

INTRODUCTORY HANDOUT PHILOSOPHY 167
CONTEMPORARY POLITICAL PHILOSOPHY
 Professor: Richard Arneson.

SPRING, 2008

Lecture MWF 12:00 noon-12:50 p.m. in York Hall 4080A

The final exam for this course will take place on Wednesday, June 11, 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.

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 view 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, the welfare state, civil liberties, the nature and justification of political democracy, and rights of groups to secession and self-determination.

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 and Samuel Scheffler object 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.

Besides exploring the arguments and assumptions that underlie conflicting conceptions of justice, we will also examine perspectives on the justification of democracy. What is political democracy? To qualify as morally legitimate, to what extent, if at all, must the process of government be democratic? Is political democracy intrinsically just, good or bad depending on its results, or what? In this connection we look at an essay by Jeremy Waldron arguing that judicial review enforcing rights entrenched in a constitution as practiced in the U.S. is undemocratic and morally undesirable.

Discussions of the justification of democracy tend to presuppose a group of people living on a common territory who are to be members of a single state, which might be democratic or nondemocratic. A prior question is: How should people and territories be put together to form states? In the last class we look at theories of secession, which address part of this question.

The goals of the course 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*; Matthew Clayton and Andrew Williams, eds., *The Ideal of Equality*; A. John Simmons and Christopher Heath Wellman, *Is There a Duty to Obey the Law (For and Against)*; and a few essays that will be available on the course web page.

COURSE REQUIREMENTS: A take-home midterm exam (due Monday 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.)

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 and the writing assignment will each count for 30 percent and the final examination will count for 40 per cent of your overall course 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 LECTURES, DISCUSSIONS, AND READINGS

Week 1. March 31-April 6

MON: Introduction. Reading: none.

WED: The principle of fairness. R. Nozick, *Anarchy, State, and Utopia*, pp. 90-95; R. Arneson, "The Principle of Fairness and Free-Rider Problems," available from course web page.

FRI: 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?*

Week 2. April 7-13

MON: 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?*

WED: 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?*

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

Week 3. April 14-20

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

WED: 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.

FRI: The original position argument for Rawls's principles. Reading: Rawls, *A Theory of Justice*, chapter 3.

Week 4. April 21-27

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

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

FRI: Distributive shares, justice between generations, and Rawls versus “desert” and “perfection.” Reading: Rawls, *A Theory of Justice*, chapter 5.

Week 5. April 28-May 4

MON: **Midterm take-home exam due in class.** Political liberalism. Reading: Rawls, “Justice as Fairness: Political Not Metaphysical” (available at course web page).

WED: Global justice. Reading: Michael Blake, “Distributive Justice, State Coercion, and Autonomy” (available at course web page).

FRI: T. Nagel, “The Problem of Global Justice,” (available from course web page).

Recommended reading: T. Nagel, “Equality,” in Clayton and Williams, *The Ideal of Equality*.

Week 6. May 5-11.

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 Equality,” in Clayton and Williams, *The Ideal of Equality*.

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.

Note: Sunday, May 11 is Mother’s Day.

Week 7. May 12-18.

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 (on course web page); also Sen, “Equality of Capacity.”

Week 8. May 19-25.

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” (on course web page).

WED: Priority. Reading: Derek Parfit, “Equality or Priority?”; also L. Temkin, “Equality, Priority, and the Levelling Down Objection,” both in Clayton and Williams, *The Ideal of Equality*

FRI: Personal responsibility and distributive equality. Reading: R. Dworkin, “Justice in the Distribution of Health Care,” in Clayton and Williams, *The Ideal of Equality*.

Week 9. May 26-June 1.

MON: **Memorial Day. No class.**

WED: **Writing assignment due in class.** More on luck egalitarianism. R. Arneson, “Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare,” in *The Ideal of Equality*.

Recommended reading: T.M. Scanlon, “The Diversity of Objections to Inequality,” in Clayton and Williams, *The Ideal of Equality*.

FRI: Democratic equality. Reading: Elizabeth Anderson, “What Is the Point of Equality?”; also Samuel Scheffler, “Choice, Circumstance, and the Value of Equality” (both at course web page).

Recommended: R. Arneson, “Luck Egalitarianism and Prioritarianism” and “Luck Egalitarianism Interpreted and Defended.”

Week 10. June 2-8

MON: Why democracy? Reading: Thomas Christiano, "Democracy and Equality."

WED: Why Limits on Democracy? Reading: Jeremy Waldron, "The Core of the Case against Judicial Review" (available from course web page).

FRI: Rights to secession. Reading: A. Buchanan, "Theories of Secession"; also C. Wellman, "A Defense of Secession and Political Self-Determination", both available from course web page.

Arneson's office hours: Tuesdays 12-1 and Thursdays 2-3 in HSS 8057. Office phone 534 6810. Email rarneson@ucsd.edu