

## **PHILOSOPHY 27: ETHICS AND SOCIETY**

Spring, 2018

Prof. Richard Arneson ([rarneson@ucsd.edu](mailto:rarneson@ucsd.edu))

Teaching assistants: Matthew Piper (sections 1, Mondays 2:00-2:50 in APM 2301 & 2, Mondays 3:00-3:50 in APM 2301; Dallas Amico (sections 3, Mondays 4:00-4:50 in APM 2301 & 6, Fridays 10:00-10:50 a.m. in WLH 2208); Richard Vagnino (sections 4, Wednesdays noon-12:50 in WLH 2206 & 5, Wednesdays 4:00-4:50 in WLH 2206; Bas Tönissen (sections 7, Fridays 11:00-11:50 a.m. in WLH 2208 & 8, Fridays noon-12:50 in WLH 2208).

TA email addresses: [damico@ucsd.edu](mailto:damico@ucsd.edu); [mpiper@ucsd.edu](mailto:mpiper@ucsd.edu); [btonisse@ucsd.edu](mailto:btonisse@ucsd.edu); [rvagnino@ucsd.edu](mailto:rvagnino@ucsd.edu)

Lectures: Mondays and Wednesdays 5:00 to 5:50 p.m. in Center Hall 101.

### **Welcome to philosophy 27!**

The final exam for this course will take place on June 15, 2018 from 7-10 p.m. If you enroll in this course, you must be free to take the regular final exam for this course on this day, at this time.

**Overview.** This course studies a wide mix of moral and ethical issues. These are issues about what we fundamentally owe one another by way of conduct, and about what, if anything, is really good or choiceworthy in human life. We also discuss moral issues concerning what laws and public policies the state should enforce. We briefly introduce two approaches to ethical questions: consequentialism (one morally ought always to do whatever would bring about the best outcome, impartially assessed) and rights-based theories (individuals have moral rights, and one morally ought always to respect people's rights, and maybe promote their fulfillment).

In weeks 1-2 the issue is, do we have moral duties to obey the law as such, independently of its content, to some extent? What moral duties, if any, do we have to obey the law in unjust societies? Under what conditions, if any, do states permissibly compel by coercion conformity to the commands they issue?

Weeks 3-4 consider the Lockean libertarian position that at most, a minimal state might be justified, one that confines its role to respecting and protecting moral rights as construed by the libertarian. If a more than minimal state is justified, what would be its legitimate roles? What constitutes just social arrangements?

Week 5 considers opposed views as to what justifies a democratic political order.

Week 6 asks whether paternalism (restriction of someone's freedom for her own good) might be justified, and if so, under what conditions. We look at the example of legal restriction of the use of dangerous recreational drugs. We examine the doctrine of neutrality on the good, and its close cousin "political liberalism," affirmed by Douglas Husak in a course reading.

Week 7 looks at issues regarding consent to sexual relations. Tom Dougherty argues that the consent of a potential partner to sexual relations renders having sex with that person permissible only if the consent is communicated. Dougherty also argues that deception to secure sex with someone renders the engagement in sex morally wrong, and also that having sex with someone whose consent is based on false belief about a dealbreaker is morally wrong. Others disagree.

Week 8 looks at an argument by Heidi Hurd defending controversial “Stand your ground” laws.

In weeks 8 and 9 we discuss arguments by Elizabeth Brake concerning whether traditional marriage vows even make sense, given they involve promises to love someone in the future, and whether the breaking of marriage vows by divorce (insofar as the vows do make sense) is seriously morally wrong, contrary to our common beliefs. In another reading Brake examines the implication of “political liberalism” for the issue, what would be a just state policy regarding marriage.

In week 10 we consider arguments by Christopher Wellman defending a broad right of otherwise tolerably just states to restrict immigration and some doubts about this position voiced by Jeremy Waldron.

**Course aims:** 1) to improve our skills at reading and understanding difficult writings and thinking clearly about complex issues and writing about those issues (2) to improve our skills at assessing moral arguments, and (3) to become more aware of the structure of our own moral views and of moral positions opposed to our own.

For further information about the course, which will change week by week, consult the Philosophy 27 course TritonEd page. Required readings, slides shown in lectures, this course syllabus, the two writing assignments, and eventually advance information handouts on the final exam will be made available at this TritonEd page.

To access course materials in TritonEd, go to the TritonEd course web page, from the left-hand side of page menu click on “Content.” A list of Phil 27 class materials will then show up on the screen.

**Evaluation for purposes of determining your course grade.**

1500 word essay due Monday, April 30, at 5 pm. (counts for 20 % of your grade). Essay topics to be assigned in class.

2000 word essay due Wednesday, May 23, at 5 pm (25%). Essay topics to be assigned in class. In-class clicker quiz questions and participation (10 %).

Discussion section grade (5% attendance plus 5% participation = 10 %).

Final exam (35 %). The final exam will comprehend all course materials. One-half of the exam will consist of short-answer questions testing your understanding of course materials and one-half of the exam will consist of essay questions. The essay questions to be posed on the exam will be drawn from a list of questions given in a final exam advance handout.

**Clickers questions.** At some points during lectures an I-clicker question will be posed, and so each enrolled student must have an iclicker for this course. Some questions will be in effect short quizzes testing your understanding of some feature of the reading for that class. Some questions will check to see whether you are following the lecture or will pose discussion questions; for these two latter types of question, your participation will count but no assessment of your answer will be made.

**Discussion sections.** You will need to attend the discussion section in which you’re enrolled. One-half of your section grade will be based on attendance, one-half on the quality of your participation. I recommend that you show up for each section meeting ready to ask questions about the assigned reading and to discuss the issues it raises. Responding respectfully to the

thoughts and ideas expressed by fellow students will help make section discussions maximally productive.

**Disability accommodation.** Students requesting accommodations for this course due to a disability must provide a current Authorization for Accommodation (AFA) letter issued by the Office for Students with Disabilities (OSD), which is located in University Center 202, behind Centre Hall. Students are required to present their AFA letters to the course instructor (please make arrangements to contact me privately) and to the OSD Liaison in the Philosophy Department in advance so that accommodations may be arranged.  
858 534 4382 (phone); [osd@ucsd.edu](mailto:osd@ucsd.edu) (email); <http://disabilities.ucsd.edu> (website).

**Academic integrity.** Integrity of scholarship is essential for an academic community. The University expects that both faculty and students will honor this principle and in so doing protect the validity of University intellectual work. For students, this means that all academic work will be done by the individual to whom it is assigned, without unauthorized aid of any kind. More information about UC San Diego's policy on academic integrity is available at <http://senate.ucsd.edu/Operating-Procedures/Senate-Manual/appendices/2>

**Arneson's office hours: Tuesdays 12-2 in 8057 HSS Bldg., in Muir Campus.**

#### **SCHEDULE OF LECTURE/DISCUSSIONS**

**(You should do the reading listed for a given day before that day's class. Hint: A key to success in the course is keeping up with the readings week by week.)**

Week 1. April 2-8.

MON: Introduction. The uses of moral argument. Utilitarianism and consequentialism.

Reading: Jonathan Glover, "The Scope and Limits of Moral Argument."

Recommended reading: Russ Shafer-Landau, "Introduction" (to his book *The Fundamentals of Ethics*).

WED: Are some states morally legitimate? Do we have moral duties to obey the state?

Reading: Christopher Wellman, "Liberalism, Samaritanism, and Political Legitimacy."

Week 2. April 9-15.

MON: The same topic continued. Reading: Robert Nozick, "The Principle of Fairness" (excerpt from chapter 5 of his *Anarchy, State, and Utopia*). Also, A. John Simmons, "The Principle of Fair Play." [Additional reading for discussion sections: Richard Arneson, "Paternalism and the Principle of Fairness."]

WED: If a political society is unjust, are there still duties to it, or to its members, to obey the commands of the state? Reading: Tommie Shelby, "Justice, Deviance, and the Dark Ghetto."

Week 3. April 16-22.

MON: Lockean libertarianism. Reading: Robert Nozick, chapter 3 of *Anarchy, State, and Utopia*.

WED: Lockean libertarianism and private ownership. Reading: Robert Nozick, chapter 7, Part 1 of *Anarchy, State, and Utopia*. [The same reading is available as "Distributive Justice," Part 1.]

Week 4. April 23-29.

MON: The minimal state; a classical liberal criticism of Nozick. Reading: Richard Epstein, "One Step beyond Nozick's Minimal State: The Role of Forced Exchange in Political Theory."

WED: Should the state promote equality? Reading: Will Kymlicka, "Liberal Egalitarianism," chapter 3 of his *Contemporary Political Philosophy: An Introduction*.

Week 5. April 30-May 6.

MON: **First writing assignment due.** The right to a democratic say. Reading: Jeremy Waldron, "Participation: the right of rights," chapter 11 in his *Law and Disagreement*.

WED: Against the right to a democratic say. Reading: Jason Brennan, "The Right to a Competent Electorate."

Week 6. May 7-May 13.

MON: Limits of liberty; paternalism and antipaternalism. Reading: J. S. Mill, *On Liberty*, chapter 1. Available at [www.utilitarianism.com](http://www.utilitarianism.com) (scroll down to *On Liberty* text, click on chapter 1).

WED: Is there a moral right to use dangerous recreational drugs? Reading: Douglas Husak, "Liberal Neutrality, Autonomy, and Drug Prohibitions."

Week 7. May 14-20.

MON: What sort of consent on the part of a potential sexual partner renders having sex with that person morally permissible? Reading: Tom Dougherty, "Yes Means Yes: Consent as Communication."

[Additional reading for discussion sections: Larry Alexander, Heidi Hurd, and Peter Westen, "Consent Does Not Require Communication: A Reply to Dougherty."]

WED: More on consent to sex. Is it wrong to deceive someone into having sex or to have sex with someone whose consent is based on false belief? Reading: Tom Dougherty, "Sex, Lies, and Consent."

Week 8. May 21-27.

MON: If you are wrongly attacked, and can safely retreat, does morality require retreat?

Reading: Heidi Hurd, "Stand Your Ground."

WED: **Second writing assignment due.** Do marriage vows make sense? Is marriage unfair to women? Reading: Elizabeth Brake, "The Marriage Promise: Is Divorce Promise-Breaking?"

Week 9. May 28-June 3.

MON: NO CLASS. MEMORIAL DAY OBSERVED.

WED: Should the state promote marriage? Reading: Elizabeth Brake: "Minimal Marriage: What Political Liberalism Implies for Marriage Law."

Week 10. June 4-10.

MON: Do members of a political society have a moral right to exclude would-be entrants?

Reading: Christopher Wellman, "Immigration and Freedom of Association."

WED: Do members of a political society have a moral right to exclude would-be entrants? (Monday's discussion continued.) Reading: Jeremy Waldron, "Immigration: a Lockean Approach."