

#1

- Consequentialist (ex) Utilitarianism (Jeremy Bentham)

↓

- Categorical (ex) Kant

Philosophy estranges us from the function. Cannot undo.

Skepticism

Kant: Skepticism is a resting place for human reason.

Skepticism can never overcome the restlessness of reason

Goal of the course: awaken the restlessness of reason and see where it might lead

#2 Philosophy of Utilitarianism (Consequentialist pov)

- just thing to do is to maximize the utility.

Pleasure is. Pov_n

max

- Dudley Stephens Brooks

tried

↓ &

parker

- Consent? okay to kill?

- lottery?

1. Do we have certain fundamental rights?

2. Does a fair procedure justify any result?

3. What is the moral work of consent?

#3 Queen vs. Dudley & Stephens

Jeremy Bentham (1748 ~) Pain and pleasure: sovereign master \Rightarrow should be taken into account

: maximize happiness, utility

Cost-benefit analysis by Company, government

(ex) Czech Republic: Smoking is good (\$141 m)

Q. family of people who died?

(ex) Ford Pinto: included the value of life

(ex) bin phone usage: balanced out in analysis

Equally weighted? Christians eaten by tigers (Romans)

Boat case

1. Fails to respect individual/minority rights
2. Not possible to aggregate all values into \$

So how do you value?

A psychologist did a survey!

#4

isn't there a going of pleasure?

John Stuart Mill: modify Utilitarianism to accommodate humanitarian concerns

1869 book published: importance of individual rights and minority rights

1861 "Utilitarianism"

The sole evidence it is possible to produce that agency is desirable is that people actually do desire it.

How to distinguish? Try both and see what your natural preference is

(imperative of moral obligation)

Justice \rightarrow Utilitarianism

#5 Justice = binding part of Morality, most sacred. In the long run. justice + rights \rightarrow society better off

Q1 what if making an exception & violate individual rights better in the long run?

Q2. Suppose it works. Is that the only reason to respect ppl?

(es) Argument: Checkup case \sim ppl won't come for checkup: is that the right reason?

maybe... intrinsic respect for the person as an individual is important?

String theory of rights

- Individual right matters not just for social purpose or maximizing utility
they are separate being worthy of respect.
- Libertarianism
 - we have right to freedom provided we respect other people's rights

Robert Nozick

- role of government {
- 1) No paternalist legislation (rule for protecting themselves)
 - 2) No morals legislation Gay legislation: no one's rights are violated so fine...
 - 3) No redistribution of income from Rich to poor

Justice in Acquisition
(→ transfer (free market))

Nozick said...

Taxing is like fixed labor = slavery

Violates principles of self-possession

→ Utilitarianism is wrong

#6 Milton Friedman (Libertarian economist) - Social function taken for granted usually is neither nor liberal

e.g. Social security forced

Police protection, fire protection ⇒ make "free riders"

fire extinguishing company refused
⇒ Collective goods, injunctive against paternalism

1. Poor needs money
2. Taxation by government is not coerced
3. The successful owe a debt to society
4. Wealth depends partly on luck so it isn't deserved

don't refute property rights
need to deserve x



State decided.

religious freedom vs. taxation
↓
private vs. social

· We own ourselves?

Jeff possestion \hookrightarrow what is natural? Always?

(from John Locke)

↓

Self possession \rightarrow Property right

#7 John Locke

right to property - natural right (pre-political)

Law of Nature : { free ...

{ Constraints We can't give up state for someone else life/liberty/property

You are a creature of God, so they belong to God

ability to reason

] \Rightarrow Why \rightarrow rights

Natural rights are unalienable (can't trade)

Private property rights? We own our body

→ labor

Unowned becomes our property w. labor

unalienable rights using "reason" \leftrightarrow Libertarian value "you can do whatever you want"

(ex International Patent law

- Justification of European Settlement?

Yes / No

How does that right constrain what legitimate government can do?

#8 Consent (+ private property)

• State of nature

everyone execution of law of nature

• gradation of punishment? Can kill a thief too...

• property is natural in one sense but conventional in another

Collective decision

(taxation is unjust. needs consent. by majority rule.)

heart of state : not to promote liberty

but to bound rights by reason (no suicide, etc.)

how majority infringes that? (coup, tax ...?)

Conscription by lottery? like choosing representative \Rightarrow just!

Idea: Locke would have supported non-arbitrary general law

disappointments ① rights are inviolable

② Legitimate government based on consent $\xrightarrow{\text{then...}}$ non arbitrary takings of life or liberty or property
based on majority rule permissible

limits of consent?

#9 Right to Life vs. Conscription

non-arbitrariness important

- | | | |
|--|--------------|--|
| {
1) increase pay and benefits
2) draft (lottery)
3) hire mercenaries | Student poll | [All Volunteer o
Civil War x] |
|--|--------------|--|

Civil war: conscription initially \Rightarrow then market induced (substitute involved)

- It's their choice
- coercion for ppl w. lower income. Affect lower income ppl
- well... it affects lower income ppl anyway

[less coerced nowadays (patriotism etc)
- hired by government vs. person

patriotism > money?

All Volunteer vs. Civil War

good bc participation > money

maybe willing to sacrifice themselves

bad bc affects lower income
fired by government vs. person

good bc affect lower income for volunteer anyway

Q. Freedom of choice \Rightarrow why not mercury?

Q. duties and rights by the market x ?

Inequality undermines freedom of choice?

What is the carbon octopus? Give written part of it or not?

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person looking for egg donor / sperm

Commercial Surrogate Motherhood

- | enforce the contract : you agreed upon it
↳ bargaining power, equal information
- | not enforce the contract : tainted or flawed consent - coercion, lack of information
↳ dehumanizing
 - (like selling & control)
 - ↳ respect, appreciation (de, also)

#11

Kant: why we have categorical duty to respect the dignity of persons

Critique of pure reason

Groundwork for the Metaphysics of Morals

- rejected Utilitarianism . pain & pleasure are not sovereign master.

BUT national capacity is

- sacred individual (not b.c. we own ourselves)

b.c. We are all rational beings

—+ autonomous beings = acting & choosing freely

freedom; when we seek after pleasure (like optimal), we aren't acting freely

out of necessity

freedom \Leftarrow opposite \rightarrow accessory

To act freely = to act autonomously = To act according to a law I give myself

(not physical law of nature / law of cause and effect ...)

Heteronomously = To act according to inclination / desire

- nature is governed by laws of cause and effect
- choose the end for its own sake (only humans can do) \rightarrow gives human life dignity
best means for end (x)

[John Stuart Mill: "If we uphold justice & respect the dignity of persons we will maximize human happiness"
 Kant: Even if that were true, you are upholding justice etc for the very reason

- Why gives an action its moral worth?
- motive with the quality of the will for which the act is done

- Only motive of duty can confer moral worth of an action
- ↓
inclination

(ex) Shopkeeper: give short change x b.c. of the reputation
 \Rightarrow moral worth x

(ex) Suicide

(ex) Honesty is the best policy

morality - freedom

#12 Kant's framework

- { 1. What is the supreme principle of morality?
 2. How is freedom possible?

Three distinctions

1. duty vs. inclination

motives

2. Autonomus vs. heteronomous

determination of will

3. hypothetical vs. Categorical

imperatives (means - ends)

Categorical imperative

① formula of universal law (ex) false promise of repayment

→ isn't that means? (John Stuart Mill)

Just the test to see if you are prioritizing your particular needs and desires over everybody else's

(provided truely w. sympathy, fine)

② humanity as an end (x) false promise of repayment, murder, suicide

(more intuitive)

↑ same (not empathy, altruism, ...)

since universally toward all humanity...

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1. how can Intensity & duty go together? Following present law

2. how is my morality = your morality? pure reason that transcends self interest

3. how is morality possible? Differen between sensible vs. intelligible

If we're determined by cause & effect → no free will
Science can't decide moral truth!

(ex) "Lying is wrong" Murderer at the door example

lie vs. misleading truth

White lie? Kant wouldn't have applied it

misleading truth? Yes, okay.

Discussion: Motive is not to mislead

Still honoring the moral law and staying within the law of categorical imperative
honoring and respect for moral law

14 Kant's political theory

Just law comes from social Contract

exceptional nature

↳ b.c. Contract is the idea of reason

Inevitably... differences in beginning power, personality, etc

What is the moral force of the hypothetical contract, a contract that never happened?

John Rawls Hypothetical agreement is a basis for justice

1) Critique for Utilitarianism

2) principles of justice properly understood can be derived from hypothetical social contract

"device of the Veil of Ignorance"

The way to arrive at the rights that we must respect is to imagine that we were gathered together trying to chose the principles to govern our collective lives w/o knowing certain important particular facts about ourselves

Moral force of actual contracts

1. How do they bind or obligate

- ↳ Moral weight
[
a. Consent based → autonomy (should be self-imposed) — can be weaken due to bargaining power between the parties
b. benefit-based → reciprocity (not always fair) — can be weaken due to knowledge between the parties

(Ex) David Hume: John Locke Social Contract Incomprehensible idea. Tenant Party for example

(Ex) Car repair

(Ex) Marriage 20 yrs

2. How do they justify the terms they produce? They don't. At least not on their own.

Actual contracts are not self-sufficient moral instruments

Fact of the agreement never guarantees the fairness of the agreed
(Ex) Slavery,

15 Distributive justice: income, wealth, power, opportunity

two principles behind the veil of ignorance

① Utilitarianism rejected, not trade of rights & liberties for economic reason

② Social & economic opportunity: require equal opportunity? Can do better

difference principle: only social & economic inequalities will be permitted that work to the benefit of the least well-off

(Should be chosen by the veil of ignorance)

merit-based system?

① official agreement

challenge: people would be gamblers?

② Distribution of income, wealth, and opportunities should not be based on factors for which ppl can claim no credit (arbitrary for moral for)

(Ex) Feudal aristocracy: accident of birth

→ let's do it based on merit!

Row 1: "improvement, but doesn't extend insight far enough"

different starting point \Rightarrow unfair

\rightarrow need "fair" equality of opportunity (meritocracy system: support for impoverished tribes etc)

Q. Does it address the moral arbitrariness of the natural lottery?

Well, only actions that improve the situation of those who have lost out.

#16 Libertarian: free market system

objectives

1. What about incentives? (so, you can adjust if it has consequence to the less well-off)

2. What about effort?



3. What about self-ownership?

• Milton Friedman

"Life's not fair. It is tempting to believe that government can rectify what nature has spawned"

\rightarrow Well, the way institution deals w. these facts is what's just/unjust

• Self-Ownership Argument (from Nozick)

\rightarrow Maybe we don't own ourselves in that thoroughgoing sense after all

we can embrace the idea of human dignity w/o self-possession.

• Effort? 1) Even the work ethic we have no credits

2) what meritocracy cares for is contribution: and this comes from natural talent and ability

Q. Moral desert nothing to do w. distributive justice! Yes

moral desert vs. entitlements on the legitimate expectations

#17 Moral desert vs. Entitlements to legitimate expectations

About opportunities... affirmative action

Correcting for the effects of unequal preparation

temporary reparation of past injustice of Legacy of Slavery and Segregation

① how do you explain not disadvantaged students?

② race being a relevant factor \Rightarrow perpetuate the pattern

Can't discriminate based on what they can't control

1. Corrective (for differences in educational backgrounds)

2. Compensatory (for past wrongs)

3. Diversity { for educational experience

{ for society as a whole

ex. train black lawyers

\hookrightarrow Hopkins personally did not do any wrong

Why punish her? Collective responsibility?

\hookrightarrow Individual right violated due to social mission



moral desert vs. entitlement

#18

Can Define its mission however it wants

1950s Segregation, 1930s Jewish quotas & now: any difference?

excluded in the past $\xrightarrow{\text{reparation}}$ try to include now

malice \longrightarrow no imposition of character

Q. distributive justice $\xrightarrow[\text{distributed}]{\text{?}}$ virtue & moral desert $\xrightarrow{\text{incentive}}$ egalitarian
egalitarian/libertarian rights oriented theorists: Rawls / Kant ... "Justice is not a matter of rewards or honoring
virtue or moral desert"

Justice - Moral virtue connected

\Rightarrow Aristotle: proper fit, giving ppl what they deserve

equal in what respect?

flute should belong to best player since it is its purpose

TELOS: the point, the end, the goal

Teleological reasoning: reasoning from "telos" (=the goal, the end)

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{ ① politics, political rule, etc

{ ② Casey Martin - golf cart or not?

① Q. What is purpose?

Debates about honor

income, wealth, opportunity
offices, honors

moral life → political participation //

human beings are meant to live in a polis (human beings are not self-sufficient outside a political community)

Virtue doesn't come from book, lecture, etc

→ You need to practice, only learning by doing

(ex) Cooking, joke telling, politics ⇒ requires discerning particular situation

Parades: Greek Statesmen

② Golf

not so much different, also one by one basis vs. purpose of the competition
walk: part of the game

Supreme Court: Walking is not essential part of the game

[rule can be changed since it's especially for entertain
golf honored as athletic sport in stake]

#20

discrimination vs. unfair

teleological ① purpose of golf.

harmful ② honor ppl w. certain excellences at stake golf not a sport?

→ A. Golf is just for amusement. Not up to court to decide the rule (Anti-Aristotelian)

→ A. Sport is a practice that calls forth and honors certain excellences

Q. If Justice is for fit, is there a room for freedom?

teleological ← equal basic rights
(no free will)

Aristotle's defense of slavery

- 1) necessary (for life of the polis, science needs to do animal husbandry, etc.)
- 2) fit
 ↳ some slaves by bad luck (lost in war) are unfit

many options about purpose. How to choose?

Law is to give choices so ppl can choose freely based on their conception of the good
(framework of rights)

Rawls, Kant: freedom instead of roles / traditions / customs

↓
Aristotle

Q1. Right is prior to the good?

Q2. What it means to be a free person (free moral agent)?

: Stand toward my goals as an agent of choice v.s. discover what my nature really is

#21 Kant's reply to Aristotle

law based on any particular conception of good \neq x free to pursue their own conception of good
freedom = act of autonomy (according to myself)

↑

Law is to inculcate civic excellence
(virtue)

freedom = act according to fit/virtue

Obligation of membership, solidarity, loyalty?

narrative account for self : idea of community in belonging

Moral obligation doesn't happen in a vacuum but in histories/relationships/common

collective responsibility (individual/ libertarian need to evade resp. black slavery)
normatives

Liberarian { natural duty
 voluntary obligation

how about the obligation of Solidarity / loyalty/membership?

(ex) rescuing child / stranger boy

(ex) taking care of parents / stranger person

(ex) bombing hometown in WWII

(ex) Ethiopian Jew rescue

(ex) Patriotism

Discussion

Morally binding → Conflicting obligations?

Humanitarian → all else: too arbitrary

Citizenship → Constructed

idea of reciprocity, etc: natural to have more moral binding

matters of sentiment ≠ moral obligation

BUT... parents who raised you etc: need to repay. take care of aging parents

how about bad parents?

↑
so, compatible
is voluntary moral obligation

:

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① Conflicting obligations

② matters of emotion

③ not beyond consent, perfectly compatible as voluntary Moral obligation based on consent (in line with Rawls)

④ just collective selfishness / prejudice

vs.

Universal principle < communication rule

(ex) Cheating PPL

(ex) brother fugitive

(ex) Lees dilemma (Virginia)

how to choose the standard? Conflicting interests

* implication of claim that Solidarity etc has independent Moral weight

not detached from conception of "good life"

Q. justice a creature of convention (in any given Community at any given time)?

Michael Walzer: Justice is relative to the social meanings \Rightarrow worry that it is just fidelity...

even 1950's guy about segregation

#23 Southern Segregationist: Counterexample

Narrative Conception vs. Utilitarian Conception

Justice $\xrightarrow{\text{cannot be detached}}$ good
(injustice)

(Montesquieu: Virtuous society = no friend)

① relativist - drift judge

\Rightarrow can be a problem (wholly conventional)

② non-relativist

honor human good, not for a particular community

Ex) Same Sex marriage

Moral permissibility
purpose] $\xleftrightarrow{\text{detached}}$ (legality)

Custom } Prioritarian (raising children)
Union

"State should have no business prioritizing a particular filos"

#24

Q1: Is it unavoidable to take up questions of the good life in thinking about justice?

Q2: Is it possible to reason about justice?

Q1. It's a mistake for a state to be neutral

It is not possible; Some view it as murder for abortion, for example.

Court decision: "what is at stake is respect for individual autonomy and equality under law"

\nearrow
Liberal neutral strand

real neutrality = third position? (Kinsley's proposition)

Same sex marriage worthy of recognition / honor / ... ?

Government did not question it

"Marriage is more than a matter of voluntary choice that individuals make
it's also a matter of social recognition and honor"

"Not procreation, but the exclusive and permanent commitment of the partners to one another is the essential point and purpose of marriage" (unwilling to take up the question
but still remain neutral on underlying religious question)

Q2. Principle / Criterion on good life? No, not the best way

moving back and forth between judgments about particular cases and more general principles
that make sense of our reasons (Aristotle, John Rawls)

reflexive equilibrium

about justice, but not about good life

due to pluralism

Jeremy Bentham - Principles of Morals and Legislation

John Stuart Mill - Utilitarianism

John Locke - Second Treatise of Government

Kant - Groundwork of Metaphysics of Morals

[John Rawls - A Theory of Justice

Machiavelli - the Virtues, the Unity of human life and the concept of a tradition

Aristotle - the Politics, Nicomachean Ethics