

## *The Hebrew University of Jerusalem*

### *Syllabus*

## *Freedom Obedience and Justice: Between Politics and Morality - 56400*

*Last update 01-10-2017*

*HU Credits:* 2

*Degree/Cycle:* 1st degree (Bachelor)

*Responsible Department:* political science

*Academic year:* 0

*Semester:* 2nd Semester

*Teaching Languages:* Hebrew

*Campus:* Mt. Scopus

*Course/Module Coordinator:* דניאל שוורץ

*Coordinator Email:* [schwartzd@mscc.huji.ac.il](mailto:schwartzd@mscc.huji.ac.il)

*Coordinator Office Hours:* רביעי 1300

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Teaching Staff:

Dr. Daniel Schwartz

Course/Module description:

*Is there such a thing as a 'fair price'? Is it morally permissible for the state to deny access to the global poor? Is one morally allowed to fight in wars that are doubtfully just? In this course we will address these questions by relying on early modern polemical texts that remain relevant today*

Course/Module aims:

*To acquaint students with key moral and political debates in early modern philosophy.*

Learning outcomes - On successful completion of this module, students should be able to:

*Students should be able to assess the force arguments bearing on justice in the market, global poverty and war and to locate them in their proper historical setting.*

Attendance requirements(%):

100

*Teaching arrangement and method of instruction: Frontal Lectures and Reading Group Discussion*

Course/Module Content:

Introduction

Topic 1: Killing

Killing Tyrants

The Judicial Model of War

Fighting in Doubt

Killing the Innocent

The Duties of War Prisoners and The case of Demosthenes

The Conquest of America and the problem of Cannibalism

Topic 2: The Poor

The Problem of the Global Poor: Soto and Vives

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### Topic 3: The Market

#### *Establishing the Fair Price*

#### *Usury*

#### *Renting your house to prostitutes and other such cases*

#### *Trading votes and offices*

### Topic 4: Doctrine

#### *Probabilism*

#### *Moral Conscience*

#### *Distributive Justice*

#### Required Reading:

*Las Casas, Bartolomé de, In Defense of the Indians. ed. & trans. C. M. Stafford Poole. (DeKalb: Northern Illinois UP, 1992).*

*Lessius, Leonardus, On Buying and Selling, Wim Decock trans. in Journal of Markets & Morality, 10(2007)433-516.*

*Reichberg, Gregory M., Henrik Syse, and Endre Begby, eds. The Ethics of War (Blackwell, Oxford, 2006)*

*Soto, Domingo, Deliberación en la Causa de los Pobres, in Félix Santolaria Sierra, El gran debate sobre los pobres en el sigloXVI (Barcelona: Ariel, 2003).*

*Suárez, Francisco, Selections from Three Works of Francisco Suárez, S.J., James Brown Scott ed. (Oxford: Clarendon Press, 1944).*

*Vitoria, Francisco de, 'On the Law of War' in Anthony Pagden and Jeremy Lawrence eds. Political Writings (Cambridge: Cambridge University Press, 1991).*

*Vives, Juan Luis, On the Assistance to the Poor, Alice Tobriner, trans. (Toronto: University of Toronto Press, 1977)*

*Decock, Wim, Theologians and Contract Law: The Moral Transformation of the Ius Commune (Leiden, Boston: Nijhoff, 2013).*

*Grice Hutchinson, Marjorie, The School of Salamanca (Oxford: Clarendon, 1952).*

*Hanke, Lewis, Aristotle and the American Indians (London: Hollis&Carter, 1959).*

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Irwin, Terence, *The Development of Ethics* (Oxford: Oxford University Press, 2008)  
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Lasheras, Diego Alonso, *Luis de Molina's De Iustitia et Iure* (Leiden: Brill, 2011).

Martz, Linda, *Poverty and Welfare in Habsburg Spain* (Cambridge: Cambridge University Press, 1983).

Muldoon, James, *The Americas in the Spanish-World Order: The Justification of the Conquest in the Seventeenth Century* (Philadelphia: University of Pennsylvania Press, 1994).

Noonan, John Thomas, *The Scholastic Analysis of Usury* (Harvard: Harvard University Press, 1957/)

Reichberg, Gregory, "Suárez on Just War," in *Interpreting Suárez: Critical Essays*, Daniel Schwartz, ed. (Cambridge: Cambridge University Press, 2012), pp. 185–204

Schwartz, Daniel, 'Probabilism Reconsidered: Deference to Experts, Types of Uncertainty, and Medicines', forthcoming *Journal of the History of Ideas*.

Schwartz, Daniel, 'Scholastic Just War Theory', forthcoming in Lazar and Frowe ed. *The Oxford Handbook of Just War Theory*

Schwartz, Daniel, 'The Principle of the Defence of the Innocent and the Conquest of America: Save those Dragged Towards Death', *Journal of the History of International Law*, 9(2007)263-291.

### Additional Reading Material:

#### Course/Module evaluation:

End of year written/oral examination 0 %

Presentation 15 %

Participation in Tutorials 5 %

Project work 70 %

Assignments 0 %

Reports 10 %

Research project 0 %

Quizzes 0 %

Other 0 %

### Additional information:

