

**LGST 920 GRADUATE SEMINAR, FALL 2022**  
**SYLLABUS**

**Instructor:** Assistant Professor Julian Jonker  
Legal Studies and Business Ethics  
JMHH 669  
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**Office Hours:** By appointment, in JMHH 669

**Course Description**

This course is a seminar for Ph.D students that selectively introduces some issues in moral and political philosophy and social ontology that are relevant to understanding the normative dimensions of market interactions and market institutions.

**Course Requirements**

The primary requirement for the course is a paper of roughly 5000-10000 words (excluding footnotes and references), due on December 15th. You should propose a topic to me by the beginning of November, present your ideas around the time of Thanksgiving Break, and send an outline or draft to me by December 1st (these are requirements for a good grade).

Students are also graded on the quantity and quality of participation in seminar discussion. We will equally take turns presenting the material each week.

**READING LIST**

This list is subject to change during the course of the semester.

\* indicates that a reading is recommended for background.

**I. SOCIAL CONTRACT THEORY**

**Class 1 (Aug 31-Sep 2)**

**Contractualism: What is it?**

Rawls, *A Theory of Justice*, Revised Edition (1999), section 1–4, 9, 20–25, 10–11

T.M. Scanlon, ‘Rawls on Justification,’ in *The Cambridge Companion to Rawls* (2003), ed. Samuel Freeman

T.M. Scanlon, *What We Owe to Each Other* (1998), 189–247.

**Class 2 (Sep 5-9)**

**Scanlon's Contractualism (1):  
Why Doesn't it Collapse into Consequentialism?**

Derek Parfit, *On What Matters Vol II*, pp. 191–243.

Nien-hê Hsieh, Alan Strudler, and David Wasserman, 'The numbers problem,' *Philosophy & Public Affairs* 34 (2006): 352–72.

**Class 3 (Sep 12-16)**

**Scanlon's Contractualism (2):  
Do Promises Require Practices?**

Hume, *A Treatise on Human Nature*, III.ii.1-2, 5

Rawls, *A Theory of Justice*, §52

T.M. Scanlon, *What We Owe to Each Other* (1998), pp. 295–317

Kolodny and Wallace, 'Promises and practices revisited,' *Philosophy & Public Affairs* 31 (2003); 119–154

**Class 4 (Sep 19-23)**

**Rawls's Contractualism (1):  
Why Political Liberalism?**

Rawls, 'Justice as fairness: political not metaphysical,' and 'The idea of an overlapping consensus,' in *Collected Papers* ed. Samuel Freeman (1999)

Joseph Raz, *The Morality of Freedom* (1986), 110–162

**Class 5 (Sep 26-30)**

**Rawls's Contractualism (2): Why Institutionalism?**

Rawls, 'The Basic Structure,' in *Political Liberalism*, Expanded Edition (2005), 257–288

Samuel Scheffler, 'Distributive justice, the basic structure and the place of private law,' *Oxford Journal of Legal Studies* 35 (2015): 213–235

Brian Berkey, 'Rawlsian institutionalism and business ethics,' *Business Ethics Quarterly* 31 (2021): 179–209

## II. SOCIAL ONTOLOGY

### **Class 6 (Oct 3-7)                    Shared Agency: is it a primitive?**

- Margaret Gilbert, 'Walking together: a paradigmatic social phenomenon,' *Midwest Studies in Philosophy* 5 (1990): 1-14
- Michael Bratman, 'Shared cooperative activity,' *The Philosophical Review* 101 (1992): 327–341
- Facundo Alonso, 'Shared intention, reliance, and interpersonal obligations,' *Ethics* 119 (2009): 444–475

### **Class 7 (Oct 10-14)                    Corporate Agency**

- Peter French, 'The corporation as a moral person,' *American Philosophical Quarterly* 16 (1979): 207–215
- Philip Pettit, 'The conversable, responsible corporation,' in *The Moral Responsibility of Firms* ed. Eric Orts and N. Craig Smith (2017), 15–35
- Amy Sepinwall, 'Blame, emotion, and the corporation,' in *The Moral Responsibility of Firms* ed. Eric Orts and N. Craig Smith (2017), 143–166

### **Class 8 (Oct 17-21)                    Social Kinds: Real?**

- Sally Haslanger, 'Ontology and social construction,' *Philosophical Topics* 23 (1995): 95–125
- Muhammad Ali Khalidi, 'Three kinds of social kinds,' *Philosophy and Phenomenological Research* 90 (2013): 96–112
- Ron Mallon, 'Passing, traveling and reality' *Noûs* 38 (2004): 644–673
- Quayshawn Spencer, 'A more racial solution to the race problem,' *Aristotelian Society Supplementary Volume* 93 (2019): 25–48

### **Class 9 (Oct 24-28)                    Do Social Norms have Anything to do with Morality?**

- Han von Wietmarschen, 'What is social hierarchy,' *Noûs* (2021) early view <https://doi.org/10.1111/nous.12387>
- René Jorgensen Bolinger, 'Moral risk and communicating consent,' *Philosophy & Public Affairs* 47 (2019): 179–207
- Ezequiel Monti, 'Are there any conventional obligations?' manuscript

### III. MONEY, DEBT, AND EXCHANGE

#### **Class 10 (Oct 31-Nov 4)                      Money: Does it Need the State?**

J.P. Smit, Filip Buekens, and Stan du Plessis, 'Cigarettes, dollars, and bitcoins,' *Journal of Institutional Economics* 12 (2016): 327–47.

David Dick, 'What money is and ought to be,' *Journal of Social Ontology* 6 (2020): 293–313.

Tobey Scharding, 'World currency, national currency, cryptocurrency,' *Business and Society Review* 124 (2019): 219–238.

#### **Class 11 (Nov 7-11)                      Money: Should Some Things Not Be for Sale?**

Elizabeth Anderson, 'Is women's labor a commodity?' *Philosophy & Public Affairs* 19 (1990): 71–92

Debra Satz, 'Noxious markets,' in *Why Some Things Should Not be for Sale* (2010), 91–114

David Dick, 'Impure semiotic objections to markets,' *Public Affairs Quarterly* 32 (2018) 227–246

Vida Panitch, 'Liberalism, commodification, and justice,' *Politics, Philosophy & Economics* 19 (2020): 62–82

#### **Class 12 (Nov 14-18)                      Debt: Does a Debtor have a Moral Obligation to Pay?**

David Graeber, *Debt: The First 5000 Years* (2011), 1–18, 43–71

Alexander X. Douglas, *The Philosophy of Debt* (2016), pp. 25–60.

Jed Lewinsohn, 'By convention alone' (manuscript)

#### **Optional Class (Nov 21-25)                      Paper presentations**

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#### **Class 13 (Nov 28-Dec 2)                      What is Exchange?**

Joshua Stein, 'Exchanging for reasons, right and wrong,' *Journal of Social Inquiry*, forthcoming

Jed Lewinsohn, 'Paid on both sides,' *Yale Law Journal* 129 (2020): 690–772

**Class 14 (Dec 5-9)**

**Can Markets have Objectionable Meanings?**

Elizabeth Anderson and Richard Pildes, 'Expressive theories of law,' *University of Pennsylvania Law Review* 148 (2000): 1503–1575, 1503–1530

Jason Brennan and Peter Jaworski, 'Markets without symbolic limits,' *Ethics* 125 (2015) 1053–1077

Julian Jonker, 'A dilemma for expressive objections about markets,' manuscript

**END**