

PHIL 28: Ethics & Society II**Topic: Liberalism and Justice****Spring 2023; MW 11-11:50am; Center Hall 119****Professor David O. Brink; dbrink@ucsd.edu; office: RWAC #0480; office hours: M 1-2pm, T 11am-noon, and by appointment****Teaching Assistants:**

- Ying Liu (yil065@ucsd.edu); RWAC #0430; OH: M 1:30-3:30 and by appointment
- Faron Ray (fray@ucsd.edu); RWAC #0433; OH: W 4-6pm and by appointment
- Sam Ridge (siridge@ucsd.edu); RAWC #0446; OH: M 1:30-3:30 and by appointment

Sections:

1. M 4-4:50pm; Center Hall 217A; TA: Sam Ridge
2. M 5-5:50pm; Center Hall 217A; TA: Sam Ridge
3. W 6-6:50pm; H&SS 2150; TA: Ying Liu
4. W 7-7:50pm; H&SS 2150; TA: Ying Liu
5. F 2-2:50pm; Solis 109; TA: Faron Ray
6. F 1-1:50pm; Solis 109; TA: Faron Ray

ISSUES

This course is concerned with issues about *liberalism* and *distributive justice*. Liberalism is a venerable tradition within western political philosophy that recognizes that individuals have rights against each other and the state that constrain how they should be treated by each other and the state. Distributive justice concerns the appropriate allocation of goods, resources, and opportunities among different members of society. We will examine three different conceptions of liberalism and distributive justice that have been influential in the West — *utilitarianism*, *libertarianism*, and *liberal egalitarianism*. In some ways, this is a course on cultural literacy in the liberal tradition. We will reconstruct and assess the essentials of these three conceptions by comparing them with each other and exploring their implications for some practical problems.

Utilitarian Liberalism. John Stuart Mill (1806-73) was a founding contributor to both the utilitarian and liberal traditions. We will use Mill's *Utilitarianism* (1861) and *On Liberty* (1859) to explore how he understands and combines these traditions. Utilitarianism assesses actions, institutions, and policies by the value of their consequences for human welfare or happiness. In assessing the consequences of alternatives, the utilitarian counts everyone's welfare and counts it equally. The utilitarian concludes that actions, institutions, and policies must promote — in one formulation, maximize — human welfare or happiness. Though utilitarianism was a progressive doctrine historically, challenging traditional institutions of class and privilege in the nineteenth century, nowadays it strikes some as morally problematic. In requiring us to do what is best for all, utilitarianism may seem *overly demanding*, requiring agents to sacrifice their personal concerns for the greater good. Moreover, maximizing total welfare doesn't seem to allow the utilitarian to attach any intrinsic significance to the way in which welfare is *distributed* or to *individual rights* that many think trump the pursuit of collective goals. However, Mill thinks that utilitarianism can answer these challenges. In particular, he thinks that rights and justice have utilitarian foundations. This claim is defended at the end of *Utilitarianism* and at greater length in *On Liberty*, where he defends individual rights to liberty, apparently claiming that liberty may only be restricted to prevent harm to others, not for paternalistic or moralistic purposes or for preventing offense. In discussing Mill's utilitarian and liberal commitments, we will focus on questions about the implications of utilitarianism for our duties of beneficence (e.g. famine relief) and the implications of his liberal principles for the regulation of hate speech, freedom of association, and the regulation of offensive nuisance.

Right-based views defend all and only those governmental functions and institutions that protect fundamental rights of citizens. If a right to liberty is taken as fundamental, the result is a libertarian political philosophy. The most familiar form of libertarianism is classical or right libertarianism, which places important limits on governmental activity and supports *laissez-faire*. We will focus on the imaginative defense of libertarianism and the minimal state by Robert Nozick (1938-2002) in *Anarchy, State, and Utopia* (1974). Nozick explains how a minimal state might arise and argues that any more extensive state will violate individual rights. It is not clear if the libertarian can recognize familiar governmental functions, such as the redistribution of resources for those in need or the provision of public goods. In assessing Nozick's libertarian principles, we will discuss worries that libertarians must forego public goods and that they are committed to the necessity of reparations for historical injustices against Native Americans and African Americans.

Liberal egalitarianism derives rights to liberties from a more basic right to equality. It insists that government should treat its citizens as free and equal members of the community and should establish terms of social cooperation and norms of distributive justice that are acceptable to all. The most famous defense of liberal egalitarianism is by John Rawls (1921-2002) in *A Theory of Justice* (1971/1999). Rawls defends an egalitarian conception of distributive justice called *Justice as Fairness* that permits inequalities only when they are to the greatest advantage of the worst-off — the *Difference Principle*. He defends Justice as Fairness against both utilitarian and libertarian rivals. He defends these egalitarian principles as the ones that would be chosen in an elaborate hypothetical social contract in which parties are placed behind a veil of ignorance that deprives them of knowledge about their own natural attributes and preferences. We will ask about the moral force of hypothetical contracts, the adequacy of Rawls's arguments against utilitarian and mixed conceptions, his focus on ideal theory, and the ability of Justice as Fairness to address issues involving racial and other injustices.

FORMAT

Class meetings on Mondays and Wednesdays will be lectures. Lectures provide philosophical background and structure to the issues raised by the readings and present and assess these issues in a systematic way. I'll use PowerPoint slides during lecture and will post those slides to Canvas after the lecture. I'm happy to entertain some student questions and comments in lecture, but sustained discussion should take place in weekly section meetings. I strongly encourage students to attend lectures, though attendance will not be taken. Students who do so will get more out of the class and perform better on quizzes and writing assignments.

Section meetings provide an opportunity for students to discuss issues from the readings and lectures with their TA, but TAs will also use sections to apply principles discussed in lecture to novel issues. Attendance and participation at section will be a component of each student's grade.

REQUIREMENTS & GRADING

Students will take five bi-weekly quizzes and write two papers. The completion of each of these requirements is a condition of passing the course. There will be no final exam.

- **Quizzes.** Bi-weekly quizzes will be administered online, through the Canvas website. They will take no more than 10 minutes and consist of true/false and multiple-choice questions. The quizzes test basic comprehension of the readings, lectures, and handouts. Quizzes can be taken within a 48-hour window between Friday 3pm and Sunday 3pm. They are timed. Students are expected to prepare in advance. The quizzes are not open-book, and students may not collaborate in taking them. The quizzes will be Friday, April 14; Friday April 28; Friday, May 12; Friday, May 26; and Friday June 9. Your quiz grade will be calculated based on your four best quiz scores (throwing out your lowest score). Collectively, the quizzes will be worth 35% of your overall grade.
- **Missed Quizzes.** There is more than adequate notice and opportunity for students to take the quizzes, and students can take the quizzes at their convenience during a 48-hour period. Since the lowest quiz score will be dropped, opportunities to make-up a missed quiz will be limited and exceptional. They are limited to unavoidable conflicts; they must be justified in writing with suitable documentation in advance or, where that is not possible, immediately after the administration of the quiz in question. Do not ask if you can make-up a quiz you forgot to take.
- **The First Paper.** The first paper should be about 1K words (+/-). It will be due by 5pm, Friday, May 5th (week #5) but can be submitted earlier. It will be worth 25% of your overall grade. Paper topics will be distributed well in advance of the due date.
- **The Second Paper.** The second paper should be 1.5-2K words (+/-). It will be due by 5pm on Wednesday, June 14 but can be submitted earlier. It will be worth 30% of your overall grade. Paper topics will be distributed well in advance of the due date.
- **Submission of Papers.** Students will be expected to submit papers electronically, via turnitin.com on the Canvas website.
- **Late Papers.** If students require an extension on the (first) paper, they must request and justify an extension with their TA in advance via email. Late papers (for which an extension was not approved in advance) will lose one full grade for every day (24-hour period) late. For instance, a paper that would have received an A- if handed in on time will receive a C- if handed in two days (more than 24 hours and not more than 48 hours) late. So, if you hand in an A- paper 25 hours late, that counts as two days late, and the paper will get a C-.

- **Plagiarism.** Students should note that plagiarism is a violation of the Principles of Academic Integrity (<http://senate.ucsd.edu/manual/appendices/app2.htm>). Anyone determined to have violated these principles will fail the assignment and the course and will be reported to the Office of Academic Integrity. If you are suspected of plagiarism, you may be interviewed about the content of your paper. If you have any doubts about what constitutes plagiarism or other academic misconduct, please consult with your TA *in advance*.
- **Attendance and Participation in Section.** Students are expected to attend section and participate, and they will receive a grade for section attendance and participation, which will be 10% of their overall grade.
- **Questions about Grades.** Students who have questions about their grades should consult their TAs. Students who have questions about the grade they received on a paper should first read the comments and reread the paper. If they still have questions, they can make an appointment with their TA to discuss the comments and grade. Students should aim to resolve any disagreements with their TAs. I will become involved in disputes about graded papers only as a last resort, and students should understand that if I am asked to regrade their paper I might raise or lower their original grade.
- **Grade Breakdown.** As percentages of your total grade: the quizzes collectively = 35%, the first paper = 25%, the second paper = 30%, and attendance and participation in section = 10%.

Division of Labor between Professor and TAs.

My responsibility is to plan the course, select readings, prepare lectures and PowerPoint slides, prepare quizzes, consult with the TAs about their duties, and hold office hours. The TAs will lead sections, hold office hours, and grade papers. I'm happy to meet with students to discuss the content of the class and lectures either after class or during office hours. But this is a large class, and it's not feasible or appropriate for me to respond to everyone's questions about their papers, quizzes, grades, etc. This is the job of the TAs. You should regard them as your first recourse for most of your questions about the course.

BOOKS

All the readings for the course will be posted as PDFs to the Canvas website. This includes not just individual articles but also the four books from which we will be reading extended selections.

- John Stuart Mill, *Utilitarianism* (1861) and *On Liberty* (1851)
- Robert Nozick, *Anarchy, State and Utopia* (1974)
- John Rawls, *A Theory of Justice* (1971/1999)

Students who prefer to read hard copies of these books can purchase them at the campus bookstore or find new or used paperback copies online (e.g. at Amazon). Also note that we will be using the second edition of Rawls's *A Theory of Justice*, which was published in 1999. Additional required readings will be posted on the course website.

READINGS

The reading assignments are listed on the Syllabus. It is important to read the assignments on time.

WEBSITE

All course materials and handouts will be posted on the course website, available through Canvas on Course Finder (<https://coursefinder.ucsd.edu>). Students enrolled in the course should have automatic access to the website. You should check periodically to make sure that you have current versions of all the handouts, which are revised or updated periodically.

Student Responsibilities

In addition to doing the readings and completing the assignments, students need to know and comply with the course policies and requirements described here. Exceptions to these policies and requirements will be made only in cases where the student had an unavoidable conflict, beyond their control, which they document in a timely manner. Exceptions will not be granted to accommodate student negligence.

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Professor David O. Brink
Syllabus

Here are the projected topics and readings for the quarter. If we progress slower (or faster) than initially anticipated, I may revise the Syllabus, so please check periodically to make sure you are operating with the current version. The required readings involve extended selections from four books — John Stuart Mill, *Utilitarianism* and *On Liberty*; Robert Nozick, *Anarchy, State, and Utopia*; and John Rawls, *A Theory of Justice*. PDFs of these texts have been posted on the Canvas website, or you can purchase paperbacks (new or used) at the campus bookstore or online. There are additional required readings posted on the website. My lectures will be based on PowerPoint slides, which I will post to the Canvas website and which I expect students to read.

WEEK #1: UTILITARIANISM AND THE GOOD

- Monday, April 3: Introduction
- Wednesday, April 5: John Stuart Mill, *Utilitarianism*, ch. II; Robert Nozick, *Anarchy, State, and Utopia*, pp. 42-45 (the experience machine)

WEEK #2: UTILITARIANISM AND RIGHTS

- Monday, April 10: John Rawls, *A Theory of Justice*, §§5-6; Robert Nozick, *Anarchy, State, and Utopia*, pp. 28-33
- Wednesday, April 12: John Stuart Mill, *Utilitarianism*, ch. V
- Friday, April 14: **Quiz #1**

WEEK #3: IS UTILITARIANISM TOO DEMANDING?

- Monday, April 17: Peter Singer, "Famine, Affluence, and Morality"
- Wednesday, April 19: Liam Murphy, "The Demands of Beneficence"

WEEK#4: MILLIAN LIBERALISM

- Monday, April 24: John Stuart Mill, *On Liberty*, chs. I-II
- Wednesday, April 26: John Stuart Mill, *On Liberty*, chs. III-V
- Friday, April 28: **Quiz #2**

WEEK #5: FREEDOM OF EXPRESSION, FREEDOM OF ASSOCIATION, AND DISCRIMINATION

- Monday, May 1: David O. Brink, "Millian Principles, Freedom of Expression, and Hate Speech"
- Wednesday, May 3: Masterpiece Cakeshop v. Colorado Civil Rights Commission (2018)
- Friday, May 5: **First Paper due by 5pm**

WEEK #6; OFFENSE REGULATION AND LIBERTARIANISM

- Monday, May 8: Joel Feinberg, *The Moral Limits of the Criminal Law*, vol. II, chs. 7-8 (Offensive Nuisances)
- Wednesday, May 10: Robert Nozick, *Anarchy, State, and Utopia*, chs. 2-5
- Friday, May 12: **Quiz #3**

WEEK #7: LIBERTARIANISM

- Monday, May 15: Robert Nozick, *Anarchy, State, and Utopia*, ch. 7
- Wednesday, May 17: Elizabeth Anderson, "The Ethical Limitations of the Market"

WEEK #8: LIBERTARIANISM, EXTERNALITIES, AND REPARATIONS

- Monday, May 22: Ta-Nehisi Coates, "The Case for Reparations"
- Wednesday, May 24: Angela Smith, "Institutional Apologies and Forgiveness"
- Friday, May 26: **Quiz #4**

WEEK #9: JUSTICE AS FAIRNESS

- Monday, May 29: **No Class, Memorial Day**
- Wednesday, May 31: John Rawls, *A Theory of Justice*, §§1-6, 11-17, 20-29

WEEK #10: ASSESSING JUSTICE AS FAIRNESS

- Monday, June 5: John Rawls, *A Theory of Justice*, §§31-36, 48-49, 82
- Wednesday, June 7: Tommie Shelby, "Race and Ethnicity, Race and Social Justice: Rawlsian Considerations"
- Friday, June 9: **Quiz #5**

EXAM WEEK

- Wednesday, June 14: **Second Paper due by 5pm**