

INTRODUCTORY HANDOUT PHILOSOPHY 167 FALL, 2011
CONTEMPORARY POLITICAL PHILOSOPHY

Professor: Richard Arneson.

Lecture MWF 100-:150 p.m. in Thurgood Marshall College Bldg. 102 Room 1.

The final exam for this course will take place on Monday, December 5, from 11:30 a.m. to 2:30 p.m. If you enroll in this class, you must be free to take a regular final exam for this course at this time.

Some assigned readings, along with this syllabus, class notes and recommended readings, will be posted at a course web page accessible via TED. Eventually the midterm exam, the writing assignment, and advance information on the final exam will also be posted. Students should check this course web page regularly for updates.

This is a course in normative political theory. Its aim is to discover moral principles suitable for the regulation of a modern, diverse, democratic society. Here "suitable" principles are taken to be those whose implications for policy best satisfy our considered moral judgments, after reflection, all things considered. The course is text-centered; we'll spend considerable time examining the views of the main course authors. Topics to be covered include the proper role of the state and the moral limits of state authority, the obligation to obey the law, economic justice, freedom versus equality, civil liberties, the welfare state, and global justice.

Suppose the law in your community, applied to your circumstances, requires you to perform some action. Is there any moral obligation, at least in a decent society, to do what the law commands just in virtue of the fact that the law has commanded it? Christopher Wellman argues for a Yes answer; A. John Simmons for a No answer.

What set of institutional and political arrangements, in a modern society, is fair?

John Rawls argues that justice requires democratic equality--equal civil liberties and democratic citizenship rights for all, a strong equality of opportunity for positions of advantage, and the political economy to be set so that over time the worst off social group is as well off as possible.

Robert Nozick argues for a libertarian conception of justice. Individuals have rights not to be harmed in certain ways (force, theft, fraud) by others, and rights to live as they choose so long as they do not harm others in these certain ways. In Nozick's view, the egalitarian rights Rawls endorses are bogus, because they conflict with the basic rights to liberty.

Ronald Dworkin holds that justice requires equal consideration and respect for all members of society and that these norms dictate a version of equality that is compatible with personal responsibility. Dworkin suggests that equality for responsible individuals demands compensation for unchosen bad luck but not for the outcomes of individual choice given fair initial conditions. Others say similar things. These views might be seen as trying to discover an acceptable compromise between Rawls and Nozick. Elizabeth Anderson objects that these luck egalitarian views, as they have come to be called, are wrong-headed, partly in virtue of seriously misinterpreting the values of equality and responsibility. She holds that the equality that we should uphold is the equality of status among democratic citizens—justice requires that each and every person be enabled to be a full functioning member of democratic society.

On its face, luck egalitarianism applies to all people in the same way, regardless of their special ties. If each person is owed equal opportunity, then we owe provision of equal opportunity not just to fellow countrymen but across the globe (and beyond). Is this really so? This raises the issue of global justice, our final topic. This is partly a question about what constitutes just international relations. What policies should our state adopt toward other states? Partly, the question of global justice is a question for individual morality. What (if anything) do I owe to people living in other countries, now and in the future? Do I owe more to fellow countrymen than to others? In the last three weeks of the course we survey a wide range of answers to these and related questions.

COURSE GOALS: The goals of the course (as I see it, you will have your own views) are to improve our skills at interpreting difficult texts and assessing their arguments, to understand a variety of approaches to the theory of justice, and to gain a more reflective understanding of our own political values.

COURSE TEXTS: John Rawls, *A Theory of Justice*; Robert Nozick, *Anarchy, State, and Utopia*; A. John Simmons and Christopher Health Wellman, *Is There a Duty to Obey the Law (For and Against)*; John Rawls, *The Law of Peoples*; and a few essays that will be available on the course web page.

COURSE REQUIREMENTS: A take-home midterm exam (due Wednesday of week 5), a short writing assignment, five to seven pages in length, topics to be assigned in class, and a regular comprehensive final examination. On your exams and the writing assignment you will be graded according to the clarity of your prose, the cogency of your arguments, and the soundness of the understanding of course materials that you exhibit. The final examination will comprehend all course materials including required readings, lectures, and handouts distributed in class. (This means that merely recommended readings will NOT be covered on exams.)

To encourage keeping up with the reading class by class and week by week, there will be a class participation component of your grade. On most class days, there will be class discussion for a few minutes at the start of the class, usually on questions posed in advance of class (and relating to the readings assigned for that class), before the instructor's lecture starts. On any class day, even if we start with lecturing, you are encouraged to interject questions and comment. I will take notes after every class on the class discussion, and the quality and frequency of your contributions to discussion will be the basis of your class participation grade, along with two other components. (1) You may also participate in class discussion by sending me email questions or comments before class regarding some significant aspect of the assigned reading for that day. I will keep a file of these email messages for each student. (2) Also, there will be a few short quizzes given throughout the quarter on the assigned readings for that class (or maybe also on recent readings prior to that class).

GRADING: If you are taking the course on a PASS/NOT PASS basis, you must get (1) a C- or better on the final examination as well as (2) an overall C- average on all course work in order to achieve a PASS grade, with one exception: If you have an A- or better average on the midterm exam, writing assignment, and adequate participation in class discussion and are enrolled on a PASS/NOT PASS basis, you need not take the final exam in order to earn a PASS grade.

The midterm exam counts for 25 percent of your overall grade, the writing assignment for 30 percent, and the final exam for 35 percent. Class participation will count for 10 percent of your overall grade.

Only medical excuses certified by a note from your physician or a comparable certified excuse will be accepted for late submission of the writing assignment or the midterm exam, or to justify the assignment of an Incomplete course grade.

SCHEDULE OF LECTURE-DISCUSSIONS AND READINGS

Week 1. September 19-25.

FRI: Introduction. Reading: The paradox of law. Reading: Larry Alexander and Emily Sherwin, "The Problem of Rules," available at course TED web site. ARNESON ABSENT

Week 2. September 26-October 2.

MON: The principle of fairness. R. Nozick, *Anarchy, State, and Utopia*, pp. 90-95; J. Simmons, "The Principle of Fair Play," available from course TED page.

WED: Good Samaritanism and the state. Reading: C. Wellman, "Samaritanism and the Duty to Obey the Law," chapters 1 & 2 of his contribution to Simmons and Wellman, *Is There a Duty to Obey the Law?*

FRI: Conclusion of Wellman discussion. Reading: C. Wellman, chapters 3 & 4 of his contribution to Simmons and Wellman, *Is There a Duty to Obey the Law?*

Week 3. October 3-9.

MON: Philosophical Anarchism. Reading: J. Simmons, "The Duty to Obey and Our Natural Moral Duties," chapters 1 & 2 of his contribution to Simmons and Wellman, *Is There a Duty to Obey the Law?*. See also the week 2 reading, J. Simmons, "The Principle of Fair Play" (available at course TED site).

WED: Conclusion of Simmons discussion. Reading: J. Simmons, chapters 3 & 4 of his contribution to *Is There a Duty to Obey the Law?* Recommended reading: Jeremy Waldron, "Special Ties and Natural Duties" (available at course TED site).

FRI: Rawls versus utilitarianism; justice as fairness; the role of political philosophy. Reading: Rawls, *A Theory of Justice*, chapter 1.

Week 4. October 10-16.

MON: Two principles of justice: (1) equal basic liberty, and (2) equality of fair opportunity and the difference principle. Reading: Rawls, *A Theory of Justice*, chapter 2.

{Week 4 Continued} WED: The original position argument for Rawls's principles. Reading: Rawls, *A Theory of Justice*, chapter 3.

FRI: The original position argument. Reading: same as for Monday.

Week 5. October 17-23

MON: Rawls on liberty and the priority of liberty. Reading: Rawls, *A Theory of Justice*, chapter 4 and section 82 from chapter 9.

WED: Distributive shares, justice between generations, and Rawls versus "desert" and "perfection."

Reading: Rawls, *A Theory of Justice*, chapter 5.

FRI: **Midterm take-home exam due in class.** Political liberalism. Reading: Rawls, "The Idea of Public Reason Revisited," in his *The Law of Peoples*.

Week 6. October 24-30.

MON: A left-wing criticism of Rawls: Reading: G. A. Cohen, "Where the Action Is: On the Site of Distributive Justice."; also Cohen, "The Pareto Argument for Inequality," both available at course TED site.

WED: A right-wing criticism of Rawls. Reading: Robert Nozick, *Anarchy, State, and Utopia*, chapter 7, section II, pages 183-227.

FRI: Self-ownership and libertarian social justice. Reading: Nozick, *Anarchy, State, and Utopia*, chapter 7, section I, pp. 150-182.

Week 7. October 31-November 6.

MON: Against redistribution; freedom and markets. Reading: Nozick, *Anarchy, State, and Utopia*, chapter 8.

WED: Lockean natural rights and the minimal state. Reading: Nozick, *Anarchy, State, and Utopia*, chapters 1-3.

FRI: Rights as constraints vs. rights as goals; rights to capabilities. Reading: Amartya Sen, "Rights and Agency," sections 1-4; also Sen, "Equality of Capacity," both available at course TED site.

Week 8. November 7-13

MON: Property rights and liability rights in libertarian perspective. Reading: Nozick, *Anarchy, State, and Utopia*, chapter 4; also Peter Railton, "Locke, Stock, and Peril: Natural Property Rights, Pollution, and Risk" (at course TED site).

WED: Personal responsibility and distributive equality. Reading: R. Dworkin, "What Is Equality? Part 2: Equality of Resources," available from course TED site; also R. Dworkin, "Justice in the Distribution of Health Care," available at course TED site. Further recommended reading: R. Dworkin, "What Is Equality? Part 1: Equality of Welfare," available from course TED site.

FRI: **NO CLASS. VETERANS' DAY OBSERVED.**

Week 9. November 14-20.

MON: More on luck egalitarianism. Elizabeth Anderson, "What Is the Point of Equality?"; also R. Arneson, "Luck Egalitarianism and Prioritarianism," both available at course TED site.

WED: **Writing assignment due in class.** Global Justice. Reading: Michael Blake, "Distributive Justice, State Coercion, and Autonomy," available at course TED site.

FRI: Another perspective on global justice. Reading: Jan Narveson, "We Don't Owe Them a Thing!," available at course TED site. Response: We're harming the global poor. Reading: Thomas Pogge, "Assisting 'the Global Poor,'" available at course TED site.

Week 10. November 21—27.

MON: Skepticism about global justice. Reading: Thomas Nagel, "The Problem of Global Justice (available at course TED site).

WED: Response to Blake and Nagel. Reading: Andrea Sangiovanni, "Global Justice, Reciprocity, and the State," available at course TED site.

FRI: **NO CLASS. THANKSGIVING HOLIDAY.**

Week 11. November 28-December 4.

MON: Rawls on global justice. Reading: Rawls, *The Law of Peoples*, Part 1.

WED: More Rawls: Reading: Rawls, *The Law of Peoples*, Part 2.

FRI: Conclusion of Rawls discussion; wrapup and review. Reading: same as for Mon & Wed.

Arneson's office hours: Mondays 3-4 & Tuesdays 2-3 in HSS 8057. Office phone 534 6810. Email rarneson@ucsd.edu (this is the email address to be used for submitting email class participation).