formed based on the results of the final oral exam ($O_{exam}$) and accumulated grade ($O_{acc}$). The accumulated grade ($O_{acc}$) in its turn is formed of three parts,

namely ( research paper ($O_{paper)}$, essay ($O_{essay}$)and current class work work ($O_{current}$). Current class work will be evaluated based on participation – 20%, activity in the debates – 30%, homework – 30%.

The formula for the accumulated grade is the following

$O_{acc} = 0,5\ O_{current} + 0,2\ O_{essay} + 0,3\ O_{paper}$

The formula for the final grade is the following

$O_{final} = 0,6\ O_{acc} + 0,4\ O_{exam}$

## 10 Reading and Materials

### 10.1 Textbooks and Readers

The only textbook which suits almost all the topics is in Russian. This is my book «Либеральные концепции справедливости и политическая практика России». Since I teach a course to the Russian students it helps to adequately read and understand the literature in English. The other source, which may go as a textbook to no small extent is the book of Kymlicka (Will Kymlicka. *Contemporary Political Philosophy. An Introduction*. Oxford: Clarendon Press, 1990).

### 10.2 Required Reading and Optional Reading

See the course description, after each topic you will find it

## 11 Equipment

Over head projector will be needed for each lecture.