

PHIL 202: Core Course in Ethics

Winter 2023; UCSD

Topic: Responsibility & Justice

W 1-3:50pm; A&H 0472 (North Seminar Room)

Professors Richard Arneson, David O. Brink, and Dana Kay Nelkin

Offices: Arneson, 0489; Brink, 0480; Nelkin, 0479

Office Hours: Arneson, F 1-4pm (1-2pm just for graduate students) and by appointment;

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This seminar addresses the role of responsibility in different kinds and conceptions of justice. Our exact agenda is still being worked out and subject to revision, but here's a current snapshot.

We'll start with two sessions on responsibility. We'll distinguish different responsibility concepts, especially attributive responsibility and accountability, and explore different conceptions of accountability — skepticism, instrumentalism, attributionism, and fair opportunity and related reasons-responsive and control conceptions. We'll then devote one meeting to general issues about moral luck and its normative significance. We'll explore varieties of moral luck (e.g. circumstantial, constitutive, and resultant luck) and their normative significance for prudence, deontic valence, and blameworthiness and praiseworthiness.

Having discussed some background issues about responsibility and luck, we will devote three sessions to issues about responsibility and distributive justice. We'll explore worries that some forms of liberal egalitarianism don't take individual responsibility and desert seriously enough. Luck egalitarianism (prioritarianism) takes up this challenge by drawing a distinction between brute and option luck, mitigating the effects of brute luck while honoring the effects of option luck. But should egalitarians focus on distributive outcomes, rather than relations of equality or non-domination? Can we disentangle brute and option luck, and won't honoring the results of option luck conflict with reasonable demands of compassion? We'll try to understand and assess these worries about luck egalitarianism and prioritarianism.

Next, we'll devote three sessions to issues about responsibility and corrective justice. Retributivism is a conception of corrective justice that assigns an important role to assumptions about responsibility and desert. Is retributivism a viable perspective on punishment and, if so, which conception of retributivism is most plausible? How, if at all, does moral luck affect justifiable punishment? Should criminal attempts and completions be punished differently if all that separates them is resultant luck? How, if at all, is the legitimacy of punishment affected by structural injustice and circumstantial bad luck? Here, distributive and corrective justice interact. We may also explore how best to understand restorative justice and its assumptions about responsibility and desert. Does restorative justice repudiate retributivism or presuppose it?

On some conceptions, restorative justice aims to heal moral and social breaches and restore community. If so, restorative justice may involve forgiveness. Forgiveness can involve forswearing blame and retributive sentiments. Are forgiveness and justice opposed sentiments? Is forgiveness always discretionary or is it sensitive to normative reasons in ways that might make forgiveness impermissible in some circumstances and mandatory in others? We'll explore some of these issues in a final session on forgiveness, responsibility, and desert.

FORMAT

Dick, David, and Dana will participate in each seminar. But typically one of us will assume primary responsibility or two of us will share primary responsibility for a given seminar. Each session will have two or three required readings and several recommended (optional) readings. Though we will provide structure for the discussion of readings and topics, we expect students

enrolled in the seminar to be active participants and discussants, and we welcome participation from auditors as well.

REQUIREMENTS AND GRADES

There are two principal requirements for the seminar: short reader response essays and a long paper.

Each student should submit short reader response essays of approximately 400-600 words (+/-) for six seminar sessions. An essay should do some philosophical work in connection with the week's readings. For instance, it could reconstruct a complex and non-obvious argument in one of the readings; it could raise a thoughtful objection to a position defended in one of the readings; it could sketch a new line of defense of an author's position; it could discuss a latent theme common to two or more readings. The essays should be submitted as attachments to emails addressed to the three of us by 8pm the night before the seminar. Your lowest essay score will be thrown out, and your best five scores will be averaged.

Each enrolled student is expected to write a 4-6K word (+/-) paper for the seminar. A brief (1-2 page) analytical outline is due by 5pm Friday, March 10. The essay is due by 5pm Wednesday, March 22. Students are encouraged to discuss their papers with one or more of us in advance.

As percentages of the overall seminar grade, participation is worth 10%, the reader response essays are (collectively) worth 30%, and the term paper is worth 60%. The quality of participation is more important than quantity and can come in a wide variety of forms, including helpful clarifying questions and comments.

READINGS

All the required readings will be posted as PDFs on the course website on Canvas. The required and recommended (optional) reading assignments are listed on the Syllabus.

WEBSITE

All seminar materials and handouts will be posted on the course website, available through Canvas on Course Finder (<https://coursefinder.ucsd.edu>). Students enrolled in the course should have automatic access to the website. If you are auditing the seminar and have a UCSD email, let us know, and we can arrange for you to have access to the Canvas website. You should check periodically to make sure that you have current versions of all the handouts, which are revised or updated on a regular basis.

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Syllabus

Here is a list of projected topics and readings. This list is provisional and defeasible, and you should check this syllabus periodically to see if there have been changes. Faculty members with sole or shared responsibility for a topic are indicated parenthetically by their initials. Readings are divided into (A) required or (B) recommended. Do the required readings in the order in which they are listed. Please note that the recommended readings are *very selective*. The recommended readings are suggestions for further reading for those with time and the relevant interests. We won't assume that students are doing the recommended readings, though we may refer to them in seminar and encourage students to explore recommended readings on topics that they want to pursue further. If you want more recommendations, follow the footnote trails or consult with us. We will post PDFs of the required readings and some recommended ones on the course website on Canvas.

WEEK #1 (JAN 11): INTRODUCTION, RESPONSIBILITY CONCEPTS, AND SKEPTICISM ABOUT RESPONSIBILITY (RA & DB & DN)

- (A) Gary Watson, "Two Faces of Responsibility" and Derk Pereboom, *Wrongdoing and the Moral Emotions*, ch. 1.
- (B) P.F. Strawson, "Freedom and Resentment;" Harry Frankfurt, "Alternate Possibilities and Moral Responsibility;" David Shoemaker, "Attributability, Answerability, and Accountability;" Dana Nelkin, "Accountability and Desert;" David Brink, *Fair Opportunity and Responsibility*, ch. 2.

WEEK #2 (JAN 18): CONCEPTIONS OF ACCOUNTABILITY (DB & DN)

- (A) Manuel Vargas, "Instrumentalist Theories of Moral Responsibility;" Angela Smith, "Responsibility as Answerability;" and David Brink, *Fair Opportunity and Responsibility*, ch. 3.
- (B) Richard Arneson, "The Smart Theory of Moral Responsibility and Desert;" Derk Pereboom, *Free Will, Agency, and Meaning in Life*, ch. 6 and *Wrongdoing and the Moral Emotions*, ch. 2; T.M. Scanlon, *Moral Dimensions: Permissibility, Meaning, and Blame*, ch. 4; Matthew Talbert, "Attributionist Theories of Responsibility;" Susan Wolf, *Freedom and Responsibility*; R.J. Wallace, *Responsibility and the Moral Sentiments*; John Fischer and Mark Ravizza, *Responsibility and Control*; Dana Nelkin, *Making Sense of Freedom and Responsibility*; Manuel Vargas, *Building Better Beings*; David Brink, *Fair Opportunity and Responsibility*, chs. 4-5.

WEEK #3 (JAN 25): MORAL LUCK (DN)

- (A) Bernard Williams, "Moral Luck;" Thomas Nagel, "Moral Luck;" and Dana Nelkin, "Moral Luck."
- (B) Dana Nelkin, "Thinking Outside the (Traditional) Boxes of Moral Luck."

WEEK #4 (FEB 1): EGALITARIANISM AND INDIVIDUAL RESPONSIBILITY (RA and DB)

- (A) John Rawls, *A Theory of Justice*, §§1-6, 11-13; Samuel Scheffler, "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics;" Ronald Dworkin, "Equality of Resources."
- (B) Robert Nozick, *Anarchy, State, and Utopia*, ch. 7.

WEEK #5 (FEB 8): LUCK EGALITARIANISM AND PRIORITARIANISM (RA)

- (A) G.A. Cohen, "On the Currency of Distributive Justice;" Richard Arneson, "Responsibility and Distributive Justice;" and Seana Shiffrin, "Egalitarianism, Choice-Sensitivity, and Accommodation."
- (B) Richard Arneson, "Equality and Equal Opportunity for Welfare;" Ronald Dworkin, *Sovereign Virtue*, chs. 1-7 and *Justice for Hedgehogs*, ch. 16; G.A. Cohen, *Rescuing Justice and Equality*, part I; and Zofia Stemplowska, "Making Justice Sensitive to Responsibility."

WEEK #6 (FEB 15): BEYOND LUCK EGALITARIANISM? (RA & DB?)

- (A) Elizabeth Anderson, "What is the Point of Equality?" Richard Arneson, "Luck Egalitarianism and Prioritarianism;" and Samuel Scheffler, "What is Egalitarianism?"
- (B) Richard Arneson, *Prioritarianism*, §§1, 3; Philip Pettit, *Just Freedom*, chs. 1-4; Kasper Lippert-Rasmussen, *Relational Egalitarianism*; Niko Kolodny, "Toward an Analysis of Social Hierarchy" and *The Pecking Order*; and David Brink, "Fair Opportunity and Distributive Justice" (if it exists).

WEEK #7 (FEB 22): RESPONSIBILITY, PUNISHMENT, AND PREDOMINANT RETRIBUTIVISM (DB)

- (A) Michael Moore, *Placing Blame*, ch. 2; David Brink, *Fair Opportunity and Responsibility*, ch. 6; and Erin Kelly, "Criminal Justice without Retribution."
- (B) David Brink and Dana Nelkin, "The Nature and Significance of Blame;" Herbert Morris, "Persons and Punishment;" H.L.A. Hart, *Punishment and Responsibility*; Victor Tadros, *The Ends of Harm*; Derk Pereboom, *Wrongdoing and the Moral Emotions*, ch. 4; Erin Kelly, *The Limits of Blame: Rethinking Punishment and Responsibility*; and David Lewis, "The Punishment that Leaves Something to Chance."

WEEK #8 (MAR 1): PUNISHMENT AND STRUCTURAL INJUSTICE (RA & DB)

- (A) Gary Watson, "A Moral Predicament in the Criminal Law" and Tommie Shelby, *Dark Ghettos: Injustice, Dissent, and Reform*, chs. 7-8.
- (B) Michelle Alexander, *The New Jim Crow*; James Forman Jr., *Locking Up Our Own: Crime and Punishment in Black America*; Victor Tadros, "Poverty and Criminal Responsibility;" Christopher Lewis, "Inequality, Incentives, Criminality, and Blame;" and David Brink, *Fair Opportunity and Responsibility*, ch. 9.

WEEK #9 (MAR 8): RESTORATIVE JUSTICE (DB & DN)

- (A) R.A. Duff, "Restoration and Retribution;" Lucy Allais, "Restorative Justice, Retributive Justice, and the South African Truth and Reconciliation Commission;" and Linda Radzik and Colleen Murphy, "Reconciliation."
- (B) John Braithwaite, "Restorative Justice: Assessing Optimistic and Pessimistic Accounts" and Andrew von Hirsch, Andrew Ashworth, and Clifford Shearing, "Specifying Aims and Limits for Restorative Justice."

WEEK #10 (MAR 15): FORGIVENESS (DN)

- (A) Eve Gerrard and David McNaughton, "In Defence of Unconditional Forgiveness;" Per-Erik Milam, "Forgiveness;" and Angela Smith, "Institutional Apologies and Forgiveness."
- (B) Jean Hampton and Jeffrie Murphy, *Forgiveness and Mercy*; Lucy Allais, "Wiping the Slate Clean: the Heart of Forgiveness;" Per-Erik Milam, "Against Elective Forgiveness;" Luke Brunning and Per-Erik Milam, "Oppression, Forgiveness, and Ceasing to Blame;" and Rosalind Chaplin, "Taking it Personally: Third-Party Forgiveness, Close Relationships, and the Standing to Forgive."