



Seminar: Justice and Gender

Department of History and Sociology
Summer Semester 2017
Bachelor Sociology: Hauptfach
SWS 2
Aufbaumodul 7: Spezielle Soziologie
(PL) 5/6/7 ECTS, (StL) 3 ECTS

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Times: Wednesdays in a (roughly) two week rhythm, 13.30 - 16.45 o'clock
Room: PZ 901

Class Goals

This seminar examines well-established concepts and theories of equality, justice and gender. A "canon" of Western justice theories will be examined. We will start with contract theories and read Thomas Hobbes following a feminist critique from Carol Pateman. Then we will examine John Rawls' veil of ignorance, Robert Nozick's libertarian views, Amartya Sen and Martha Nussbaum's capability approach as well as newer philosophical approaches from Nancy Fraser (redistribution and recognition) and Will Kymlicka (group rights). The theory of social rights from T.H. Marshall and a communitarian approach will also be examined. Susan Moller Okin's work and critique will accompany many of the texts.

This class is meant as a survey of justice theories across different schools of thought with particular attention to the perspective of gender. We will consider contextual issues, such as labor market, aging, migration, poverty and environmental issues. In particular, we examine debates around private and public division of rights and responsibilities, care work and family as well as issues of intersectionality and post-colonialism.

Learning goals of the class are to obtain an overview of the different approaches to justice and gender, to understand and to utilize the philosophical terms, to critically reflect on these terms and theories, and to apply these approaches to actual and concrete issues. At the end of the class, participants should be able to:

- grasp and apply terms and concepts of equality, gender and justice (e.g. terms, such as universal breadwinner model, fraternal contract, public/private divide, social rights)
- classify and critically assess theoretical approaches of justice (e.g. utilitarianism, communitarianism, contractualism/neo-liberalism, recognition and redistribution, capability approach)
- reflect on these theories for their relevance to gender and current issues (e.g. employment/care work, ageing, migration, poverty)

Requirements for a “Schein”

A grade will be awarded to students who attend class regularly, prepare and organize a learning unit from one of the topics of the seminar (with presentation and discussion management) for 3 credits on a pass/fail basis. Those students who need 5 or 6 credits with a grade will additionally need to write an exam. For those preferring to write a paper instead of an exam (or if 7 credits are required, or if you need 3 credits for a grade), please contact the instructor individually. Should a final grade be between two grades and the student has regularly participated in class discussions, their final grade will be rounded up. An attendance list is kept for accuracy.

The requirements of the class are described in detail as follows:

1. Organization of learning unit (50% of grade for 5/6 credits or 100% for 3 credits)

Students are expected to choose a class meeting and prepare readings as well as direct class discussions for this learning unit. The presenter(s) are required to review the material and their presentation with me one week in advance of their prepared class. There is roughly 60 minutes for both the presentation and discussion. Student groups are responsible for preparing a thoughtful, creative and critical presentation of the material. Please do not only summarize the readings for the presentation, but assume that the class has read the material. The prepared class meeting should entail a creative approach to the topic, for example, interesting prepared discussion questions or prepared group work. The discussion should deepen and compliment the topic: In order to achieve this, it is best to think through the aims and learning goals for the presentation and choose the discussion questions accordingly. A preparatory meeting with me is mandatory and should be scheduled a week in advance of the presentation. Please contact me for an appointment and send me a presentation outline by mail. For more information on evaluation criteria see my evaluation sheet uploaded on Ilias in the “organization” folder.

2. Exam (50% of the grade for 5/6 ECTS)

At the end of the seminar there will be an exam for 5/6 ECTS. The time frame for the exam will be 1 ½ hours and take place in the classroom on the last day of scheduled classes. The exam will consist of both concepts and discussion questions covered in the seminar. Students are welcome to develop a glossary of terms as we go along to prepare for the exam. Regular attendance and participation is crucial because often the subtleties of meanings will come out in class discussions. If discussion questions from presenting students are especially fruitful in highlighting terms or critically dealing with controversies in the theories or critically viewing current issues in light of the theories, I will consider these questions for the actual exam. The second to last session will involve a summary of the seminar and a Q&A opportunity for exam preparation.

Required Readings

Texts marked with a star (*) are required readings for all participants of the seminar. Unmarked texts are additional optional literature for those who prepare presentations. However, all students will profit from reading these texts for in depth discussions and better understanding of the topics. The literature will be available on the learning platform „Ilias“ and German translations are available for most of the classic texts. The password for the course is:

JGS2017

1. Session 26.04.17 *Introduction and overview*

1A/B. *Introduction and overview*

Guiding questions

What are the main goals of the class? What are the class requirements and how has the instructor chosen the literature on the syllabus? What are the main themes in modern equality and justice discourses?

Concepts

Equality, justice, gender

Literature

Benhabib, Seyla (1986): The generalized and the concrete other: The Kohlberg-Gilligan controversy and feminist theory. In: *Praxis International* 5:4 January, 402-424.

Recommended for an overview of concepts, authors and schools of thought is the encyclopedia Stanford Encyclopedia of Philosophy, online: <http://plato.stanford.edu/>

2. Session 03.05.2017 *Methods of conceptualizing justice, social contract theory, distribution of presentation topics*

2A/B. *Social contract theory*

Guiding questions

How does Hobbes view humanity and what are some reasons why people would choose to live together under one ruler? What sort of social contract does Hobbes see as inevitable for a civilized society? How does Pateman describe the historical development of social contract theory? What do contracts between fathers and contracts between brothers mean to her? What does she express regarding the private sphere, self-interest and socialization?

Concepts

Social contract theory, patriarchy

Literature

*Pateman, Carol (2006): The Fraternal Social Contract. In: Goodin, Robert E. and Pettit, Philip. *Contemporary Political Philosophy*. 2d. Edition. An Anthology. Blackwell Publishing Ltd, pp. 73-87.

*Hobbes, Thomas (1651): Chapter 14. Of the first and second laws, and of contracts. In: Hobbes, Thomas. *Leviathan. The Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil* London, Text as PDF: pp. 90-100.

Hirschmann, N. and J. Wright (eds.): 2012, *Feminist Interpretations of Thomas Hobbes*, University Park: Pennsylvania State University Press (various chapters, but especially the introduction).

3. Session 17.05.17 *The liberal position, utilitarianism and gender*

3A. *The liberal position (and the utilitarian position)*

Guiding questions

Take a look at the entry for "utilitarianism" in the Stanford Encyclopedia of Philosophy: What does utilitarianism say about happiness and social justice? How does Rawls criticize utilitarianism? How

does Rawls argue for a better understanding of justice and redistribution for society? Are you convinced by this method? Why or why not?

Concepts

Justice as fairness, primordial state, veil of ignorance, principal of freedom (first principle), principal of difference (second principle), equality of opportunity, utilitarianism, the liberal position

Literature

*Rawls, John (1971): Chapter 1. Justice as Fairness. In: *A Theory of Justice*. Cambridge: Harvard University Press, pp. 3-34.

Overview for Utilitarianism: <https://plato.stanford.edu/entries/utilitarianism-history/>

Mill, John Stuart (1861): Chapter 2. What Utilitarianism is. In: Mill, John Stuart. *Utilitarianism*.

3B. Gender and justice as fairness

Guiding questions

What does Okin criticize about the theory of „justice as fairness“? Which role does family play? Can you reconstruct her criticism? Why or why not? What potential does Rawls theory for gender equity according to Okin?

Concepts

(The role of) the family, individuals and the head of the family for “justice as fairness”, the private and public spheres in „justice as fairness“

Literature

*Okin, Susan Moller (1989): Chapter 5: Justice as Fairness: For Whom? In: *Justice, Gender and the Family*. USA: Basic Books. pp. 89-109.

Okin, Susan Moller (2004): Gender, Justice and Gender: An Unfinished Debate. In: *Fordham Law Review*, 72:5, 1537-1567.

4. Session 31.05.17 The libertarian position and the communitarian position

4A. The libertarian position

Guiding questions

How does Nozick define justice? How could a just world look specifically according to Nozick? What does Nozick assume? How do Rawls and Nozick’s ideas of freedom differ? How does time and history play a role in justice, according to Nozick? Are you convinced by Nozick’s libertarian position or not, and why? How could this concept be criticized from a gender perspective?

Concepts

Natural assets, the libertarian position, justice in holding: a) the principle of justice in acquisition, b) the principle of justice in transfer; the correction of justice in holding: the principle of rectification

Literature

*Nozick, Robert (1974): (*selections of*) Chapter 7. Distributive Justice, In: *Anarchy, State and Utopia*. New York: Basic Books, pp.149-82, 213-31.

Okin, Susan Moller (1989): Chapter 4: Matriarchy, Slavery and Dystopia. In: *Justice, Gender and the Family*. USA: Basic Books. pp. 74-88.

4B. The communitarian position

Guiding questions

What does communitarianism criticize about Rawl's libertarian position? How are women and „private“ spheres included in the communitarian position? Are you convinced by this notion of fairness, why or why not?

Concepts

Communitarianism, complex equality, spheres of justice

Literature

*Walzer, Michael (1983): Chapter 1. Complex Equality. In: *Spheres of Justice*. New York: Basic Books, pp. 3-30.

Frazer, Elizabeth (1999): Introduction. In: *The Problems of Communitarian Politics. Unity and Conflict*. Oxford: Oxford University Press, pp.1-9.

5. Session 07.06.17 Social rights and the welfare state

5A. Rights in historical development

Guiding questions

How does Marshall conceptualize the development of rights in England? How is education important for citizenship? How does he view social classes and social inequalities? According to Marshall, how did the economic system influence the development of rights?

Concepts

Civil, political and social rights

Literature

*Marshall, T.H. (1965): Citizenship and Class. In: *Class, Citizenship and Social Development*. New York, Doubleday Anchor. pp. 71-134.

5B. Gender and the welfare state

Guiding questions

How does Fraser use the utopian method to criticize society? How does Fraser conclude this exercise? Are you convinced? Why or why not?

Concepts

Fraser's 7 normative principles, universal breadwinner model, caregiver parity model, universal caregiver model

Literature

*Fraser, Nancy (1997): After the Family Wage: A Postindustrial Thought experiment. In: *Justice Interruptus. Critical Reflections on the „Postsocialist“ Condition*. Routledge, New York, London.

Leitner, Sigrid (2003): Varieties of familialism. The caring function of the family in comparative perspective. In: *European Societies*. 4/2003. pp. 353-375.

6. Session 14.06.17 *Capabilities and recognition/redistribution*

6A. Capabilities

Guiding questions

How does Sen describe utilitarianism? How does he analyze Rawls „justice as fairness“? How does Sen present his capability approach by the end of the article? Which specific ideas of human rights does Nussbaum have and how does such an approach contribute to gender equality according to Nussbaum? Does this convince you? Why or why not?

Concepts

Total utility, marginal utility, maximization, counterfactual, maximim, leximin, basic capability equality

Literature

*Sen, Amartya (1980): Equality of What? In: S.M. McMurrin (Ed.). *The Tanner Lectures on Human Values*. Cambridge: Cambridge University Press, pp.1-26.

*Nussbaum, Martha (2003): Capabilities as Fundamental Entitlements: Sen and Social Justice. In: *Feminist Economics*, 9(2), pp. 33–59.

6B. Recognition/redistribution

Guiding questions

Which dilemma does Fraser describe? How did it evolve? How does Fraser imagine solutions for this problem? Are you convinced? Why or why not?

Concepts

Socio-economic and cultural inequality, redistribution, recognition, affirmation, transformation

Literature

*Fraser, Nancy (1997). From Redistribution to Recognition? Dilemmas of Justice in a “Postsocialist” Age. In: *Justice Interruptus. Critical Reflections on the „Postsocialist“ Condition*. Routledge, New York, London.

7. Session 12.07.17 *Group rights and round up of seminar*

7A. Group rights

Guiding questions

According to Kymlicka, what are the challenges of multiculturalism? Which group differentiated rights does he call for? Which concerns does Okin have? Who convinces you the most?

Concepts

Group-differentiated rights, self-government rights, polyethnic rights, special representation rights, multiculturalism, equality-dilemmas

Literature

*Kymlicka, Will (1995): *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press, pp.26-33, 108-30.

*Okin, Susan Moller (1999): Is Multiculturalism Bad for Women? In: Cohen, Joshua/ Howard, Matthew (1999): *Is multiculturalism bad for women?* Princeton: Princeton University Press, pp. 9-24.

Young, Iris Marion (2001): Equality of Whom? Social Groups and Judgments of Injustice. In: *Journal of Political Philosophy*, 9:1, 1-18.

8A. Summary and discussion

Summary

Revision of the key concepts, theoretical approaches and literature.

8. Session 26.07.17 Exam