

**Phil 175f. Justice and the Family: Proseminar
Fall 2014**

Mondays 2:00-4:00 pm, Emerson Hall 307

Prof. Tommie Shelby, tshelby@fas.harvard.edu
Office hours: Wednesday 3:00-5:00 pm (Barker 242)

Course Description: Under what conditions is it morally permissible to procreate, and when (if ever) may the state intervene in the lives of citizens to limit procreation? What are the rights and responsibilities of parents, and how does a person come to have these rights and responsibilities? What (if any) legitimate stake does a liberal-democratic state have in the internal structure and dynamics of families? Who has a duty to pay child support, and is this an enforceable duty? What kinds of support (if any) should the state provide for families with children? Should parents and non-parents in a society share the costs of rearing children? What are the limits of family autonomy and parental partiality? We will take up these and related questions through contemporary writings in moral and political philosophy. Feminist perspectives will be considered. We will also read some empirical research on "fragile families," i.e., those that are marked by instability and socioeconomic disadvantage.

Prerequisites: There are no formal prerequisites. However, this is an intermediate-level political philosophy course, designed for students who have already been introduced to philosophy, ethics, and/or political theory. A course in ethical reasoning or Social Studies 10 would, for example, be sufficient background. For those with little or no knowledge of political philosophy, a good introduction is Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford).

Requirements: Regular participation in seminar discussion, two essays (each approximately 10 pages or 3000 words), and one or two brief (10 minute) class presentations. The first paper is due October 15 and the second December 10. Prospectus for first paper (300 words) is due by October 8. Presentation dates to be arranged. Seminar discussion will proceed on the assumption that everyone has read the required readings (which average around 50 pages a week). Recommended readings are mainly to help those who plan to write on the topic. If the class has more than 18 students enrolled, there will likely be a weekly section (one for undergraduates and one for graduate students).

Required Texts:

- Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic books, 1989).
- Various articles and book chapters (available on the course website)

Electronic Device Policy: The use of laptops and tablets (e.g., iPads) in seminar is permitted, provided your use is course related (e.g., taking notes, searching for a passage, looking up a date, etc.). However, please refrain from using email and social media (e.g., Facebook, Twitter, Google+, text messaging, etc.), reading non-course related materials (e.g., blogs, magazines, newspapers, etc.), or watching videos during class. The use of mobile phones is not allowed. Non-compliance with this policy will negatively affect your participation grade and may lead to other penalties.

Accommodations for students with disabilities: Students needing academic adjustments or accommodations because of a documented disability must present their Faculty Letter from the [Accessible Education Office](#) (AEO) and speak with me by the end of the second week of the term (September 16). Failure to do so may result in my inability to respond in a timely manner. All discussions will remain confidential, although Faculty are invited to contact AEO to discuss appropriate implementation.

Collaboration Policy: Discussion and the exchange of ideas are essential to academic work and to philosophy in particular. For writing assignments in this course, you are encouraged to consult with your classmates on the choice of paper topics, to discuss readings, and to share sources. You may find it useful to discuss your chosen topic with your peers, particularly if you are working on the same topic as a classmate. *However, you should ensure that any written work you submit for evaluation is the result of your own research and writing and that it reflects your own ideas and approach to the topic.* You must also adhere to standard citation practices and properly cite any books, articles, websites, lectures, etc. that have helped you with your work. If you received any help with your writing (feedback on drafts, etc.), you must also acknowledge this assistance.

Schedule and Readings:

September 8: Introduction

- O'Neill, Onora, "Begetting, Bearing and Rearing," in *Having Children: Philosophical and Legal Reflections on Parenthood*, ed. Onora O'Neill and William Ruddick (Oxford: Oxford University Press, 1979), pp. 25-38.
- Peter Vallentyne and Morry Lipson. "Equal opportunity and the Family." *Public Affairs Quarterly* (1989): 27-45.

September 15 Parental Fitness and Reproductive Freedom

- Hugh LaFollette, "Licensing Parents," *Philosophy & Public Affairs* 9.2 (1980): 183-97.
- David Benatar, "The Limits of Reproductive Autonomy," in *Procreation and Parenthood: The Ethics of Bearing and Rearing Children*, ed. Archard and Benatar (Oxford: Clarendon Press, 2010).

Recommended Readings

- Sarah Conly, "The Right to Procreate: Merits and Limits," *American Philosophical Quarterly* 42 (2005): 105-115.
- Lawrence E. Frisch, "On Licentious Licensing: A Reply to Hugh LaFollette." *Philosophy & Public Affairs*, Vol. 11, No. 2 (1982): 173-180.
- Carter Dillard, "Child Welfare and Future Persons," *Georgia Law Review* 43 (2008): 367-445.

September 22: The Moral Status and Interests of Children

- Joel Feinberg, "The Child's Right to an Open Future," in *Whose Child? Parental Rights, Parental Authority and State Power*, ed. W. Aiken and H. LaFollette, H. (Totowa, NJ: Littlefield, Adams, and Co., 1980), pp. 124-153.

- Harry Brighouse, "What Rights (If Any) Do Children Have?" *The Moral and Political Status of Children* (2002): 31-52.

Recommended Readings:

- Onora O'Neill, "Children's Rights and Children's Lives," *Ethics* 98 (1988): 445-463.
- Tamar Schapiro, "What Is a Child?" *Ethics* 109.4 (1999): 715-738.
- Claudia Mills, 2003 "The Child's Right to an Open Future?" *Journal of Social Philosophy*, 34(4) Winter: 499-509.

September 29: Parental Responsibility

- James Lindemann Nelson, "Parental Obligations and the Ethics of Surrogacy: A Causal Perspective," *Public Affairs Quarterly* 5 (1991): 49-61.
- Elizabeth Brake, "Willing Parents: A Voluntarist Account of Parental Role Obligations," in Archard and Benatar 2010, pp. 151-177.

Recommended Readings:

- Bayne, T., and A. Kolers, 2003, "Toward a Pluralistic Account of Parenthood," *Bioethics* 17(3): 221-42.

October 6: Fathers and Child Support Obligations

- Claudia Mills, "What Do Fathers Owe Their Children," in *Fact and Value: Essays on Ethics and Metaphysics for Judith Jarvis Thomson*, ed. Alex Byrne, Robert Stalnaker, and Ralph Wedgwood (Cambridge: MIT Press, 2001), pp. 183-198.
- Elizabeth Brake, "Fatherhood and Child Support: Do Men Have a Right to Choose?" *Journal of Applied Philosophy* 22 (2005): 55-73.

Recommended Further Reading

- Scott Altman, "A Theory of Child Support," *International Journal of Law, Policy, and the Family* 17 (2003): 173-210.

October 13: Columbus Day (no class)

October 15: First Paper Due

October 20: Justice, Gender, and the Family

- Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic books, 1989), chaps. 1, 5, 7, and 8.

October 27: Justice, Gender, and the Family continued

- Joshua Cohen, "Okin on Justice, Gender, and Family." *Canadian Journal of Philosophy* 22.2 (1992): 263-286.

- John Rawls, *The Law of Peoples; with "The Idea of Public Reason Revisited"* (Cambridge: Harvard University Press, 1999), pp. 156-164.
- Susan Moller Okin, "Justice and Gender: An Unfinished Debate," *Fordham Law Review* 72 (2003): 1537-1567.

Recommended Readings

- Will Kymlicka, "Rethinking the Family: Justice, Gender, and the Family," *Philosophy & Public Affairs*, 20.1 (1991): 77-97.
- Lloyd, Sharon A. "Situating a Feminist Criticism of John Rawls's Political Liberalism." *Loyola of Los Angeles Law Review* 28 (1994): 1319.
- Véronique Munoz-Dardé, "Rawls, Justice in the Family and Justice of the Family," *Philosophical Quarterly* 48 (1998): 335-352.

November 3: Feminist Criticisms of the Traditional Family

- Claudia Card, "Against Marriage and Motherhood," *Hypatia* 11 (1996): 1-23.
- Iris Marion Young, "Mothers, Citizenship, and Independence: A Critique of Pure Family Values," *Ethics* (1995): 535-556.

Recommended Readings

- Eva Feder Kittay, "Taking Dependency Seriously: The Family and Medical Leave Act Considered in Light of the Social Organization of Dependency Work and Gender Equality," *Hypatia* 10.1 (1995): 8-29.
- Nancy Holmstrom, "'Women's Work,' the Family and Capitalism," *Science & Society* 45 (1981): 186-211.

November 10: Equal Opportunity and the Family

- Véronique Munoz-Dardé, "Is the Family to be Abolished Then?" *Proceedings of the Aristotelian Society* 99 (1999): 37-56.
- David Miller, "Equality of Opportunity and the Family," in *Toward a Humanist Justice: The Political Philosophy of Susan Moller Okin*, ed. Debra Satz and Rob Reich (Oxford: Oxford University Press, 2009).

Recommended Readings:

- John Rawls, *A Theory of Justice*, rev. ed. (Cambridge: Harvard University Press, 1999), pp. 63-65, 73-78, 86-93, 242-251, 264-267.
- Peter Vallentyne and Morry Lipson, "Equal opportunity and the Family," *Public Affairs Quarterly* (1989): 27-45.
- Adam Swift, 2005. "Justice, Luck, and the Family: The Intergenerational Transmission of Economic Advantage from a Normative Perspective," in *Unequal Chances: Family Background and Economic Success*, ed. S. Bowles, H. Gintis, and M. Osborne-Groves (Princeton, NJ): Princeton University Press, 2005), pp. 256-276.
- James S. Fishkin, *Justice, Equal Opportunity, and the Family* (New Haven: Yale University Press, 1983).

November 17: Parental Partiality and Equality

- James Rachels, "Morality, Parents, and Children," in his *Can Ethics Provide Answers? And Other Essays in Moral Philosophy* (Rowman & Littlefield Publishers, 1996), pp. 213-233.
- Harry Brighouse and Adam Swift, "Legitimate Parental Partiality," *Philosophy & Public Affairs* 37.1 (2009): 43-80.

Recommended Readings:

- James Lindemann Nelson, "Partialism and Parenthood," *Journal of Social Philosophy* 21 (1990): 107-118.

November 24: Fairness and the Costs of Child Rearing

- Rolf George, "Who Should Bear the Costs of Children?" *Public Affairs Quarterly* 1.1 (1987): 1-42.
- Paula Casal and Andrew Williams, "Rights, Equality and Procreation," *Analyse and Kritik*, 17.1 (1995): 93-116.

Recommended Readings:

- Rolf George, "On the External Benefits of Children," in *Kindred Matters: Rethinking the Philosophy of the Family*, ed. Meyers, Diana T., Kenneth Kipnis, and Cornelius F. Murphy (Ithaca: Cornell University Press, 1993), pp. 209-217.
- Robert S. Taylor, "Children as Projects and Persons: A Liberal Antinomy," *Social Theory and Practice* 35 (2009): 555-576.
- Serena Olsaretti, "Children as Public Goods?" *Philosophy & Public Affairs* 41.3 (2013): 226-258.
- Paul Bou-Habib, "Parental Subsidies: The Argument from Insurance," *Politics, Philosophy and Economics* 12.2 (2013): 197-216.

December 1: Justice and Families in Ghettos

- Tommie Shelby, "Procreating, Parenting, and Poverty" from *Justice and the Dark Ghetto* (manuscript draft)
- Sara McLanahan and Christine Percheski, "Family Structure and the Reproduction of Inequalities." *Annual Review of Sociology* 34 (2008): 257-276.

December 10: Final Paper due