

PHIL 167: Contemporary Political Philosophy  
Fall 2005; David O. Brink  
Syllabus

Here is a list of topics and readings. Within a topic, it's important to do the readings in the order in which they are listed. Readings are either (A) required or (B) recommended. Readings can be found in the required texts and in the Readings on Electronic Reserves [ER]. I will regularly indicate where we are on the Syllabus (remind me if I don't). It is very important to read the assignments on time, and it is helpful if you bring the texts we are discussing to class.

## I. UTILITARIANISM

Our discussion of the utilitarian tradition will begin with Jeremy Bentham (1748-1832), who was largely responsible for introducing utilitarianism or "the greatest happiness principle," but we will then on John Stuart Mill (1806-73), who popularized the view and was its most influential and sophisticated historical proponent. Utilitarianism appears to be a special case of a consequentialist conception of morality that justifies actions and institutions by appeal to the value of their consequences. The utilitarian focuses on human happiness as the relevant sort of consequence. But this statement of utilitarianism still leaves unanswered many questions about the nature of happiness, the way that duty is related to happiness, the justification of utilitarianism, and the relation between utility, justice, and rights.

Why does Bentham embrace the psychological egoist claim that everyone always acts so as to promote his own happiness? How can he reconcile psychological egoism with his moral demand that duty is a function of what would most promote, not the agent's own happiness, but universal happiness? Bentham analyzes utility into its intrinsic properties (intensity, duration, certainty, propinquity) and its extrinsic properties (fecundity, purity, and extent). Do all these dimensions of pleasure really have independent significance? Why does Bentham think we should accept utilitarianism?

Though Mill begins ch. ii of Utilitarianism (1861) with a statement of utilitarianism that is reminiscent of Bentham, he quickly goes on to depart from Benthamite utilitarianism by introducing the higher pleasures doctrine in which he claims that pleasures involving higher pursuits are intrinsically better than lower pleasures and would be categorically preferred by a competent judge who was acquainted with both. But how should we understand the higher pleasures doctrine, and is it fully consistent with hedonism? In ch. ii Mill seems to endorse the claim that it is one's duty to perform that action, among the available alternatives, that would have the best consequences for human happiness. But in ch. v Mill seems to offer a different conception of duty in which one's duty is a function, not of that action's consequences, but of the consequences of praising or blaming that action. Which conception of duty is more plausible? So far, we have focused on how Mill understands utilitarianism. It is time to ask why he thinks that we should believe it. He addresses the "proof" of the principle of utility in ch. iv. That argument purports to show that it is ultimately reasonable to aim at happiness and only at happiness. This proof is widely thought to be subject to very serious objections. How is the proof supposed to go, and which objections are the most serious?

- (A) Bentham, An Introduction to the Principles of Morals and Legislation, chs. I and IV; Mill, Utilitarianism, esp. chs. 2, 4, and 5.

- (B) Singer, “Famine, Affluence, and Morality” [ER].

One interesting test case for utilitarianism concerns individual rights, which appear to trump considerations of utility or collective good. Whether any version of utilitarianism is compatible with individual rights may depend on how we think of rights. Rawls thinks that the interpersonal balancing of benefits and harms that utilitarianism allows ignores the separateness of persons. The separateness of persons, he thinks, requires inviolable rights. Nozick suggests that we should think of rights as side-constraints, rather than goals, but he acknowledges that this conception of rights may be paradoxical. How should we think of rights, and what does this imply about utilitarianism? How might the utilitarian try to accommodate rights?

- (A) Rawls, A Theory of Justice, §§5-6; Nozick, Anarchy, State, and Utopia, pp. 28-33.

Among the most basic rights are rights to fundamental liberties of belief, expression, and action. This makes an interesting test case for Mill, because he not only defends utilitarianism in Utilitarianism but also defends individual liberties in On Liberty (1859). After attending to Mill's general remarks about liberty, consider his opposition to paternalism (OL: i). Here, he suggests that restrictions on an agent's liberty that prevent harm to others are permissible, but that paternalistic restrictions on liberty designed for the agent's own benefit are not. How strong are his explicit arguments against paternalism (iv 4, 12; v 20-23)? We might also consider his discussion of freedom of expression (OL: ii), because he thinks that there is general agreement about the importance of these liberties and that once their ground is understood we will be able to see the importance of a wide range of liberties (OL: i 16; iii 1). How does a concern for truth argue against censorship? Is this his best argument against censorship? How, if at all, do his perfectionist assumptions about human happiness inform his defense of freedom of expression? When we understand Mill's defense of free expression, we may better understand his opposition to paternalism. Does he really endorse a blanket prohibition on paternalism (cf. OL: i 9; iv 4; v 2, 11)? Is Mill able to reconcile his defense of utility and liberty without compromising either his utilitarianism or his defense of a right to liberties?

- (A) Mill, On Liberty
- (B) Brink, “Millian Principles, Freedom of Expression, and Hate Speech” [ER].

## II. LIBERTARIANISM

Rights-based views defend all and only those governmental functions and institutions that protect fundamental rights of citizens. Libertarianism is a rights-based view that takes the fundamental rights to be rights to liberties. If a right to liberty is taken as fundamental, this seems to place important limits on governmental activity; extensive governmental functions, such as the redistribution of resources and the provision of public goods, may violate individuals' rights to liberty. Our discussion of libertarianism will focus on the views of Robert Nozick (1938-2002) in Anarchy, State, and Utopia (1974). Nozick defends a libertarian political philosophy by appeal to a fundamental right to liberty. In the first part of Anarchy, State, and Utopia Nozick argues that a minimal state -- restricted to such functions as protecting persons and property and enforcing contracts -- can and should arise without violating anyone's rights. In the second part of the book, he argues that any extra minimal state would violate individuals' rights and so is impermissible. In the course of this argument, Nozick defends his own

"entitlement" theory of justice and argues against egalitarianism. What exactly does Nozick mean by a right? How does he understand a right to liberty? Why a right to liberty? Why only a right to liberty? Can the minimal state arise without violating anyone's rights? Does the extra minimal state necessarily violate rights? In what sense, if any, is Nozick's own view of the state "minimal"?

- (A) Nozick, Anarchy State and Utopia, pp. ix-xii, 10-17, 22-53, 101-19, 149-64, 174-82, 232-8

Right-libertarianism is the most common form of libertarianism. It links libertarian rights with laissez-faire capitalism and accepts significant social and economic inequalities as the by-product of enforcing libertarian rights. Nozick appears to be a right-libertarian. But some libertarians endorse different conclusions. Left-libertarianism thinks that enforcing libertarian rights is compatible with and may require significant forms of social and economic equality. Are our reservations about Nozick's brand of libertarianism reservations about libertarianism per se, or only right-libertarianism? How might a left-libertarian reconcile liberty and equality?

- (B) Otsuka, "Self-Ownership and Equality: A Lockean Reconciliation" [ER].

### III. LIBERAL EGALITARIANISM

Whereas libertarians treat a right to liberty as foundational, liberal egalitarians derive liberty rights from a prior commitment to equality. We will see what sort of rights an egalitarian liberal can recognize and what conception of distributive justice the liberal egalitarian should endorse. We will introduce liberal egalitarianism by looking at two articles by Ronald Dworkin (1931-), but then we will go on to focus on the tremendously influential work of John Rawls (1921-2002), as reflected in his major work A Theory of Justice (1971).

Dworkin defends rights to liberty not as basic, but as derivative from a more fundamental right to equal concern and respect. This more basic right, Dworkin claims, shows that there is no right to liberty as such, allows us to distinguish between economic and political rights, and helps reconcile apparent tensions between liberty and equality. Is Dworkin equally convincing on all three claims?

- (A) Dworkin, "What Rights Do We Have?" [ER]; (Dworkin, "Liberalism" [ER])

Rawls also wants to devise a theory of justice that treats persons with equal concern and respect. He suggests that we can do this if we can defend principles of just institutional design as ones that people would agree to when situated fairly with respect to each other. Rawls designs an elaborate hypothetical contractual situation in which parties deliberate under a "veil of ignorance" and subject to important informational and motivational constraints, which he calls the "original position" (hence, Rawls's name for his project -- justice as fairness). Rawls argues that parties in the original position would choose two principles to govern the basic institutions of their society: a principle of equal political liberties (the equal liberty principle) and a principle for distributing social and economic goods that requires us to maximize the social and economic position of the least advantaged members of society (the difference principle). Rawls develops and defends these two principles of justice as superior to utilitarianism. Why should we be concerned with this sort of hypothetical contract? Is Rawls' specification of the original position

plausible -- is it reasonable for him to include all and only the features he does? Is Rawls right to think that people in the original position would choose his two principles of justice over alternative theories, such as utilitarianism, and including so-called "mixed" theories?

- (A) Rawls, A Theory of Justice, §§1-5, 11-17, 20-29, 31-3, 36, 39-43, 49, 65, 69, 79, 82; Nozick, Anarchy, State, and Utopia, pp. 150-64, 183-231

#### **IV. EQUALITY AND RESPONSIBILITY**

Rawls is typically credited with almost single-handedly reinvigorating the discipline of political philosophy and, especially, the subject of distributive justice. Much of the best work in this area within the last thirty years represents some kind of response to ideas in A Theory of Justice -- either articulations of new ideas within a broadly Rawlsian paradigm or attempts to find viable alternatives to the Rawlsian framework. Time permitting, I would like us to examine two themes that have emerged in the wake of Rawls's liberal egalitarianism. One issue concerns equality. Though egalitarian in spirit, Rawls's difference principle eschews strict equality. This raises the question what egalitarians should care about. Should it be equality per se? If we focus instead, as Rawls suggests, on the worse-off, should we give them absolute priority as the difference principle does, or not? A second issue concerns individual responsibility. As the debate between Rawls and Nozick suggests, there is room to question the role for notions of individual responsibility and desert within any deeply egalitarian framework, such as Rawls's. We might look at ways in which philosophers sympathetic with Rawls's egalitarianism have tried to adapt a broadly egalitarian framework in ways that accommodate forms of individual responsibility worth preserving.

- (A) Parfit, "Equality or Priority?" [ER]; Scheffler, "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics" [ER]; Dworkin, "Equality," parts 1 and 2 [ER]; Arneson, "Equality and Equal Opportunity for Welfare" and "Equal Opportunity for Welfare Defended and Recanted" [ER]