

## **Advance information on final exam Philosophy 167 Spring, 2007**

The final exam for this course will take place on Friday, June 15, from 11:30 a.m. to 2:30 p.m., in Warren Lecture Hall 2113 (our regular classroom).

The final exam will comprehend all course materials (required readings, lectures, and handouts). No use of books or notes will be permitted at any time during this exam. Somewhat more emphasis will be placed on course material not covered by the midterm assignment or the writing assignment.

The first hour and a half of the exam will consist of short-answer questions testing comprehension of course readings. At the end of this handout you will find some suggestions about how to prepare for this section of the exam. (Also, the short-answer questions from the final exam in 2005, the last time I offered this course, have been placed at the course web page.). This section of the final exam will count for one-half of your exam grade.

The second hour and a half of the exam will require you to answer questions drawn from the list below. On the actual exam four or five questions will be posed and you will be asked to answer two of these posed questions—one from the A list and one from the B list. This section of the exam will count for one-half of your exam grade.

A1. Suppose that the nation of Potzrebie is divided into two groups of people, Purples and Greens. The Greens demand that they be allowed to separate from the nation of Potzrebie, that its territory be divided, and that they be allowed to form a new independent nation on their share of this divided territory. According to Allen Buchanan, what determines whether or not the Greens have a right to secede? According to Christopher Wellman, what determines whether or not the Greens have a right to secede? State the rationales Buchanan and Wellman advance to support their respective positions and assess them.

A2. According to a best results principle, democracy is the morally legitimate or right form of government for a people at a time if and only if the institution and maintenance of this form of government would produce morally better results than those that of any feasible alternative political arrangements. According to a best results principle, the further question, what kind of democratic arrangements should be instituted, if any (i.e., how democratic should the arrangements be) should be settled by applying this same standard. Ronald Dworkin embraces the best results approach and Jeremy Waldron rejects it. Which view is more defensible? For what reasons?

A3. Say that a society fulfills the ideal of majoritarian democracy to a greater extent, the more it is the case that the public policies and laws of the society are directly and immediately controlled by the majority will of the citizens, expressed in elections in which all are free to run for office and each citizen has an equal vote and free speech prevails. The ideal of deliberative democracy (see J. Cohen) might inhibit one from going whole hog for the majoritarian democracy ideal. The ideal of constitutional democracy (majority will should be constrained by a political constitution that protects certain individual moral rights) might do the same. The norm of equal opportunity for political influence might qualify the ideal of majoritarian democracy or be added to it. Assess the majoritarian democracy ideal. Your discussion should include some significant engagement with pertinent course readings.

B4. “When inequalities in income and wealth are the result of choices, not circumstances, the difference principle creates, rather than removes, unfairness.” The quoted statement criticizes Rawls’s difference principle from the standpoint of Dworkin’s equality of resources doctrine. Evaluate this criticism.

B5. A world in which everybody respects each person’s Lockean moral rights, as interpreted by Nozick, might be conceived as a world in which people live together peaceably as good neighbors. Respecting people’s rights, when others do the same, constitutes living together peaceably, Nozick could say. On one construal of Schmidtz’s views, he holds that the state of people living together peaceably as good neighbors is the goal that we ought to achieve, and the best conception of social justice is the one, the establishment and operation of which would best promote that goal. At the end of the day, does Schmidtz embrace the conception of social justice as respecting Lockean rights, or is that a mischaracterization of his view? Defend (1) Nozick’s views against Schmidtz’s or (2) Schmidtz’s views against Nozick’s or (3) the overlap of their positions against some significant alternative or (4) some significant alternative against the overlap of their positions.

B6. In chapter 4 of *Anarchy, State, and Utopia*, Nozick considers two questions: (1) Should people’s Lockean moral rights be construed so that infringing a Lockean right of anyone is always forbidden unless one first obtains the consent of the person on whom one’s actions impinge? (2) Should people’s Lockean moral rights be construed so that infringing a Lockean right of anyone is always permitted provided one later fully compensates the person on whom one’s actions impinge? In connection with these questions Nozick also considers whether Lockean moral rights should be understood as sometimes permitting actions that risk infringing another person’s moral rights. Nozick presents considerations he deems pertinent to answering these questions, but does not arrive at a definitive verdict concerning them. Summarize Nozick’s discussion of these questions, assess his responses, and propose and defend answers to the questions that would render Nozick’s Lockean moral rights doctrine maximally coherent and plausible. (If you think the task of rendering Nozick’s Lockean moral rights doctrine coherent and plausible is hopeless, explain your reasons for thinking this.)

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#### SOME GUIDES TO REVIEWING COURSE READINGS

John Rawls, *A Theory of Justice*----key terms and notions

Rawls's theory of justice as fairness is complex. Here is a check list of concepts that figure in Rawls's theory that a reader who has mastered the theory will recognize and understand. Besides the analytical table of contents with section headings, the index at the back of the book can be useful in tracking down Rawls's canonical formulations of key ideas.

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The basic structure of society

Primary goods as the basis of expectations (section 15)

Primary goods as what rational persons who give priority to developing and exercising their two moral powers for a sense of justice and a conception of the good would want (Revised edition Preface, pp. xii-xiii)

The basic liberties and the equal basic liberty principle

The difference principle. See also G. Cohen essay on what acceptance of the difference principle commits one to.

Fair equality of opportunity, contrasted with careers open to talents

The original position (chapter 3)

The veil of ignorance (section 24)  
 The formal constraints of the concept of right (section 23)  
 Maximin (chapter 3)  
 The lexical priority ordering  
 The main grounds for the priority of liberty (section 82)  
 The priority of the right over the good  
 Teleological versus deontological moral theories  
 Desert and distributive justice (section 48)  
 The principle of perfection (a rejected teleological view) (section 50)  
 Classical utilitarianism  
 Self-respect and the social bases of self-respect  
 The general conception and special conception of justice

In his essay, "Justice as Fairness: Political not Metaphysical," Rawls does not repudiate his claims in the book, but he reframes them in a surprising way.

Should the difference principle, or more broadly the maximin conception of justice, be applied on a global scale, rather than country by country, and in each country, with respect to the members of that country only? Michael Blake suggests a No answer

Robert Nozick, *Anarchy, State, and Utopia*

Chapters 1-3—the argument against the individualist anarchist, for (something close to) the minimal state.

Chapter 3, rights as side constraints to be respected not goals to be promoted. For another, opposed view see Sen, "Rights and Agency."

Chapter 3, the experience machine example.

Chapter 3, arguments for Lockean moral rights

Chapter 4, how the arguments in this chapter complete the argument against the individualist anarchist.

Chapter 4, risks and rights, and should it be sometimes permissible to infringe another's rights provided full compensation is paid to the person. See also the Railton essay.

Chapter 5, the principle of fairness and Nozick's objections to it. Why is this issue a crucial one for Nozick? The principle of fairness is discussed by John Simmons under the heading, "The Principle of Fair Play."

Chapter 7, Nozick's entitlement theory of distributive justice.

End-state principles, patterned principles, and historical entitlement principles. The Wilt Chamberlain argument.

The criticism of Rawls, part 2 of chapter 7.

Section 8 considers and argues against a variety of considerations that might be urged in favor of a more than minimal state.

Amartya Sen, "Equality of Capacity." If we are for equality, we should favor equality of basic capacities (real freedom), not equality of Rawlsian social primary goods.

Ronald Dworkin, *Sovereign Virtue*.

Chapters one and two—if we are for equality, should we be for equality of welfare or equality of resources?

Chapter one considers various interpretations of the ideal of equality of welfare and finds all of them lacking. Plus equality of welfare is deemed to be misconceived for additional reasons. Equality of resources is spelled out in chapter two and modified somewhat by the prudent insurance model of chapters 8-9. Key chapter two ideas: brute luck versus option luck, the equal auction, the hypothetical insurance markets regarding marketable talent and handicaps. Choice versus circumstance; ambitions, preferences I am glad to have versus preferences I would prefer not to have.

In chapter 6 Dworkin takes up the question of the nature of the good life and suggests that at a certain level of abstraction, we might reasonably agree about the good, that is, favor the challenge over the impact model. Acceptance of the challenge model supports reasonable views regarding the wrongness of paternalism and also provides support for the equality of resources view of social justice, says Dworkin.

Chapters 8-9 apply the equality of resources ideal and also modifies it via the prudent insurance model idea.

Chapter 4 urges what he calls a “dependent” rather than a “detached” approach to the issue, what sort of political democracy we should be for.

Elizabeth Anderson and Samuel Scheffler criticize Dworkin in the course of criticizing a broader trend they label “luck egalitarianism.” Both favor instead an ideal Anderson calls “democratic equality.”

David Schmitz, *The Elements of Justice*.

Schmitz does not aim to advance a theory in the sense in which Rawls and probably Nozick and maybe Dworkin advance theories. In the terminology Rawls introduces in “Some Remarks on Moral theory” in chapter one of *A Theory of Justice*, Schmitz is an intuitionist. In his terminology, he suggests that moral theories including theories of justice be regarded as like maps in some ways. He suggests thinking of justice as a neighborhood and proposes a view he describes as pluralist and calls “contextual functionalism.” He identifies justice, to a degree, with four elements—need, reciprocity, desert, and equality—which give some content to the idea that justice is giving to each what is due that person. When choosing between conceptions of justice, Schmitz suggests we choose the one that best advances the goals a theory of justice should serve. In some respects the course author whose views Schmitz’s views most resemble is Robert Nozick, but this is a tricky issue.

Democracy. Thomas Christiano urges that we have strong reasons to regard political democracy as intrinsically fair and just (rather than just and fair in virtue of the results it delivers). Jeremy Waldron agrees, but takes a stronger line against the idea that we should choose a political procedure for selecting public policies and laws even in part on the basis of the results (for overall human rights fulfillment, say) the procedure is expected to deliver. He also argues that someone who is for political democracy should be against constitutionalism. Ronald Dworkin disagrees. Joshua Cohen addresses a different issue—he describes in interesting detail an ideal of “deliberative democracy” and urges that we should arrange matters so our politics functions as a deliberative democracy.

Secession. Kit (Christopher) Wellman and Allen Buchanan adopt opposed positions on the question, under what conditions does a group that wants to secede from an established nation state have a moral right to do so. Buchanan is also concerned about the likely results of putting such a right into practice. Wellman proposes an answer to the question under what conditions and on what basis does a state have the moral legitimacy to compel those under its jurisdiction to support it and comply with its dictates. This proposal is different from the suggestion about what makes for the political legitimacy of a state that arises from the Hart-Rawls principle of fairness.