

Phil 116: Special Topics in Political Philosophy

MWF 2–3 in 200 Wheeler

Website: <http://sophos.berkeley.edu/kolodny/S10Phil116.htm>

Instructor:

Niko Kolodny, kolodny@berkeley.edu

For office hours, see: <http://sophos.berkeley.edu/kolodny>

Graduate Student Instructor:

Andy Engen, adengen@berkeley.edu

Description:

This course will survey recent discussions of the following questions in political philosophy: Why, if at all, should we obey the law? Why, if at all, should we accept majority decisions with which we disagree? Is the Supreme Court incompatible with democracy? What limits, if any, should we place on the expression of ideas and feelings? Should we allow consenting adults to enter into whatever contractual relationships (e.g., prostitution, slavery, unequal marriages) they please? Is the only ground for forbidding or allowing abortion that life does or does not begin at conception? What, if anything, is wrong with inequality between rich and poor? Is taxation morally permissible? Why, if at all, should we punish criminals? When, if ever, may we wage war? Is there any difference between “collateral damage” and terrorism?

As taught this semester, Phil 116 satisfies the ethics requirement for the philosophy major.

Prerequisites:

Either (i) two courses offered by the Berkeley Philosophy Department or (ii) one course in moral or political philosophy offered by the Berkeley Philosophy Department.

Requirements:

1. For each lecture, download the handout from the course website and bring it to class.
2. Section participation: 15%. Sections will be cancelled for one week, chosen by the GSI.
3. One 2-page paper: 15%. The main purpose of this is to provide you with some feedback before the Feb. 19 drop deadline.
4. One 2-page proposal for your term paper, describing a question or problem and how you will address it. You may submit this for approval at any time up until April 9. However, the earlier you submit your outline, the earlier you will get comments, and so the more time you will have to write your term paper itself.
5. One 8-page term paper: 40%.
6. Final exam: 30%. The questions will come from a longer list that you will have before the exam.

Note: GSI will not comment on the term paper or final exam, but will be available to discuss them.

Readings:

1. Online readings, some of which can be accessed only from the UC Berkeley network.
 - The obvious advantage is that these readings are all free, but I realize that this may be inconvenient for students who prefer to read things on paper.
 - For off-campus access to the UC Berkeley network, see: http://www.lib.berkeley.edu/Help/connecting_off_campus.html.
 - If there is a problem with a link, try clicking it a second time, or restarting your browser. (Surprisingly, this often solves the problem.) If that doesn't work, try locating the electronic resource (e.g., "Philosophy and Public Affairs," or "Oxford Scholarship Online") on the UCB library website, and then searching for the title of the specific article or book.
2. Reader with the remaining material, available at Copy Central, 2560 Bancroft Way.

Syllabus:

Wednesday, January 20

1. Introduction

Authority and obligation

Friday, January 22

2. Simmons, *Moral Principles and Political Obligation*, II.i, III, IV

Monday, January 25

3. Simmons, *Moral Principles and Political Obligation*, VI, VIII

Wednesday, January 27

4. Waldron, "Special Ties and Natural Duties" in *Philosophy & Public Affairs* (<http://www.jstor.org/stable/2265321>)

Friday, January 29

5. Raz, *The Morality of Freedom*, Ch. 3 in Oxford Scholarship Online (<http://www.oxfordscholarship.com/oso/public/content/philosophy/9780198248071/toc.html>)

First paper topic

Monday, February 1

6. Raz, *The Morality of Freedom*, Ch. 4

Democracy and Disagreement

Democracy

Wednesday, February 3

7. Waldron, "Participation: The Right of Rights"

Friday, February 5

8. Estlund, *Democratic Authority*, 1-12, 65-84, 93-97, 99, 102-108

Monday, February 8

9. Estlund, *Democratic Authority*, 40-61, 36-37, 206-222

First paper due

Wednesday, February 10

10. Estlund, *Democratic Authority*, 136-58

Friday, February 12

11. Christiano, *The Constitution of Equality*, Ch. 3 (skip “Political Equality and Age Groups”) in Oxford Scholarship Online (<http://www.oxfordscholarship.com/oso/public/content/politicalscience/9780198297475/toc.html>)

Wednesday, February 17

12. Christiano, *The Constitution of Equality*, Ch. 3 (skip “Political Equality and Age Groups”)

Friday, February 19

13. Christiano, *The Constitution of Equality*, Ch. 6

Judicial Review

Monday, February 22

14. Ely, *Democracy and Distrust*, 1-14, 30-32, 73-104

Wednesday, February 24

15. Dworkin, *Freedom’s Law*, Introduction

Friday, February 26

16. Waldron, “The Constitutional Conception of Democracy”

Monday, March 1

17. Christiano, *The Constitution of Equality*, Ch. 7

Individual Liberty

Wednesday, March 3

18. Mill, *On Liberty* (<http://www.bartleby.com/130/>)

Monday, March 8

19. Mill, *On Liberty*

Wednesday, March 10

20. Mill, *On Liberty*

Freedom of expression

Friday, March 12

21. Scanlon, "A Theory of Freedom of Expression" in *Philosophy & Public Affairs* (<http://www.jstor.org/stable/2264971>)

Monday, March 15

22. Cohen, "Freedom of Expression" in *Philosophy & Public Affairs* (<http://www.jstor.org/stable/2265305>)

Freedom of association

Wednesday, March 17

23. Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation" in *Philosophy & Public Affairs* (<http://www.jstor.org/stable/2672846>)

Abortion rights?

Friday, March 19

24. Cohen, "Democracy and Liberty," skipping sections 4 and 6
Cohen, "Privacy, Pluralism, and Democracy," up to p. 317

Economic Justice

Property

Monday, March 29

25. Nozick, *Anarchy, State, and Utopia* pp. ix, 9–35, 48–53, 149–164, 167–182, 280–294, 331

Wednesday, March 31

26. Nozick, *Anarchy, State, and Utopia* pp. ix, 9–35, 48–53, 149–164, 167–182, 280–294, 331

Friday, April 2

27. Nozick, *Anarchy, State, and Utopia* pp. ix, 9–35, 48–53, 149–164, 167–182, 280–294, 331

Monday, April 5

28. Scanlon, "Natural Wrongs and Institutional Rights: Property"

Equality

Wednesday, April 7

29. Rawls, *A Theory of Justice*, §§12–13
Rawls, *Political Liberalism*, lect. VII 1, 3–5, 7–9
Rawls, *Justice as Fairness*, §§14–16

Final deadline for term paper proposal

Friday, April 9

30. Scanlon, “The Diversity of Objections to Inequality”
No sections this week

Desert

Monday, April 12

31. Sidgwick, *Methods of Ethics*, Bk. III, Ch. V §6
(<http://www.laits.utexas.edu/poltheory/sidgwick/>)
Rawls, *A Theory of Justice*, §§14, 17, 48

Monday, April 19

32. Rawls, *Justice as Fairness*, §20
Nozick, *Anarchy, State, and Utopia*, 213–231

Political violence

Punishment

Wednesday, April 21

33. Ewing, *The Morality of Punishment*, Ch. 2

Friday, April 23

34. Bentham, *An Introduction to the Principles of Morals and Legislation*, Ch. I, XIII, XIV (<http://www.utilitarianism.com/jeremy-bentham/index.html>)

Monday, April 26

35. Scanlon, “Punishment and the Rule of Law”

War

Wednesday, April 28

36. McMahan, “The Ethics of Killing in War” in *Ethics*
(<http://www.journals.uchicago.edu/doi/full/10.1086/422400>)

Terrorism

Friday, April 30

37. Scheffler, “Is Terrorism Morally Distinctive?” in *Journal of Political Philosophy* (<http://www.blackwell-synergy.com/toc/jopp/14/1>)

Term papers due

Review

38. Monday, May 3

39. Wednesday, May 5

Final Exam: Tuesday, May 11, 11AM–2:30PM

Course Policies:

Extensions:

Plan ahead. You may request extensions from your GSI *up until 72 hours* before papers are due. After then, extensions will be granted *only for medical and family emergencies*.

Submitting Work:

Papers must be submitted, on paper, by you, to your GSI, in class, by 2:10pm, before the lecture starts. Papers submitted later will lose one step (e.g., B+ to B) immediately and then an additional step every 24 hours. If you cannot come to lecture on the due date, you may request to make other arrangements with your GSI, so long as you do so well before the deadline. Whatever the circumstances, you are responsible for ensuring that your GSI gets your paper. Forgotten or unopenable attachments, bounced or lost emails, and so on, are your responsibility.

"Re-grading":

You are strongly encouraged to discuss grades and comments on papers with your GSI or me. However, *grades on particular papers and exams will not be changed under any circumstances.* While there is no perfect system, selective "re-grading" at students' request only makes things worse. "Second" grades are likely to be less accurate and less fair than "first" grades. This is because, among other things, the GSI does not have access to other papers for purposes of comparison, the student will inevitably supply additional input (clarifications, explanations, etc.) that the original paper did not, and there are certain biases of self-selection.

The only exception, to which none of these concerns apply, is a suspected arithmetical or recording error in your final course grade. Please do not hesitate to bring this to your GSI's or my attention.

Academic Dishonesty:

"Any test, paper or report submitted by you and that bears your name is presumed to be your own original work that has not previously been submitted for credit in another course unless you obtain prior written approval to do so from your instructor.

—Report of the Academic Dishonesty and Plagiarism Subcommittee, June 18, 2004.

You are expected to be familiar with the definitions of academic dishonesty in the Code of Student Conduct, which can be found here:

<http://students.berkeley.edu/osl/sja.asp?id=1143&rcol=1201>.

Plagiarism and cheating will be penalized, at a minimum, by an "F" on the paper or exam in question. It may also, depending on its seriousness, result in an "F" in the course as a whole and a report to Student Judicial Affairs.

Accommodations for Students with Disabilities:

If you have an official accommodation letter from the Disabled Students' Program that is relevant to this course, please notify both me and your GSI at a reasonable time. We will do whatever we can to help.