

Phil 1200

Notes #1: Why people are irrational about politics

I. The problem of political disagreement

- Features of political disagreements:
 - a. widespread
 - b. strong
 - c. persistent
- Theories of political disagreements:
 - a. miscalculation + the inherent difficulty of political issues
 - b. ignorance, we haven't collected enough information to resolve issues
 - c. people disagree because of divergent values
 - d. Irrationality

II. Ignorance & miscalculation theories: do not explain:

- Persistence of political disagreements
- Strength of political beliefs
- Clustering of logically unrelated beliefs
- Correlations of political beliefs with race, sex, personality traits, etc.

III. Divergent values theory does not explain:

- Why people disagree about values in the first place
- Clustering of logically unrelated beliefs
- Factual disputes

IV. Rational ignorance & rational irrationality

- Two kinds of "rationality":
 - *Instrumental rationality*: consists in choosing the correct means for satisfying your existing desires, whatever they are.
 - *Epistemic rationality*: consists in using correct (logical) reasoning, basing beliefs on evidence, avoiding fallacies, not contradicting oneself, and so on.
- Theory of rational ignorance:
 - It is rational to remain ignorant when costs of collecting information exceed expected benefits.
 - Example: information about political candidates & issues
 - People in fact choose to remain ignorant in these cases.
- Theory of rational irrationality:
 - Assumes:
 - a. People have non-epistemic belief preferences: prefer to believe certain things, for

- reasons independent of the truth or epistemic rationality of those beliefs.
- b. People have some control over what they believe.
 - c. People are generally instrumentally rational.
 - Therefore:
 - People choose to adopt epistemically irrational beliefs, when the “costs” of being rational are greater than the expected benefits.
 - This includes most political beliefs.

V. Sources of belief preferences:

- People are biased by self-interest + interests of the group they prefer to identify with
- People adopt beliefs to accord with the self-image they want to project
- Political beliefs can serve as tools of social bonding.
- People are biased towards other beliefs that cohere with their existing beliefs.

VI. Mechanisms of belief fixation:

- a. Biased weighting of evidence: we attribute slightly more weight to each piece of evidence that supports our belief, and slightly less weight to each piece of evidence that undermines our belief, than it merits.
- b. Selective attention and energy: we spend more time/energy thinking about arguments supporting our beliefs than arguments criticizing them. But we spend more time looking for flaws in arguments opposing our beliefs than in arguments supporting them.
- c. Selection of evidence sources: we get political information from sources we already know we agree with
- d. We base beliefs on subjective, speculative, and anecdotal claims. These are more subject to bias.

VII. What should we do?

- Avoid using mechanisms in (VI).
- Be aware of cases where we are likely to be biased.
- Regard others’ political claims with skepticism.
- Identify what sort of evidence is required to scientifically resolve a factual question, or test a factual claim. Ask whether one has such evidence.

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Notes #2: Capital punishment, Sidney Hook

Notes to students:

- *Monday, 9/8 class:* Lecture will be given by guest speaker David Boonin, instead of me.
- *9/11 - 9/12:* Conference, "Balancing Liberty and Security After 9/11". See flier for details.

I. Overview of issues:

A. Deterrence

- CP may deter murders.
- Evidence on this is mixed.
- Death penalty is used rarely, with long delays; perhaps if punishment were more swift and certain, a deterrence effect would be more manifest.
- CP may have a "brutalizing" effect on society. Executions communicate that it is correct and appropriate to kill those who gravely offend us.

B. Community feelings

- CP satisfies community need/feeling
- CP makes victim's family feel better
- Is the community/family *correct* to feel a desire for execution?
If no, is satisfying this feeling an advantage?
If yes, then the case for CP can be rested on that argument.

C. Possibility of executing innocent people

Anti-CP person: Innocent people may be executed.

Pro-CP person: Innocent people can also be imprisoned. Should we not use any punishment?

Anti: But CP is irreversible/cannot be corrected.

Pro: But life imprisonment also cannot be corrected.

Anti: Yes, but finding out the mistake before the sentence has been completed is more likely.

D. Justice

- Views of punishment:
 - Utilitarian view: punishment justified by desirable consequences of it
 - Retributivist view: bad people deserve to suffer.
The proportionality principle: punishment should be proportional to the severity of the crime.
- Pro-CP argument: CP only just penalty for murder
- Is death penalty really worse than life imprisonment?

E. Monetary Costs

- Community shouldn't have to pay for keeping criminals in prison.
- But, execution is 3x more costly than life imprisonment.
- Cost is created by legal fees.

II. Sidney Hook says:

A. Arguments for CP

1. Deterrence argument: C.P. deters murders?
 - *Response:* This has never been proven.
2. Community need/feeling:
 - *Response:*
 - The community may be wrong
 - Doesn't justify any *mandatory* death sentence
 - Death penalty may result in fewer guilty verdicts

B. Arguments against CP

Possibility of executing innocent people

- Execution cannot be corrected

C. Cases where CP would be justified

- If Hitler had been captured, he should have been executed
- If the defendant requests execution
- Those who commit a second murder after being sentenced to prison

Primoratz says:

I. The deterrence argument:

- Most studies have found no deterrence effect.

II. The retributive argument

The central argument for CP is this:

1. The *Proportionality Principle*: The punishment should be (as far as possible) proportional to the seriousness of the crime.
2. If the crime is murder, then the only proportional punishment is death.
3. Therefore, if the crime is murder, the punishment should be death.

III. Arguments against CP:

A. Beccaria says the state cannot have the right to take the life of its citizen, because the state's rights are based on the social contract, and it cannot be assumed that the citizen has transferred his right to life to the state.

Replies:

1. We might well question the social contract theory. But even if we grant that ...
2. A citizen might well (rationally) agree to be killed *if* he commits a murder. That is not the same as agreeing to be killed *full stop*.

B. CP violates the right to life.

Replies:

1. The right to life does not seem to be absolute. See cases of war, self-defense.
2. A murderer cannot credibly claim the protection of a right to life.

C. CP position is contradictory, because the state is doing the same thing that the criminal did.

Reply:

1. This argument implies that *all* punishment is wrong in the same way.
2. Killing innocent people is not the same thing as killing guilty people (who deserve to die).

D. CP is not *proportionate* punishment, because different lives have different value. What if the victim was very old, or sick, but the killer is young and healthy?

Reply:

1. Nevertheless, "all human beings are equal." We would not want to remove this assumption from our legal system.
- [2. Better reply: restrict CP to cases in which the crime was really bad, e.g., multiple

- murders.]
- E. CP also not proportionate punishment because the criminal suffers during the waiting time.
1. This isn't necessary; we could execute people faster. But we have delays in order to prevent mistakes.
 - [2. Better reply: restrict CP to cases in which the crime was really bad, e.g., multiple murders.]
- F. The argument from the possibility of executing innocent people.
- Reply:*
1. We could restrict CP to cases in which the defendant's guilt was especially certain. I.e., have a higher standard of proof for assigning the death penalty than for mere conviction of a crime.
 - Some would say that *any* chance of error, however small, is reason enough to oppose CP.
[*Reply:* But if this were true, it would also have to be a reason to oppose any punishment whatsoever.]
 2. A very small probability of an unjust execution may be outweighed by the value of the *justice* of meting out proportionate sentences to murderers.
- G. CP is discriminatory; blacks and poor criminals are more likely to receive it.
- Reply:*
1. This just means we should reform the discriminatory aspects of the courts.
 2. The same holds for other kinds of sentences. Should we abolish all punishments because of this?

IV. Retributivism without CP?

- Notwithstanding the Proportionality Principle, punishments should not be *cruel* (go beyond a certain threshold of harshness).
 - Example: We should not torture criminals, even those guilty of torture.
- Someone might feel that CP is cruel in a similar way. But I, Igor Primoratz, do not.

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Notes #4: Euthanasia

I. Definitions

- *Euthanasia*: Euthanasia has four characteristics: (i) it involves killing someone (or allowing someone to die), (ii) the killing must be intentional, (iii) the 'victim' must be a person who is going to die anyway, within a relatively short time, and (iv) the killing is done for the 'victim's own good.
 - *Passive Euthanasia*: where life-preserving treatment is withheld, thus allowing the patient to die.
 - *Active Euthanasia*: where someone actively kills the patient.
 - *Voluntary Euthanasia*: patient asks to be killed.
 - *Non-voluntary*: patient is unconscious/mentally incompetent. Someone else decides on their behalf.
 - *Involuntary*: patient wants not to be killed.
- *Assisted Suicide*: just like euthanasia, except that instead of killing the patient, a doctor (or someone else) provides the patient with the means of killing himself.

II. Background data:

- *Public opinion*: somewhere between 40% and 65% of people support euthanasia.
- *The law*:
 - 40 states specifically prohibit physician-assisted suicide. 9 states have no law specifically prohibiting it. Oregon law specifically allows it.
 - Every state (with the possible exception of Ohio) treats active euthanasia as murder.
 - Passive euthanasia, in the form of patients refusing treatment, is widely accepted.
- *The Jack Kevorkian case*:

Kevorkian created a machine to assist patients in committing suicide. The machine allowed patients to self-administer lethal doses of drugs. He was put on trial 4 times for assisted suicide. 3 acquittals, 1 mistrial. In 1998, he crossed over to active euthanasia, administering a lethal injection to a patient and videotaping the event. In 1999, he was convicted of murder and sentenced to 10-25 years.

III. Arguments for euthanasia:

(see Brock, "Voluntary Active Euthanasia")

- A. Individuals have a right of self-determination & a right to control the manner of their death.
- B. Euthanasia can relieve unnecessary pain and suffering.
- C. Euthanasia can allow patients to die with dignity. How they spend their final hours

can be very important to some people.

D. Many people care about how their family remembers them.

IV. Arguments against:

A. It is 'against nature':

1. We all have a natural inclination to preserve life.
2. It is wrong to go against natural inclinations.
3. So euthanasia is wrong.

B. Religion:

1. The Bible is against euthanasia. Why:
 - a. Because God owns us.
 - b. The Bible prohibits suicide. If suicide is not allowed, euthanasia wouldn't be either.
2. The Bible is an accurate source of moral guidance.
3. So we should not practice euthanasia.

C. Doctors make mistakes:

1. Euthanasia would only be justified if we were certain the patient will not recover.
2. We can never be certain that a patient will not recover from a condition.
3. So euthanasia is never justified.

D. Deliberate killing:

1. Euthanasia is deliberate killing of an innocent person.
2. Deliberate killing of an innocent person is wrong.
3. So euthanasia is wrong.

E. Bad consequences:

1. Allowing euthanasia might lead to:
 - a. People being pressured or talked into choosing death (to spare their families financial burdens, etc.)
 - b. Later allowing non-voluntary euthanasia.
 - c. Later allowing *involuntary* euthanasia.
 - d. Weakening our opposition to homicide.
 - e. Undermining of the profession of medicine. Why:
 - 1') The "moral core" of medicine is the commitment to preserving life & health.
 - 2') Euthanasia involves doctors in killing.
 - 3') So it requires them to abandon the moral core of their profession.
2. All of those things are bad.
3. So allowing euthanasia would be, to that extent, bad.

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Notes #5: Active & passive euthanasia, James Rachels

- Rachels says there is no *moral difference* between active and passive euthanasia. Why:

I. Active eu. can be more humane than passive eu.

Example: The Downs syndrome babies with intestinal blockage. Three options:

1. Operate and allow the baby to live.
2. Kill the baby quickly and painlessly.
3. Do not operate, and let "dehydration and infection wither [the baby] over hours and days."

- Current law allows (3) but not (2). But (3) is clearly worse than (2).

II. The conventional doctrine leads to decisions concerning life and death made on irrelevant grounds.

- Compare two cases:
 - 1: Baby who has Downs syndrome and intestinal blockage.
 - 2: Baby who has Downs syndrome & no intestinal blockage.
- Conventional doctrine allows baby 1 to die, but baby 2 must be kept alive. So the life/death decision is made on the irrelevant basis of whether the baby happens to have intestinal blockage.

III. There is no morally significant difference between killing and letting die.

Examples:

(a): Smith drowns his 6-year-old cousin in the bathtub, so that he can get some inheritance.

(b): Jones is about to drown his 6-year-old cousin in the bathtub, so that he can get some inheritance. But the child slips in the bathtub and falls face down. Jones stands by and watches the child drown.

- Is case (b) significantly better than case (a)?
 1. Case (b) is not (significantly) better than (a).
 2. Cases (a) and (b) differ only in that (a) is a killing, and (b) is a letting-die.
 3. Therefore, the difference between killing and letting-die is not morally significant (from 1, 2).

Application to euthanasia:

4. The only difference between active & passive euthanasia is the difference between killing and letting-die.
5. Therefore, there is no morally significant difference between active & passive euthanasia (from 3, 4).

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Notes #6: World hunger, Singer

Peter Singer: Influential professor of ethics at Princeton. Advocates utilitarianism. About the article:

The basic issue:

Many people are suffering/dying of starvation, disease, and other hardships in the Third World. We have many luxuries. We could assist them by giving up these luxuries, but we choose not to.
Q: what is the correct moral assessment of our decision?

Singer's position:

- We (each, individually) have a *positive obligation* to give money to help people in the Third World.
- There is no morally significant difference between killing and allowing to die one whom one could easily save.
- How much money should one give away? How much would be required to save everyone one can? (Lots.)
- Singer thinks that *any* reasonable moral theory will have to agree with this.

The argument for the obligation to assist:

1. If we can prevent something very bad without sacrificing anything of comparable significance, we ought to do so.
2. Absolute poverty is very bad.
3. We can prevent some absolute poverty without sacrificing anything of comparable significance.
4. Therefore, we ought to do so.

The Shallow Pond example: (supports (1))

You are walking to class, when you notice a small child drowning in a shallow pond. You could wade in and save the child, but if you did so, you would waste some of your time and get your clothes muddy. Therefore, you decide to just walk on by.

What would be the appropriate moral assessment of this decision? Isn't this comparable to refusing to assist the people in the Third World?

Possible differences in the 3rd-World charity case:

- It is uncertain that my money will really save the people in the 3rd world.
- There are so many starving people in the 3rd world, and it's impossible to save all of them.
- There are other people who could help. If everyone gave, it would not be necessary for me to give very much.
- People in the 3rd world have such bad lives that it's hardly worth preserving them.
- Sending food will just cause them to increase the population, until the same level of starvation is restored.

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Notes #7: Please don't feed the poor; Garrett Hardin

Review from last time: Singer's view of obligations to the poor. The shallow pond. The argument for the obligation to assist.

The lifeboat analogy:

- The lifeboat has room for 60 people. There are 50 people in it. There are 100 people in the water. Should we let more people on?
- The Christian / Marxist ethics lead to "complete justice, complete catastrophe": i.e., everyone is equal, and everyone drowns. This is worse than letting 100 people drown.

Multiplying the rich and the poor:

- People in the poor countries reproduce much faster than people in rich countries.
- Therefore, if we agree to assist the poor, we will find ourselves supporting more and more of them (exponentially) as time goes on.
- [Note: why does Hardin not ask why these countries are poor, or what could be done to make them not-poor? Singer doesn't consider this either.]

The tragedy of the commons:

- When grazing land is owned privately, each farmer cares for his own land.
Reason: *He receives both the costs and the benefits of his action.*
- When land is held in common, everyone overgrazes and destroys the land.
Reason:
 - *Each receives the benefit of his own grazing, but only a fraction of the costs.*
 - A system of voluntary restraint requires unanimous compliance.
- Important concepts from economics:
 - *Positive externalities:* Benefits of an action that the agent does not receive; benefits he confers on others that he can't/doesn't charge them for.
 - *Negative externalities:* Harms of an action that the agent doesn't bear; harms he inflicts on others that he doesn't have to pay for.
 - The problem with externalities: Actions with positive externalities that 'should' be performed often aren't. Actions with negative externalities that 'should not' be performed often are.

The world food bank:

- This is a proposal for countries around the world to share food. Countries with surpluses contribute; countries with famines withdraw.
- Problem: this is a tragedy-of-the-commons situation.
 - Countries will have no incentive to plan ahead to avert or be able to deal with emergencies on their own.
 - These countries will continue to expand their populations, creating ever greater strain on the contributing countries.
 - This will continue til everyone is poor.
 - Also, the increased population will destroy the natural environment.

Against immigration:

- Immigration increases our population. This will “speed up the destruction of the environment of the rich countries.”
- Also, we’ll run out of land/resources.

Conclusion:

- Sharing your own resources would be fine. But we have to think of *posterity*: the future will be worse if we share everything.
- About Hardin’s moral perspective:
 - He grants the *altruistic* ethic.
 - But he argues that the best way to help humanity is *not* to give to the poor.

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Notes #8: Criticisms of altruism; Ayn Rand

Review: Hardin's moral stance. His argument against helping the poor; the alleged consequences of this. The tragedy of the commons. Positive/negative externalities.

Ayn Rand (1905-1982): famous novelist and popular philosopher, author of *The Fountainhead* and *Atlas Shrugged*; started a philosophical movement called "objectivism," which now has clubs on various college campuses and other places around the country.

I. Background moral issue: egoism vs. altruism

- *Ethical egoism:* The right action is the action that best serves one's own interests.
- *Ethical altruism:* The right action is the action that best serves everyone's interests overall (counting everyone's interests equally).
- *Comments:*
 - Most people hold a view in between these.
 - Don't confuse ethical egoism w/ psychological egoism. Psychological egoism: the view that everyone is selfish.
- Rand's view: ethical egoism.

II. Rand's argument against altruism: altruism is irrational

First version:

1. Altruism implies that sacrifice of your interests is good.
2. Sacrifice = giving up something of greater value (to you) for the sake of something of lesser value (to you).
3. It is irrational to give up a greater value for a lesser value.
4. Therefore, altruism is irrational.

Second version:

1. Altruism holds that one should not be selfish.
2. Pursuing your values is selfish.
3. So altruism holds that you shouldn't pursue what you value.
4. It is irrational to not pursue what you value.
5. Therefore, altruism is irrational.

Rand's theory of value:

- All values derive from the need for living things to act to sustain their lives.
- An organism's *values* (what is good for it) are the things that serve its life. This is the sole source of the concept of "value".
- Therefore, the 'good' action is always the action that serves your own life.

III. When should we help others?

- She is *not* saying you shouldn't help anyone. Rather, it is rational to help the people you care about personally.
 - We should give help in proportion to someone's personal importance to us: starting with self, then moving to family, lovers, friends, then to other people.
- Strangers should receive only occasional charity, in emergencies. Why:
 - Because you have a general feeling of goodwill towards other humans, because they are of the same species as yourself.
- By the same token, you should not expect anyone else to sacrifice for you.

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Notes #9: Marxism

To Discuss Today:

Intuitive motivations for criticizing capitalism
Marx's attack on capitalism
The Labor Theory of Value
The theory of 'surplus value'
The theory of 'exploitation'

Why study Marxism?

For historical reasons:
Marx was the most influential political philosopher in history.
~ 1/3 of the world lived under Marxist regimes in the late 20th century
85-100 million people killed by Marxist regimes
Central to 20th century geopolitics: the cold war, etc.
There are still Marxists around today
Many other thinkers are *influenced* by Marx and Marxian ideas.
Q: Did he have a valid criticism of capitalism?

Background: why people oppose capitalism?

Capitalist countries have large *economic inequality*
(statistics: <http://www.census.gov/hhes/www/income.html>)
Workers get low incomes.
Capitalists get high incomes.
But the workers are doing all the work!
This looks unjust.
Question: How do the capitalists get so much money? Why do the workers get so much less?

The Theory of "Alienation":

What are wages:
Wages are the price of "labor power."
The nature of labor:
Labor = the worker's "life-activity"
Worker sells it in order to live.
So he is like a slave: he "belongs ... to the capitalist class."
Alienation:
Worker does not consider his labor as a part of his life.
The product of his labor belongs to the capitalist.
Hence, the worker's labor is "alienated": His own life activity comes to be something foreign

The Theory of "Exploitation":

Some background economic concepts:
Use-value vs. exchange-value
Capital: physical goods used in producing more goods.

‘Capitalists’: People who own a lot of capital.

The labor theory of value:

The price of goods on the market is determined by the *socially necessary labor cost* of the good.

The price of labor:

Wages are determined by “the cost of existence and reproduction of the worker.”

“Surplus value”:

The difference between (a) the amount of labor required to keep the worker alive and (b) the amount of labor the worker can perform. Or:

The difference between (a) the price of labor, and (b) the price of the *goods* produced by the laborer.

The theory of “exploitation”:

The capitalist gets the surplus value.

Then he uses it to get more capital & increase his power over the workers.

Example: the worker and the farm-owner.

In sum:

LTV → Subsistence-level wages → Theory of Surplus Value → Theory of Exploitation

Q: Where do capitalists get their wealth?

A: Purely from (a) already owning capital, and (b) extracting the ‘surplus value’ from the workers.

Marxist Economics: Effects of Mechanization & Division of Labor

What is the effect of *the growth of capital*?

“Increases the competition between the capitalists”

→ Capitalists seek to raise productive power & lower labor costs

→ Increasing mechanization.

Effect of mechanization:

→ Capitalist must sell more

→ Lower prices

Other capitalists introduce the same machines.

→ All are forced, by competition, to lower their prices “below its new cost of production”.

Later:

“This law is none other than that which, within the fluctuations of trade periods, necessarily *levels out* the price of a commodity to its *cost of production*.” (213)

“Thus, the capitalist will have won nothing by his own exertions but the obligation to supply more in the same labor time ...” (214)

Effect on workers:

Workers compete with each other.

“Therefore, as labour becomes more unsatisfying, more repulsive, competition increases and wages decrease.”

Mechanization → more workers are discharged → They can’t find new jobs (215)

Also, women and children must work

Capitalist class shrinks, workers increase.

“The working class gains recruits from the *higher strata of society* also; a mass of petty industrialists and small rentiers are hurled down into its ranks...” (216)

In sum:

Mechanization & Division of labor → Everyone is continually worse off.

Selected incoherences:

Wages are decreasing *and* prices of consumer goods are decreasing.

Productivity is increasing, *but* workers and capitalists are worse off.

Wages are at the minimum level (determined by LTV), *and* then they decrease more.

New jobs require unskilled labor, *and* workers are put out of work and can't find jobs in new areas.

Capitalists are forced to sell *below* cost of production. And they sell *at* cost of production.

Capitalists extract surplus value from workers, *but* they only sell products at cost.

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Notes #10: Marx vs. Mainstream Economics

To Discuss Today:

- Standard economics: price theory
- Contrast with Marxist economics
- Why are capitalists rich?

1. Basic assumptions of economics

The assumption of instrumental rationality
Economics studies the nature and consequences of instrumental rationality.

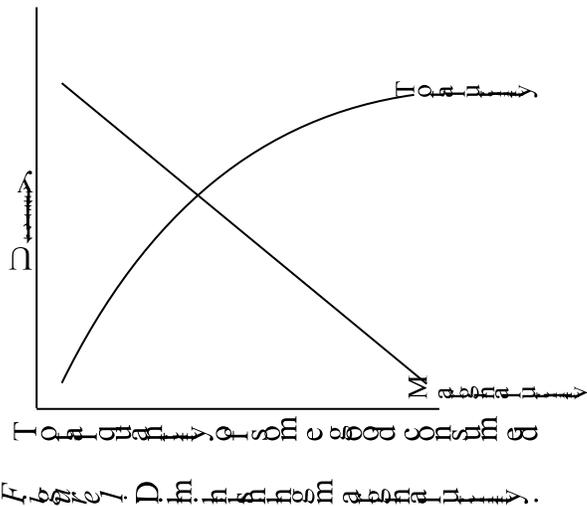
2. The law of diminishing marginal utility

Important concepts:

- Utility
- Marginal vs. total utility

Diminishing marginal utility. Examples:

- Orange juice
- Money



3. Demand curves slope downwards

- What is a 'demand curve'?
- "price = marginal utility of consumption"
- Demand curve mirrors marginal utility curve.

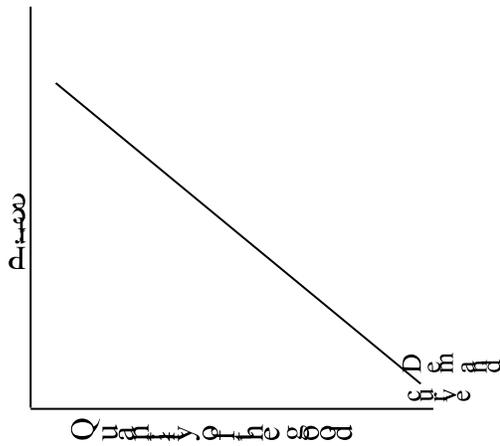


Figure 2: A demand curve.

“Demand curves slope downwards”:
 For individual consumers
 For society

4. Supply curves slope upwards

What is a “supply curve”?
 The principle of increasing marginal costs of production
 “price = marginal cost of production”

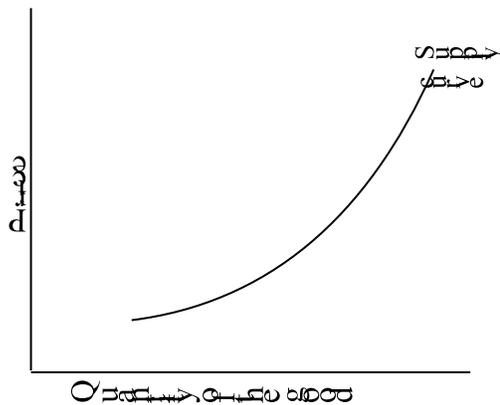


Figure 3: A supply curve.

Supply curves slope upwards
 For individual producers
 For society

5. Prices

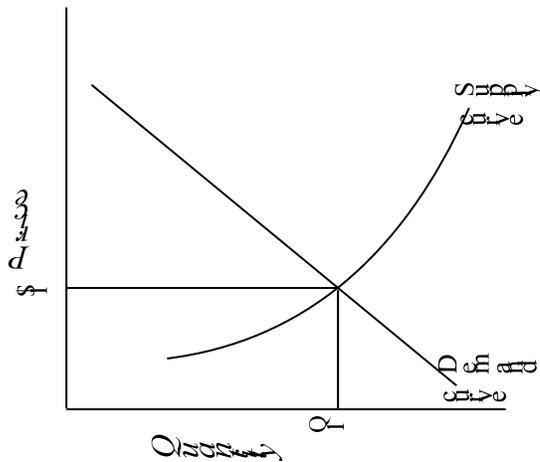


Figure 4. The market price is determined by the interaction of supply and demand curves.

6. What is price theory good for?

Enables qualitative predictions about utility of various policies, e.g.:

Rent control.

Tariffs.

Minimum wage laws.

Capital gains tax rates.

Gives a response to Marx's theories.

7. Marxism vs. Price Theory:

The basis of 'costs' & 'benefits':

Marx: cost = (socially necessary) quantity of labor. Has a physical basis.

Price Theory: cost = disutility. Has a psychological basis.

The mathematical form of 'production costs':

Marx: Cost of production represented by a number.

Price Theory: Distinguish *marginal cost* from average cost. Cost of production represented by a *curve*.

What determines prices?

Marx: Prices determined by labor costs.

Price Theory: Prices determined by supply *and* demand *curves*. Both determined by human desires.

Difference between workers' & businessmen's sources of income:

Marx: Two classes of people: capitalists & workers. Their income is determined by different explanations.

Price Theory: No theoretically significant distinction. All income is a price; all prices

determined by the same mechanism.

Why are capitalists so rich?

Marx: Capitalist wealth is surplus value expropriated from workers. Capitalists do not produce value.

Price Theory: Everyone is paid the marginal utility of their labor. Activity of capitalists has high marginal value.

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Notes #11: Distributive Justice, Rawls

Important concepts:

- **Distributive Justice:** Justice in the distribution of goods/wealth.
- **End-state conceptions of distributive justice:** Say there is some overall pattern of distribution we should aim at. Justice is a matter of closeness to the desired pattern. Examples:
 - Perfect equality
 - Distribution in accordance with need
 - Distribution in accordance with desert/merit
- **Historical conceptions of distributive justice:** Say that whether a person is entitled to some bit of wealth depends on the process by which he got it. Justice is a matter of following the right rules in acquiring property.

Ideas in Rawls' Theory of Justice:

- **The Original Position:** A hypothetical situation in which the future members of a society meet to agree upon the general political principles to govern their society. Features of the OP:
 - The "*Veil of Ignorance*": no one knows what their position in the society will be. In fact, they know no personal information about themselves (including the life plans/values they are going to have).
 - They have access to all relevant information about the society. Also, they are intelligent and make no errors in reasoning.
 - They will choose political principles on the basis of self-interest.
- **Rawls' Two Principles of Justice:**
 - First principle:* "Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."
 - Second principle (the "Difference Principle"):* Social and economic inequalities are allowed only to the extent that they benefit those who are worst-off.
 - How might this happen? Perhaps if more productive people are rewarded with more wealth, then the society as a whole will be richer, so much so that even the (relatively) poor will be better off.

Rawls' Overall Argument:

1. What would be chosen in the Original Position is just.
 - Why? Because the OP is set up in such a way as to guarantee a fair outcome. The parties start in a position of equality, and no one can unfairly privilege himself, since no one knows their position in the society.
2. Rawls' Two Principles of justice would be chosen in the Original Position.
3. Therefore, Rawls' Two Principles are just (and so should be adopted).

Why Choose the Two Principles?

- a) The first principle would be chosen because the parties don't know what their plans and values will be; therefore, it makes sense to secure the most liberty possible, to allow for pursuing whatever goals they will have.
- b) Why would the second principle be chosen? Two lines of reasoning:

First:

- First, there would be a natural default assumption of equality. Unless there was some special reason for privileging someone, people would accept an even division of the wealth.
- But obviously, it would be acceptable to allow some inequality *if* doing so benefitted everyone. (It would not be acceptable otherwise, since those *not* benefitted would not agree to the distribution.)
- Inequalities obviously benefit the people who get more. They benefit *everyone* only if they benefit those who get *less*.
- Therefore, the parties would agree to allow economic inequalities (only) to the extent that they benefitted those worst off.

Second:

- For very poor people, money means a lot. Some minimum level of income is necessary for anyone to have a decent life.
- For the wealthy, money has less importance; if they lose some of their money, it won't prevent them from having a decent life.
- The parties in the Original Position would be more afraid of winding up poor, than they would be eager to wind up rich. They would want to minimize their risk of winding up badly off. (Rawls has them put an absolute priority on this, i.e., they *only* look at what the worst possible outcome is, and try to improve that.)
- Therefore, they would choose the system that maximizes the position of the poorest people.

Objections:

- Is premise (1) true?
 - What if people have rights to their property? The OP gives the 'society' a right to decide how to redistribute people's property.
 - Nozick's example: what if grades in a class were distributed according to a similar procedure? Is there reason to think that the resulting distribution would be correct?
- Is premise (2) true?

Some people say that the parties should choose *utilitarianism*: that everything should be arranged to maximize overall social welfare (no special attention given to the worst off).

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Notes #12: Nozick, the Entitlement Theory

The entitlement theory of distributive justice:

The entitlement theory needs three rules (or kinds of rule):

(1) *A principle of acquisition.*

One may claim previously-unowned items provided one is using them and there is enough left over for others.

(2) *A principle of transfer.*

Property can be transferred from one person to another by mutual consent.

(3) *A principle of rectification of injustices.*

What to do when someone violates one of these rules. Generally, the offender has to pay back the victim.

• Entitlement theory is *historical*.

Nozick's arguments against end-state theories of dist. justice:

Argument #1:

1. Forced labor is wrong.
2. End-state theories sanction forced labor.
 - a. People get money through labor.
 - b. Hence, forcing them to give their money to others is like forcing them to labor for the benefit of those others.
3. So end-state theories are wrong.

Argument #2:

1. No one can own another person, even partially.
2. End-state theories imply that people can (partially) own other people.
 - a. Ownership of x = the right to decide how x is used.
 - b. End-state theories give you a right to the fruits of others' labor.
 - c. This is a right to decide what use other people are put to.
3. So end-state theories are wrong.

Argument #3:

1. People have a right to be free from (unprovoked) coercion.
2. End-state theories require violations of this right.
 - a. Redistribution must be imposed forcibly.
 - b. Taxpayers have not violated anyone's rights just by being around and having money.
 - c. So, such redistribution is unprovoked coercion.
3. Therefore, end-state theories are wrong.

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Review, Unit 2

Know these concepts:

Ethical egoism vs. altruism
Surplus Value
Exploitation
Utility
Marginal utility
The Original Position
Distributive Justice
 Historical conception
 End-state conceptions

These examples & what they are supposed to show:

the 'Tragedy of the Commons'
Singer's Shallow Pond

Know these principles:

Labor Theory of Value
Law of Diminishing Marginal Utility
Demand curves slope downwards
Supply curves slope upwards
Price theory: what determines the market price
Rawls' 2 principles of justice, esp. the second one
The Entitlement Theory of Dist. Justice:
 Pr. of Acquisition
 Pr. of Transfer
 Pr. of Rectification

Be familiar with these arguments:

Singer's argument for the obligation to assist
Hardin's reason for opposing food aid
Why Rand says altruism is irrational (what it means to
 'sacrifice' or be 'selfish', etc.)
How modern price theory undermines the theory of
 Exploitation
Rawls main argument for adopting his 2 Principles.
How wealth-redistribution might be like forced labor or
 slavery
 + how it might violate individuals' rights (which rights?)

Know the main positions of these people:

Singer
Hardin
Rand
Marx
Rawls
Nozick

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Notes #13: Hobbes, The Social Contract Theory

To Discuss Today:

The problem of political obligation
The social contract theory, Hobbes' version

Basic idea of the social contract theory:

A response to the 'problem of political obligation'
Why have a state?
Why obey it?
Problems with the 'state of nature'.
Solution: A 'contract' between citizens & state. Terms:
State: provides protection
Citizens: pay taxes, obey laws

Hobbes' Theory:

*Biographical note: Thomas Hobbes: 17th-century British philosopher. One of the originators of the social contract theory. Author of *Leviathan*, a long book on political philosophy & the social contract theory.*

On human nature & morality:

People are selfish
Selfishness is good, or at least ok
No natural law. Morality dependent on government
"The notions of right and wrong, justice and injustice, have there no place. Where there is no common power, there is no law; where no law, no injustice. Force and fraud are in war the two cardinal virtues."
In the state of nature, "every man has a right to every thing, even to one another's body."

The State of Nature: (chapter XIII)

Three causes of conflict:

1. Competition
2. Diffidence
3. Glory

Result:

A war of all against all

"There is no place for industry, because the fruit thereof is uncertain", etc.

"And the life of man, solitary, poor, nasty, brutish, and short."

Empirical evidence:

"The savage people in many places of America ... have no government at all, and live at this day in that brutish manner, as I said before."

"When taking a journey, [a person] arms himself and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house he locks his chests; and this when he knows there be laws and public officers, armed, to revenge all injuries shall be done him Does he not there as much accuse mankind by his actions as I do by my words?"

Rulers are in a 'state of nature' with respect to each other, and it is a constant state of war. But this is not as bad as the war of individuals against each other.

Of Natural Laws: (chapter XIV)

Laws of self-preservation:

1. a) To seek peace. b) To defend ourselves.
2. To be willing to lay down our right to all things, to achieve peace

Origin of 'injustice':

People can renounce/transfer a right, by word or deed.

Injustice: One renounces/transfers a right, then goes back on it.

But: there must first be a government to enforce contracts.

But some rights are inalienable:

All voluntary acts aim at some benefit to self

No one can be understood to voluntarily give up a right, if there is no benefit to him from doing so.

One cannot give up the right of self-defense against those who aim to kill, injure, or imprison oneself.

Why you should keep agreements: (chapter XV)

You should keep agreements. Objection:

It is sometimes in your interest to break covenants.

It is rational to do whatever is in your interests.

So, it is irrational ("against reason") to keep such covenants.

Response:

It is not in your interests to break covenants: Other people will kick you out of society. Then you will die.

Also, don't rebel against the king:

(a) you cannot know if you will succeed,

(b) if you do, others may try to overthrow you.

The origin of government: (chapter XVII)

The 'sovereign': Everyone gives up all their rights to one person or group.

Advantages:

Prevents them from fighting among themselves.

Defense against foreign governments.

The government should have absolute power. The state is god:

"This is the generation of that great LEVIATHAN, or rather, to speak more reverently, of that mortal god to which we owe, under the immortal God, our peace and defence."

Objection: The government could abuse its power. (chapter XX)

Response:

Couldn't be as bad as the state of nature.

All problems are the subjects' fault:

"There happeneth in no Commonwealth any great inconvenience but what proceeds from the subjects' disobedience and breach of those covenants from which the Commonwealth hath its being."

Can't limit the power of a government, without having some more powerful agency.

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Notes #14: Locke, Jefferson, & the social contract

Three kinds of social contract theory:

1. Explicit social contract
2. Implicit social contract
3. Hypothetical social contract

The theory of the Declaration of Independence

Important principles:

“All men are created equal”

People have natural rights.

Purpose of government: to protect these rights.

Source of authority: “consent of the governed.”

The ‘right of revolution’

Further reading: Jefferson’s original version:

<http://www.wsu.edu:8080/~dee/AMERICA/DECLAR.HTM>

Locke:

Biographical note: 17th-century English philosopher and physician. Famous books: *Essay Concerning Human Understanding* and the *Two Treatises of Government*.

On the State of Nature:

- Locke accepts “**Natural Law**”. Individuals have rights in the state of nature.
 - This natural law is “plain and intelligible to all rational creatures.”
 - Rights to: (a) life, (b) liberty, and (c) estates.
 - The term “*property*” refers to those things one has a right to.
 - Right of punishing those who violate the above rights.
- Locke’s (relatively) benevolent view of human nature:
 - Most people recognize the natural law
 - Most people attempt to follow it most of the time.
- *But*, problems with state of nature:
 - People are biased.
 - Some are ignorant (failure to study moral philosophy).
 - Some people are “vicious” and “degenerate”.
 - This leads to some not following the moral law in particular cases, and a few who regularly violate it (criminals).
 - Our property is thus not secure.
- We need three things:
 1. Explicitly written laws. (Counters ignorance & uncertainty.)
 2. Impartial judges to apply laws to particular cases. (Counters bias.)
 3. Power enforce the decisions. (Counters the vicious & degenerate people.)

Solution:

The social contract.

Individuals agree to delegate the right of punishment to the state.
Also give up some of their liberties (as necessary for the state to perform its functions).
State sets up legislators & impartial judges.

Important: Purpose of government:

To secure everyone's 'property'.
Government may not do anything else.

Leads to: The right of revolution:

If government violates the social contract, citizens may overthrow it.

The authority of government:

Social contract requires *unanimous* consent.

Once established, laws only require *majority* consent.

Locke says most actual government arose in this way.

Objection:

Most actual people never consented, and were never asked. They were born into a government.

Reply:

• Two kinds of consent:

Explicit

Implicit ("tacit")

1. Initial Social Contract established by explicit consent.

2. Later, consent is tacit.

• Initial contract gives state authority over the *land*.

• State retains this authority over generations.

• Any "enjoyment" of the land within the borders of the state constitutes tacit consent. Must abide by the laws for that country.

• Individuals who have given only tacit consent may leave at any time. Also, they are not "members" of the commonwealth (citizens). Individuals who have given explicit consent are permanent members.

Objections to Social Contract Theory:

1. Explicit Social Contract theory:

• This event never happened.

• If it did, it would not be binding on future generations.

2. Implicit Social Contract theory:

• Some conditions for an implicit agreement:

a. Some identifiable action that might express agreement

b. Absence of explicit *disagreement*

c. Reasonable way of opting out

• None of these conditions holds for the alleged social contract.

a. What might count as expressing agreement?

• Merely remaining in the country?

• Voting?

• Using roads, other services?

b. Some people explicitly disagree. They are still subject to laws and taxes.

- c. No reasonable way of opting out.
 - Governments control nearly every inch of the earth's surface.
 - No conceivable sequence of actions results in not being subject to laws and taxes.
 - Reasonable way of opting out cannot require enormous costs unilaterally imposed.

3. *Hypothetical Social Contract theory:*

- Merely hypothetical agreements are not morally binding.
- No evidence that the agreement would ever really happen.

4. *Against all social contract theories:*

Alleged social contract is not genuine, since the state takes on no obligations:

- a. The state explicitly disavows any obligations to you.

It is a “fundamental principle of American law that a government and its agents are under no general duty to provide public services, such as police protection, to any individual citizen.” [*Warren v. District of Columbia Metropolitan Police Department*, 444 A.2d 1 (D.C. App. 1981). See also *Hartzler v. City of San Jose* (1975) 46 Cal.App. 3d 6.]
- b. The state assumes no liability for negligent failure to protect citizens.
- c. Citizens will not be released from the social contract if gov't fails to protect them, or under any other circumstances.

Hence, the alleged political obligation is purely one-sided, not a true contract.

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Notes #15: Obligation to Obey the Law (D'Amato)

Historical Background:

- Socrates was sentenced to death in 399 b.c. for allegedly corrupting the youth of Athens with his philosophy.
- Socrates argued that he had an obligation not to escape, and to submit to the death sentence, although the accusation and the verdict had been wrong.
- Why might Socrates have had such an obligation?

Three theories of the alleged obligation to obey the law:

A. Prior Agreement to Obey the Law (the social contract theory)

- Basic idea: an implied contract between Socrates and the state: Socrates 'agrees' to obey the valid laws and verdicts of the state. In return the state protects him & nurtures him. Some problems/questions:

1. *The existence of the agreement*

- S. says he implicitly accepted by remaining in the city voluntarily.
- (Recall earlier objections to implicit social contract theory.)

2. *The nature of Socrates' obligations:*

- The state provided services to S.: education, military protection.
- S. then has an obligation to repay this. Three interpretations of the 'repayment' obligation:
 - i) To obey all orders of the state.
 - ii) To assist in providing similar services to the next generation, or to other people.
 - iii) S repaid the state by literally paying (money) for its services.

3. *Scope of S's obligations:*

- Are all laws included? Including future, unforeseeable laws?
- Are unjust laws included?
- Or was the law just, but this was not a correct application of it? (But then why should he not escape?)

B. Obligation through Estoppel

- In law, a person is 'estopped' (barred) from making a defense that depends on claims inconsistent with his own previous affirmations. Perhaps, similarly, the citizen has done something that is somehow 'inconsistent' with his later disavowing the authority of the laws.
- Perhaps by merely remaining in the country. Problems with this?
 - He who leaves the country is forced to join another country. No way to escape all government.
 - The state prohibits individuals from 'opting out.'
 - The state has no legitimate ownership claim on the land; hence, no right to expel people.
- Perhaps escaping would have caused disrespect for the law.
 - It would have caused disrespect for that particular, unjust law. But that is good.
 - How would it have caused or expressed disrespect for all the other laws?
 - Instead, S's refusal to escape encouraged respect for injustice and disrespect for people

thinking for themselves.

C. Passive receiver of conferred benefits

- The rest of the society confers benefits on you, regardless of whether you ask for them. Does this give you an obligation to follow their rules?
- Unclear why it would.
 - They do it without asking you.
 - What if you don't want the 'benefits'?
 - What if you believe there are better things to spend the money on?

My Comments:

The above organization is confusing. There seem to be 3 main arguments for the obligation to obey the law (D'Amato does not seem to endorse any of them):

- 1. You agreed to obey the laws by staying in the country.*
- 2. The state provides you benefits; you should "repay" them, by obeying their laws (regardless of whether you agreed to do so in advance).*
- 3. Violating the law has bad consequences; it causes other people to violate laws in general.*

We see problems with each of these arguments above.

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Notes #16: The Perils of Obedience (Milgram)

"The sad truth is that most evil is done by people who never make up their minds to be either good or evil." --Hannah Arendt

Details about the Milgram experiment:

(Read the account in the course packet.)

- Setup:
 - Shock generator labeled from 15 volts ("Slight Shock") to 450 volts ("Danger: Severe Shock").
 - The subject ('teacher') is given a 45-volt shock at the beginning, so that he knows what it feels like.
 - Subject has to administer shock when the 'learner' gives a wrong answer. Each wrong answer gets a higher shock. (15-volt intervals)
- Learner's behavior:
 - Learner complains loudly at 120 volts.
 - At 150 volts, demands to be released.
 - At 285 volts, learner continues to scream in pain.
 - At 300 volts, learner refuses to answer. Experimenter instructs teacher to treat no answer as a wrong answer.
 - After that, the learner stops making noise altogether.
 - At each stage, if the subject hesitates, the experimenter orders him to continue.
- Predictions:
 - Psychologists predicted most people would not go above 150, only 4% would go up to 300, and only .1% would go up to 450.
- Actual results:
 - 60% of subjects went all the way.
 - Even higher percentages in experiments in other cities. Munich: 85%.

Explanations:

- Did subjects have underlying sadistic tendencies?
No; subjects who were given a choice of shock levels averaged 60 volts.
- Subjects obeyed authority, irrespective of morality.
 - Most were opposed to what they were doing.
 - Subjects sought to 'do their job properly'.
 - Obedience involves a shift in the conception of responsibility: subject views his responsibility as fulfilling the role assigned by the authority. The authority is responsible for the rest.

Variants affecting levels of obedience:

- Higher obedience when experimenter is physically present.
- Conflicting authority paralyzes action.
- Disobedience by others encourages disobedience.
- 37/40 subjects were willing to perform a subsidiary task (administering the word-pair lists) while someone else pushed the buttons.

Comparisons with the Nazis

- Most Nazis were *ordinary people*. (Hannah Arendt's thesis of "the banality of evil.")
- Most were only a small part in a chain. Denied their own responsibility.
 - Eichmann was sickened by the concentration camps, but all he had to do was sit at a desk and do paperwork (sending out the orders).
 - The soldiers in the camps likewise denied responsibility, because they were only following orders.
- Governments have greater authority than a scientist, and can threaten people with prison, etc. Hence, governments receive even greater obedience.

Lessons:

- Most people have a tendency to obey authority, even when it is obviously and seriously wrong. You would probably have obeyed too.
- People also tend to deny responsibility for their actions, when they are obeying someone else's orders.
- These tendencies are independent of any sort of moral justification. Moral justifications offered would be rationalizations.
- Authority is thus a potential source of great evil.

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Notes #17: A Positive Theory of Rights (Friedman)

Introduction

Q: Why do people recognize 'rights'?

- Moral concept of 'rights': "A has a right to do B" \approx "It would be wrong (or prima facie wrong) to prevent A from doing B."
- Legal concept of 'rights': "A has a right to do B" \approx "There's no law against A doing B."
- These don't explain all rights-respecting behavior:
 - Both fail to explain Britain's 'right' to control Hong Kong or 'ownership' of the Falkland Islands.
 - For the moral concept: some aspects of accepted property rights seem arbitrary.
 - For the legal concept: there is some circularity, since the behavior of government people is partly explained by the rights that they have. (Better argument: legal rights depend upon the laws themselves having been made 'legitimately', i.e., by people who had the right to make those laws; and how is that to be understood?)
- Alternative: a *positive* account of rights: A theory of why people would engage in rights-recognizing behavior, independent of moral beliefs or laws. "Rights ... are a consequence of strategic behavior and may exist with no moral or legal support." (p. 2)

I. Schelling points, self-enforcing contracts, and the paradox of order

Q: What is the difference between civil society and the 'Hobbesian state of nature'?

- [Note: the 'Hobbesian state of nature' is a state of social chaos; no rule of law.]
- Not because of the physical objects present. (Courtrooms, law books, etc.)
- Not because of the people present. (Police officers, politicians, etc.) For what makes those people act in the socially orderly way?
- Because people in a civil society face a different strategic situation than people in a state of nature. (They have different incentive structures.)

A. Schelling points

- A type of problem: When there is an advantage in coordinating, but people can't communicate, how can they coordinate?
- A Schelling point is a solution that people will tend to converge on in the absence of communication, because it seems natural or 'special' to them.
 - Ex.: You and a friend have to try to pick the same number from the following sequence:

2, 5, 9, 25, 69, 73, 82, 96, 100, 126, 150

Which number do you pick?

- The game of bilateral monopoly:
 - Two people are in a room with \$100. They may keep the money if they can both agree on how to divide it between them. If they can't agree, then neither gets anything.
 - In terms of pure game theory, *any* division (other than 0-100) benefits both parties, so both parties should be willing to accept it. Should you insist on 99-1 in your favor?
 - Note how this is similar to the above game. What division should you propose/accept?
- Schelling points also provide alternatives to continued bargaining.

B. Up from Hobbes

- Imagine 2 people in a state of nature.
 - Both want to avoid conflict. (Similar to above ‘bilateral monopoly’ game.)
 - Best way is to agree on a system of rights, esp. property rights.
- The Schelling point:
 - May use some natural boundary to divide the land. Neither party pays tribute to the other.
 - Any previous agreement is thereafter itself a Schelling point.
- The establishment of the agreement does not alter our physical situation or physical power. But it alters the strategic situation. Neither party violates the agreement, because that would return them to the ‘Hobbesian jungle.’ If one party violates the agreement, the other party fights, because allowing the violation “implies unlimited demands.” If A allows B to steal from him, A loses not only that property, but also the advantage of *having agreed-upon property rights*.
- Important: The contract enforces itself, *without either moral beliefs or legal sanctions*.

II. Two routes from Hobbes to here

- Main idea:
 - There is a process of evolution of norms, whereby more efficient rules win out.
 - It produces *locally efficient* but not necessarily *globally efficient* norms. I.e., a norm will not be adopted if its benefits depend upon almost everyone adopting it. It will be adopted if it benefits small groups who adopt it.

III. Law, justice, and efficiency

- The 3-way coincidence: the following tend to be about the same:
 1. The (intuitively) morally correct rules
 2. The economically efficient rules
 3. The rules that are actually in effect
- Why this coincidence?
- (II) above explains why 2 & 3 tend to coincide.
- Good question: why does (1) correspond with (2) and (3)? What, if anything, does this show about the nature of morality? Think about this.

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Notes #18: Anarchism

To Discuss Today:

- What are “government” and “anarchy”?
- Police, courts, & laws without government?
- Government & the public goods problem

‘Government’ & ‘Anarchy’

Important concepts: (Friedman’s def’s)

Coercion: Violation of what people generally regard as the rights of individuals with respect to other individuals

Legitimized: Generally accepted as legitimate in a given society.

Government: An agency of legitimized coercion. Examples:

Action	What it’s called if you do it	What it’s called if the state does it
Seizing someone’s property without their permission	Robbery / extortion	Taxation
Forcing people to work for you	Kidnaping / slavery	Conscription, jury duty, national service
Killing lots of people	Mass murder	War

Anarcho-capitalism: Society with no government, but with private property; provides ‘governmental’ services by alternative institutions

Police, Courts, & Laws under Anarchy

How would these presently governmental institutions be replaced?

‘Police’:

Private security guard companies protect people from criminals. There are multiple competing companies in the same area.

Courts:

Private arbitration firms are used to resolve disputes. There are multiple competing arbitration companies.

Private contracts specify arbitration agreements.

Protection agencies sign arbitration agreements with each other.

Law:

Laws are made by judges/arbitrators. *Note:* compare the British common law.

Advantages of anarchy

Non-coercive:

Governmental system: you are forced to accept a government, and have little control over what

kind of government you have.

Anarcho-capitalism: You choose whether to hire a protection agency, and which one.

Less risk of abuse of power:

Governmental system: Government has a monopoly → There is no one to stop the government from abusing its powers.

Anarcho-capitalism: Competition among many protection agencies → Customers can leave an abusive agency.

More efficient:

Governmental system: Police have no incentive to reduce crime. If crime rates go up, they get more money & more police are hired.

Anarcho-capitalism: Protection agencies have an incentive to reduce crime. If they don't, they can be fired.

Empirical observation: The free market is more efficient at producing food, shoes, computers, automobiles, etc., than the government is.

The right side of the public goods trap:

Governmental system: Informed voting is a public good. Laws & protection are public goods.

Anarcho-capitalism: Good laws & protection are private goods.

The Problem of Monopolies

“Natural monopoly”:

Occurs when the optimum size for a firm is so large that there is room for only one such firm on the market.

This situation is very rare.

Even natural monopolies are restrained by “potential competition.”

All products compete with all other products.

Artificial monopoly: the strategy of ‘predatory pricing’:

Problems:

Larger firm loses more total money.

Larger firm may be less efficient.

The monopolist must sell to everyone, at a loss; small firm need not sell anything at a loss.

Also forced to increase production, losing even more money.

Cartels:

Have all the problems of monopolies.

Additional problem: ‘chiseling’

Compare: why don't all the farmers refuse to feed anyone unless everyone agrees to give them everything?

State Monopoly:

Almost all actual monopolies are government-enforced. Government agencies get taken over by the industry & used to the industry's advantage. Why:

They are the ones who know most about the industry.

They have the most incentive to try to influence the agency. Influencing policy is costly, time-consuming.

Examples:

The Civil Aeronautics Board

The American Medical Association

Could this problem be solved in a better government?

The pattern is not an accident. It is built into the logic of the system.

Further Questions:

(1) *Wouldn't the security agencies fight with each other?*

They would take disputes to the arbitration firms, because this is economically rational.

Contrast: what happens when governments decide to fight each other?

(2) *Why would agencies obey an arbitrator's decision?*

Companies abide by arbitrators' decisions; otherwise their reputations would be ruined.

Violating decision defeats the point of going to arbitration.

(3) *How could you know the arbitrator was fair?*

There is competition among arbitration agencies → you can choose a reputable firm.

Contrast: What do you do when the government's courts are unfair, irrational, inefficient, etc.?

(4) *What if one security agency decides to defend murderers, thieves, etc.?*

Their clients would constantly be costing them money. (Compare: The "Arsonist Fire Insurance Agency.")

They fight a constant war against the rest of society.

They must pay higher wages to their employees.

The "Thief Protection Agency": They must charge their clients more money than the stolen goods are worth.

Contrast: What happens if you get criminals in the government?

(5) *Why would security agencies protect the poor?*

Why would this be different from any other good or service? Why do food companies feed the poor?

They're already paying for protection (from the state). Private protection would be cheaper and more effective.

Contrast: Why would the government have an incentive to protect the poor? How well are they in fact protecting the poor?

(6) *Wouldn't other countries attack the anarchists? Possible answers:*

Ideally, the whole world should be anarchist.

Almost all wars are due to (i) disagreements between governments, (ii) racial and/or religious hatred, and/or (iii) perceived historical injustices. (Compare: Why don't other countries attack Switzerland?)

It is harder to take over a territory with no government, than one with a government. Attacking countries normally use the governmental structure already in place to control the populace.

The security agencies & the general population would be armed. (Compare: U.S. experience in Vietnam.)

Phil. 1200 Review, Unit 3

Know what these people talked about:

Thomas Hobbes

- his view of human nature
- what the state of nature is like
- his view of morality
- the source of obligation to obey the state
- what is 'injustice'

John Locke

- his view of human nature
- & natural law
- what rights we have
- purpose of government
- source of gov't authority & how we consent to the social contract
- his view of democracy

Anthony D'Amato

- 3 theories he discusses of why one is obligated to obey the law

Stanley Milgram

- what his experiment was
- its results
- why people obeyed

David Friedman

- why people recognize 'rights' (why it's in one's self-interest)
- his preferred social system: how police, courts, & laws would be provided

Know what these things are:

The 'State of Nature'

The Social Contract
& its terms

Kinds of contract

- Explicit
- Implicit
- Hypothetical

Natural law

Estoppel

Schelling points

Government (Friedman's def.)

Coercion (Friedman's def.)

Public goods

Monopoly, & the 3 kinds:

- Natural
- Artificial
- State

Be familiar with other arguments:

Objections to social contract theory

- why merely living in a country doesn't indicate agreement
- the 3 requirements for implicit contracts
- how state assumes no real obligations

Anarcho-capitalism:

- why security agencies don't fight each other
- Friedman's public goods argument (& how good gov't is a public good)
- why anarcho-capitalism might be better at reducing crime
- why gov't regulation serves special interest groups

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Notes #19: Drugs

I. Arguments for drug prohibition:

A. Harm to Users

1. Drugs are very harmful to users.
 - Drugs harm users' health.
 - They also cause you to be a loser in life.
2. The government should prohibit people from harming themselves.
3. Therefore, they should prohibit drugs.

B. Harm to Others

1. Drugs harm other people.
 - Can cause traffic accidents.
 - Emotional harms to family/friends. They can cause you to become a jerk.
 - Harm to society. Users are less productive, worse citizens. Causes crime.
2. The government should prohibit people from harming others.
3. Therefore, they should prohibit drugs.

C. Drug Use Is Immoral.

1. Drug use is immoral. Why?
 - Perhaps because the Bible says so.
 - Perhaps because it harms self/others (see A and B above).
 2. The government should prohibit people from being immoral.
 3. So they should prohibit drugs.
-

II. Criticisms of those arguments:

- A. Premise 2: Should people be punished for harming themselves, in general? Two objections:
- (a) People have a right to control their own lives. Therefore, the government should not prohibit them from harming themselves.

- (b) People are more likely to know what is in their interests, and to be motivated to serve their own interests, than third parties (like the government). Therefore, the government should not be in the business of trying to make people serve their own interests.

Premise 2: Many things are harmful to oneself, but we don't think they should be illegal. Some examples:

Drugs (illegal + prescription)	18,000 deaths/year
Alcohol	111,000 deaths/year
Tobacco smoking	440,000 deaths/year
Obesity/overweight	420,000 deaths/year
Automobiles	42,000 deaths/year
Marrying a jerk	
Working in a dead-end job	
Dropping out of high school	

Premise 1: Harms of drugs have been greatly exaggerated. (See section IV below.)

B. Premise 2: Objection:

- a. If it should not be illegal to directly bring about x , then it should not be illegal to do something merely because it has a chance of bringing about x indirectly.
- b. It should not be illegal to: (1) Be a jerk, (2) be a loser in life, (3) be an unproductive worker, (4) be a poor citizen.
- c. Therefore, it should not be illegal to use drugs merely because they may cause you to (1) be a jerk, (2) be a loser in life, (3) be unproductive, or (4) be a poor citizen.

C. Premise 1: How is drug use immoral?

- The Bible is a poor source of moral guidance. (See home.sprynet.com/~owl1/biblequotes.htm)
- It's not immoral in general to harm oneself.
- It may be immoral to harm others, but not always: it's not *immoral* to be an unproductive worker.

Premise 2: Should all immoral actions be illegal? Here are some

immoral actions:

- Lying
 - Spreading malicious gossip in the office
 - Cheating on your girlfriend
 - Perhaps: not giving to charity
-

III. Arguments for Drug Legalization

A. Individual rights

1. Individuals have rights to control their own bodies.
2. Drug use counts as an exercise of such rights.
3. Therefore, individuals have a right to use drugs.

B. Injustice of drug laws

1. It is unjust to punish a person for no good reason.
2. The government has no good reason to punish drug users. (See section II above.)
3. So the drug laws are unjust.

C. Drug laws are harmful

1. The drug war is more harmful than drugs.
 - Causes crime.
 - Costs of enforcement. \$50 billion?
 - Costs to civil liberties.
 - Causes police corruption.
 - Causes drugs to be less safe.
 - 450,000 people imprisoned on drug charges. United States has the world's highest incarceration rate.
 - And it doesn't even stop people from using drugs.
 2. If a law is worse than the problem it is intended to solve, the law should be repealed.
 3. So the drug laws should be repealed.
-

IV. Some Drug War Misinformation

1. Ecstasy causes parkinsonism.

- Researchers at Johns Hopkins reported (in *Science*, Sept. 27,

2002) that MDMA, in doses similar to those taken by young people at raves, caused damage to dopamine neurons which could cause parkinsonism. 2 of 10 animals given the drug died.

- The ONDCP fact sheet on ecstasy (on their web site) repeats the dopamine damage claim. May have motivated the RAVE act of 2003.
- The researchers then retracted the study (*Science*, Sept. 2003), saying that the vials that were supposed to contain ecstasy had been mislabeled and the monkeys actually received a different drug.
- This doesn't mean Ecstasy isn't harmful. Other studies claim that it damages serotonin neurons and impairs memory functioning. Critics say the studies are methodologically flawed and more research is needed. By law, research on it can only be conducted with government approval. Scientists who fail to find harms of drugs have difficulty getting published. (See www.erowid.org/chemicals/mdma/mdma_neurotoxicity1.shtml)

2. Heroin is incredibly addictive; users cannot stop without treatment. Withdrawal symptoms are life-threatening.

- "In a 1974 study of Vietnam veterans, only 12 percent of those who were addicted to heroin in Vietnam took up the habit again during the three years after their return to the United States. Those who had undergone treatment (half of the group) were just as likely to be re-addicted as those who had not." --*Reason* magazine (<http://reason.com/0306/fe.js.h.shtml>)
- Heroin withdrawal cannot cause death. "Within a few hours after the last administration of heroin, withdrawal may occur. This withdrawal can produce effects such as drug craving, restlessness, muscle and bone pain, and vomiting." --ONDCP (www.whitehousedrugpolicy.gov/drugfact/heroin/index.html)
- "Sudden withdrawal from heroin never causes direct death, unless the user is also using other drugs and is in poor health. Withdrawal from heroin or other narcotic analgesics is much less dangerous than withdrawal from some other drugs such as alcohol or benzodiazepines." --MIMS consumer health group

(<http://www.mydr.com.au/default.asp?article=2912>)

3. *Cocaine is also highly addictive.*
 - “When heavily dependent users of cocaine are asked to compare the urge to take cocaine with the urge to smoke cigarettes, about 45 percent say the urge to smoke is as strong as or stronger than that for cocaine.” --*New York Times* (www.tfy.drugsense.org/tfy/addictvn.htm)

 4. *Most users are addicts, and if you use illegal drugs, you'll ruin your life.*
 - 1/3 of all Americans over the age of 12 have tried some illegal drug.
 - This includes at least 1 U.S. President, 1 Speaker of the House, 1 Vice-President, and 1 Supreme Court Justice.
 - Psychological studies have found that people who have experimented with drugs are the most psychologically healthy group, followed by people who have never used drugs, followed by heavy users. The first group far outnumbers the third. (Shedler and Block, “Adolescent Drug Use and Psychological Health,” *American Psychologist* 45 [1990], p. 612)
-

Recommended Reading

- Douglas Husak, *Legalize This! The Case for Decriminalizing Drugs.*
- Jacob Sullum, *Saying Yes: In Defense of Drug Use.*

Problems facing the country:

of people who identified each problem, and # of deaths caused per year by the problem:

8	government interference/ corruption/inefficiency		?
7	poverty/unemployment		?
5	conservatives/Bush		?
4	ignorance/irrationality		?
3	drugs/alcohol	18,000 / 111,000	
3	the drug war		?
3	crime/murder	16,000	
3	national debt		?
3	selfishness/greed		?
3	inequality		?
2	corporations		?
2	education		?
2	economy		?
2	dependence on oil		?
2	foreign affairs		?
1	abortion	1,400,000	(fetus deaths)
1	terrorism	~ 300	
1	obesity	420,000	
0	eating animals	> 8,000,000,000	(animal deaths)
0	heart disease	700,000	
0	cancer	550,000	
0	suicide	30,000	
0	traffic accidents	43,000	
0	tobacco smoking	440,000	
Total deaths, U.S., 2001		2,400,000	(excluding animals & fetuses)

(Miscellaneous problems with 1 omitted.)

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Notes #20: Pornography, Feminist View (Longino)

I. Overview

• *Old view:*

- In the 1950's, people thought sex should only be used for procreation, within marriage.
- What was objectionable was “the explicit description or representation of bodily parts or sexual behavior for the purpose of inducing sexual stimulation or pleasure on the part of the reader or viewer.”
- Pornography was sinful, obscene, etc. Hard to get it.
- What is pornography? (a) Material that “taken as a whole appeals to a prurient interest” (Supreme Court, in the '60's.) (b) “I can’t define it, but I know it when I see it.” (Justice Potter Stewart)

• *The sexual revolution:*

- Harm to others is wrong.
- Nothing else is wrong. All sexual activities between consenting adults are permissible.
- Attitudes towards pornography improved. Pornography is now readily available to anyone.

• *The new, feminist view:*

- Pornography harms women and is wrong. It is degrading & causes violence against women.
- New alliance between feminists and religious conservatives (e.g., the Meese commission) over this.

II. What is pornography?

- “Verbal or pictorial explicit representations of sexual behavior that have as a distinguishing characteristic the degrading and demeaning portrayal of the role and status of the human female as a mere sexual object to be exploited and manipulated sexually.” (42)
- “It is material that explicitly represents or describes degrading and abusive sexual behavior so as to endorse and/or recommend the behavior as described.” (44)

III. Pornography should be censored:

1. Pornography harms women. How?

- a. “Pornography, especially violent pornography, is implicated in the committing of crimes of violence against women.”
- b. It “supports sexist attitudes, and thus reinforces the oppression and exploitation of women.” (48) How?
 - It portrays activities that are degrading to women, in such a way as to endorse them.
 - It portrays women as subservient to the desires of men. “Women are represented as passive and as slavishly dependent upon men.”

2. The government should prohibit people from harming others.

3. Therefore, they should censor pornography.

• What is “degradation”?

- “physical harm or abuse, and physical or psychological coercion”, “behavior which ignores or devalues the real interests, desires, and experiences of one or more participants in any way.” (43)
- “that a person has chosen or consented to be harmed ... does not alter the degrading

character of such behavior” (43)

- How is it “endorsed”?
 - Degrading behavior is portrayed as giving pleasure to everyone.
 - No suggestion that it is inappropriate.
 - Purpose of the material is to please the viewer.

IV. Is there a right to publish pornography?

Arguments against censorship of pornography:

A. It is protected by a general right to privacy.

- Reply:*
1. Right to privacy only protects actions that are done privately, involving no other people.
 2. Production & distribution of pornography is not private in that sense.
 3. So it isn't protected by the right to privacy.

B. It is protected by the First Amendment.

- Replies:*
1. 1st Amendment does not protect libel. Pornography is libelous.
 2. 1st Amendment does not protect speech that “impinges on other rights.” Pornography violates women's rights, as discussed above.
 3. 1st Amendment only protects expression of (political?) ideas. Pornography does not express (political) ideas.
“Freedom of speech in this context means that an individual may not only entertain beliefs concerning government privately, but may express them publicly.”
“What we wish to protect is the free expression of ideas even when they are unpopular.” (52)

C. Censoring pornography restricts liberty, and more liberty is good, in general.

- Reply:*
1. There are 2 kinds of liberty:
 - a) *License*: ability to do what one wants, without legal interference.
 - b) *Independence*: “the status of a person as independent and equal rather than subservient.”
 2. But License is not worth protecting.
 - That would mean no laws against murder, rape, theft, etc.
 - Plus, it's inconsistent, since different people have different desires.
 3. And pornography *interferes* with Independence (see above).
 4. Thus, neither form of liberty justifies allowing pornography.

D. We have a “general right to do what we please as long as the rights of others are respected.”

- Reply:* “Since the production and distribution of pornography violates the rights of women--to respect and to freedom from defamation, among others--this protection is not available.” (53)

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Notes #21: Pornography, Libertarian Views

I. Does pornography cause violence?

- Some laboratory studies have found greater tendency toward aggression immediately after viewing violent pornography; others found no relationship. Studies find no relationship with *non-violent* pornography.
- One study found no *long-term* effects on aggressiveness from violent pornography.
- Rapists report less exposure to pornography than average men.
- Areas with higher porn availability have higher rape rates. However, when the variable of the proportion of unmarried men is controlled for, the correlation disappears.
- Increased availability of pornography in society does not correlate to increase in rape rates. (Examining Denmark, Sweden, W. Germany, & U.S.) Availability of pornography massively increased during 1990's. Rape rate declined significantly.

Studies on Pornography & Violence:

<libertus.net/censor/studies2.html>, <www.netspeed.com.au/ttguy/refs2.htm>

II. What is the message of pornography?

- Avedon Carol's point:
 - Many things are subject to many interpretations. Feminist view of pornography's message is only their (subjective) interpretation.
 - Alternative interpretations: "what are men thinking when they look at porn? Well, they might be thinking it would be nice to be in the sack with someone who doesn't act like she's doing them a favour." (5)
- Most pornography (almost all) portrays clearly consensual sexual activities. Female characters are portrayed as extremely eager and satisfied.
- Does pornography have a message at all?

III. Pornography is protected by the 1st Amendment

- *The First Amendment*: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."
- What is the purpose of freedom of speech?
 - Individuals have a right to do anything they want that doesn't violate others rights. Speaking your opinions doesn't violate anyone's rights. Others don't have a right that you agree with them.
 - The best way to find out the truth is to allow all positions to be heard.
 - Government cannot be trusted with the power to decide what the "correct" ideas are.
- Therefore, the clearest cases of free speech rights are cases of speech that (a) does not violate anyone's rights, and (b) expresses ideas/opinions, especially political.

Argument against Longino:

1. If pornography has the message Longino says it has, then it is political speech.
2. Political speech is protected by the 1st Amendment. (So it should not be censored.)
3. If pornography does not have the message Longino says, then there is no reason for

censoring it. (So it should not be censored.)

4. Therefore, either way, it should not be censored.

IV. Availability of pornography is part of general liberty

1. People have a right to do anything that does not infringe on others' rights.
2. Pornography does not infringe on others' rights.
 - a. People do not have a general right to respect from others. People do not have rights over the thoughts/feelings of others.
 - b. Pornography is not a form of libel as Longino says. Conditions on libel:
 - Must be of a specific, identifiable individual or (small number of) individuals. Cannot be about a whole class (e.g., "Lawyers are crooks." is not libel).
 - Must be "malicious," meaning the agent knew the statements to be false, or acted in reckless disregard for the truth.
 - Must consist of factual claims, not matters of opinion. ("You're an asshole" is not libel.)
 - The libelous statement probably has to be fairly explicit, not *read into* the material.
3. Therefore, there is a right to use/publish pornography.

Phil. 1200
Notes #22: Discrimination + Patriarchy

I. Some background

Important Concepts:

- *Discrimination*
- *Affirmative Action:* Giving preference to members of historically discriminated-against groups in hiring and admissions for schools, in order to increase their numbers

Important Laws:

- *The 14th Amendment:*
“... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. ...”
- *The Civil Rights Act of 1964 (title VII):*
“It shall be an unlawful employment practice for an employer - (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin . . .”

“Notwithstanding any other provision of this subchapter, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees . . . on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise . . .”

Supreme Court decisions:

- *The Bakke case (1978):*
Supreme court rules against racial quotas.
- *In 2003,* the court held that race could be used when “diversity” was important to education. But affirmative action may *not* be used for redressing past discrimination. Also, rejected use of point system that assigned points for race.

Moral Issues:

- What is ‘discrimination’, and why is it wrong?
- Is affirmative action discrimination? Is it wrong?
- What traits should ‘discrimination’ cover? Would you outlaw discrimination based on the following:

race	sexual orientation	appearance	work skills
sex	age	intelligence	experience
religion		personality	criminal record
nationality		family membership	
disability		dress, grooming	
		aggressiveness	

II. Facial Discrimination

- *What is it?* Discrimination on the basis of physical attractiveness.
- *Examples of prejudice:*
 - Perfectly socially acceptable to make jokes at the expense of the ugly. Used as a negative term.
 - Attractiveness has a “halo effect”: attractive people considered more trustworthy, more intelligent, better at whatever they do, etc. More desired as friends; others have higher expectations of them.
 - Essays of attractive people are graded higher
 - Unattractive convicts receive harsher sentences
 - One study of Canadian federal elections found that attractive candidates received more than 2 ½ times as many votes as unattractive candidates. But only 14% of voters admitted it was possible that appearance influenced their vote. (Source: Cialdini, *Influence: The Psychology of Persuasion*, 171)
 - Employment discrimination:
 - Some employers explicitly list physical appearance criteria for hiring
 - Interviews enable this to come in. (Aside: Interviewing is unhelpful.)
- *What should be done about it?*
 - *Harvard Law Review* editors say: Should be illegal, like discrimination on the basis of disability.

III. The Inevitability of Patriarchy (Goldberg)

Goldberg's Thesis:

- ‘Patriarchy’ is inevitable. Men will attain the high-status positions in any society, whatever they happen to be.
- It is the result of biology, not discrimination.

Argument:

1. Males are more aggressive than females.
 2. Aggressiveness inevitably leads to (i) seeking high-status positions, (ii) greater success in competitions.
 3. This aggressiveness is biologically based. It is due to hormones. (Recommended reading: Moir & Jessel, *Brain Sex*.)
 4. Therefore, men will inevitably (because of their biology) dominate the high-status positions in any society.
- *Implication: We should not try to prevent patriarchy.*
 - a) This would be futile.
 - b) Will result in women with unhappy lives.

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Notes #23: Affirmative Action + Racism

I. Arguments for A.A.

A. *Reparations*

- Affirmative action makes up for past discrimination.
- Analogy: repaying someone you have committed a wrong against.
- *Objections (Rand)*:
 - Depends on treating races as people, assigning rights, guilt, etc. to races.
 - Present white people are not responsible for their ancestors' deeds.
 - Present minority people are not due compensation for their ancestors' suffering.
 - Present minorities would not be better off if past injustice had not occurred.

B. *Counters present racism*

- 1) Minorities are less represented in many desirable positions than whites.
 - 2) This is due to prejudice, which is wrong.
 - 3) The only way to counter this is through affirmative action.
- *Objections*:
 - Is #2 true?
 - Reverse discrimination argument

C. *Diversity*

- 1) Diversity is needed for education.
 - 2) Affirmative action is needed to attain this.
- *Objections*:
 - Is #1 true?
 - If diversity harmed education, would it then be justified to exclude minorities?

D. *Reducing racial divisions (Dworkin)*:

- 1) Racial division + racial consciousness is caused by the fact that good jobs go mostly to whites.
 - 2) Affirmative action is the only realistic way to change that fact.
- *Objections*:
 - Affirmative action might increase racial division (see IIB).
 - Is this the job of a school/employer?

II. Arguments against A.A.

A. *Reverse discrimination (Rand)*

- 1) Racial discrimination is wrong.
 - 2) Affirmative action is racial discrimination.
 - 3) So it is wrong.
- *Objection (Dworkin)*:
 - Discrimination is wrong only if caused by contempt for the racial/religious group.
“Every citizen has a constitutional right that he not suffer disadvantage ... because the race or religion ... to which he belongs *is the object of prejudice or contempt.*”
(Dworkin, 239; emphasis added)

B. *Counter-productive*

- 1) Aff. action causes less qualified minority applicants to be admitted/employed.
 - 2) This increases racism.
 - a. Encourages belief that minorities are unqualified.
 - b. Even well-qualified minority members may be assumed not to be.
 - c. Causes resentment by people whose prospects are worse because of it.
 - 3) Therefore, aff. action is counter-productive to its stated goal.
- *Quasi-objection (Dworkin)*:
 - This wouldn't make it unconstitutional, or otherwise a rights violation (as Bakke claimed).
 - We need to try it in order to find out.
 - If we *don't* try it, then things will definitely not improve.

C. *People should be judged on merit*

- 1) People have a right to be judged (for admissions/employment) based on their merit.
 - 2) Their race isn't part of that.
 - 3) Therefore, their race should not be used at all. (People have a right that it not be used.)
- *Objection (Dworkin)*:
 - ‘Merit’ is a matter of social benefit produced. (Examples: age, intelligence, steady hands)
 - Race may affect the social benefit one can produce.
 - Therefore, #2 is false.

D. *People should be judged as individuals*

- 1) People have a right to be judged as individuals, not as members of groups.
 - 2) Affirmative action judges people as members of groups (races), not as individuals.
 - 3) Therefore, affirmative action should not be used.
- *Objection (Dworkin)*:
 - All admissions procedures judge people as members of groups.
 - We use probabilistic generalizations, not true of every individual.
 - E.g., grades, MCAT scores.
 - This is not wrong.
 - So #1 is false.

III. Individual Rights Argument (Rand):

- 1) Employers have a right to hire/not hire whomever they choose; no individual has a right to be hired by any employer.
 - a. This follows from the right to property.
 - b. Employer need not hire anyone at all.
 - c. Employers (properly) hire in order to serve their own desires, not because others are entitled to it.
- 2) Discrimination laws contradict that right. (Includes any law for/against discrimination, including laws for/against affirmative action.)
 - a. They allow would-be employees to sue for not being hired.
 - b. This implies that the employee has a *right* to be hired (or retained, promoted, etc.).
 - c. That contradicts the idea that the employer has a right to employ who he wants.
- 3) So discrimination laws are wrong.

IV. What Is 'Racism'?

Rand's def.: "It is the notion of ascribing moral, social, or political significance to a man's genetic lineage." (Rand, 126)

Phil. 1200
Review, unit 4

Be familiar with these arguments:

Drugs:

3 main reasons for drug prohibition

The harms of tobacco vs. drugs:
the point of this comparison

Objection to 'harm to others' argument: why this harm doesn't
justify legal action

Individual rights argument for legalization
& what is the relevant right

Porn:

How porn is harmful, feminist view

what is the message of pornography

Why it isn't protected by right to free speech

Libertarian view:

why there is a right to produce it / response to Longino's
argument about harm to women

Response to free speech argument

Discrimination, etc.:

Why patriarchy is inevitable (Goldberg)

Reparations argument (aff. action)
& objection to it

Diversity argument (aff. action)

Reverse discrimination argument
& Dworkin's response to it

Individual rights argument (including what it shows, what is
the relevant right

Know what positions these people took:

Wilson

Huemer

Longino

Carol

editors of Harvard Law Review

Goldberg

Dworkin

Rand

Know what these things are:

Pornography, Longino's def.

the 1st amendment

the 14th amendment

Civil Rights Act of 1964

Facial discrimination

Bakke case (& the Supreme court's decision)

Affirmative action

Court's ruling about 'diversity' & 'reparations' arguments

Racism, Rand's def.