

Paternalism

Summer 2014

UCLA
PHILOSOPHY C156: TOPICS IN POLITICAL PHILOSOPHY: PATERNALISM

Lecture: TR, 4pm-6:35pm, Public Affairs 2214

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Website: <https://ccle.ucla.edu/course/view/141C-PHILOSC156-1>

Course Description

This course explores basic concepts in political theory, focusing on questions about paternalism. Paternalism is often thought to occur when a person, institution, or government interferes with someone else's autonomy, without her consent, in order to better her lot. Recently, opponents of the Affordable Care Act have prominently argued that the Act is immoral because its individual mandate is paternalistic. One might wonder what this charge about the individual mandate means and whether it is right.

We will explore questions including: what does it amount to for a law to be paternalistic? What does it mean to interfere with someone's autonomy? Is there something uniquely objectionable about paternalistic laws and actions? What is the relationship between consent and the legitimacy of laws? In this class, we will begin by examining writings by Kant and Mill, but most of our readings will be works of contemporary political philosophy concerned with questions of paternalism, autonomy, democratic legitimacy, and fairness.

Texts

All texts that we'll be reading for this course will be linked to on the course website. We'll be reading two books, John Stuart Mill's *On Liberty*, which is up on the course website, and Robert Paul Wolff's *In Defense of Anarchism*, which is available from the bookstore and is also available online at <http://theanarchistlibrary.org/library/robert-paul-wolff-in-defense-of-anarchism>.

Screen Free Classroom

In order to avoid distractions and to promote lively participation, thoughtful note taking, and good cheer, I ask that you bring (1) a paper notepad, (2) a writing utensil, and (3) a paper copy of the reading to every class meeting, and **refrain from using your cell phones, tablets, and laptops in class**. Please notify me if special circumstances, such as an injury or a disability, require you to take notes electronically. Please also notify me if obtaining hard copies of the course materials poses a problem for you.

Graded Coursework

Philosophy is a conversational activity. This course will be discussion-based: every session will center around in-class discussion, and most will involve group work so that everyone has a chance to participate. Group work will be conducted in small groups of 4 or 5. We will assign the groups on the first day of class. If you join the class after the first day, please contact me ASAP so that you can be placed in and introduced to your group.

In order for this collaborative endeavor to work, you must complete the assigned reading before class and arrive prepared to discuss it. You owe it not only to yourself, but to your fellow students, to come prepared, and to bring your energy and enthusiasm to share.

All of the following course requirements must be completed in order to receive a passing grade in the course. If you are at all concerned that you may not be able to satisfy one of the course requirements on time, please get in touch with me as soon as possible.

Class Participation

Regular class attendance and active participation will be essential in this collaborative, discussion-based course. Consistently helpful contributions to class discussion may result in the raising of a student's final grade by up to a third of a full letter (e.g. from a B to a B+). Likewise, I may lower the final grade by up to one third of a full letter (e.g. from a B to a B-) in case of spotty attendance or failure to contribute productively to class discussion.

Note that philosophical conversation is more about listening and thinking than it is about speaking, especially when the conversation involves more than two people. I do not care about the quantity but rather about the thoughtfulness of your contributions to the discussion. A thoughtful contribution is one that arises from the careful attention you will pay to your face-to-face interlocutors and to the text.

Weekly Reading Responses

Throughout the term, I will ask you to write ten brief (approximately 2 pages, double-spaced) response papers to the reading assignment.

You may turn in a reading response paper through the course website **the morning of each lecture by 9:00 AM**. You should also submit a hard copy of your reading response paper in lecture.

The purpose of the reading response papers is to get you thinking about the readings before we meet and discuss them, let you practice and improve your philosophical writing, and provide you with a chance to try out ideas and arguments that you may wish to develop in your final paper.

We will have twenty-seven lectures with assigned reading over the course of the term. You are free to choose which ten times you submit reading response papers, but because you only need to submit reading response papers before ten lectures of your choice, late submissions of reading response papers will not be accepted except in extraordinary circumstances. I strongly recommend that you not wait until the middle of the course to begin submitting papers so they don't pile up.

A few pointers for writing reading response papers:

- You don't need to do any additional reading or research to write these papers; you simply need to read the assigned texts and think about questions that emerge from them.
- You should avoid merely summarizing the reading. Instead, you should look for thoughts in the readings that excite, confuse, intrigue, or infuriate you and write about them. If you do this, you are likely to write about important interpretative (what does the author mean?) or critical (is the author right?) issues. Comparative points (what is the relationship between one author and another?) may also arise over the course of the term.
- You don't have to write on everything in the reading for a particular day. Indeed, it would be best to select a narrower topic, because if you try to write about everything, you're likely to end up merely summarizing.
- You don't need to try to be original in your reading response papers. The aim is just for you to think critically and clearly about the text and try to understand it.
- Reading responses may serve as a good starting point for our discussion in class. If there is something you'd like to talk about in class, consider writing about it in a reading response paper.
- Reading response papers may also serve as a good starting point for a term paper: if our reading addresses a topic that you think you might want to write your term paper about, consider writing about it in a reading response.

Term Paper

The final paper should be approximately 10 pages, double-spaced, on a topic of your choosing that grows out of one of our meetings or readings. A proposed paper topic is due **Friday of week 6**, a rough draft is due **Friday of week 8**, comments on another student's paper are due on **Friday of week 9**, and the final paper is due on **Friday of exam week**.

Paper Topic: A copy of a **proposed topic is due through the course website by 5:00 PM on Friday of week 6**. The proposed topic should be a one-paragraph abstract or statement of a question that you plan to discuss in your term paper. This topic is not a commitment, and you may change your mind about your paper topic, but you will receive feedback on your proposed topic to help you improve your final paper.

Rough Draft: Another way in which you will develop your paper ideas is by helping one another with feedback on a rough draft of the paper. Giving feedback on your peers' writing also helps you to take up the perspective of the reader in thinking through what makes for a good philosophy paper. To be ready for the collaborative editing process, **you will submit a rough, partial draft of your final paper (around 7-8 pages long), due on the course website by 5:00 pm on Friday of week 8.** Please also **bring two hard copies to class for the first lecture of week 9.** This draft will not be letter-graded: everyone who turns in a satisfactory draft by the deadline will get full credit, whereas those not turning in a draft will receive a zero for this portion of the grade. It is crucial that you complete your draft on time so that you can participate in the peer editing exercise.

Peer Editing Exercise: We will have a collaborative editing exercise in class at the beginning of week 9, shortly after rough drafts are due. In addition to the in-class exercise, **you will submit written comments on another student's paper by 5:00 pm on Friday, of week 9. You will email your comments to your partner in addition to submitting your comments though the course website.** Because your partner will rely on your comments in revising their paper, extensions will be granted only in extraordinary circumstances.

Final Draft: The **final paper is due on the course website by 5:00 PM on Friday of exam week.** Aside from last minute emergencies, extensions must be arranged 24 hours in advance.

Final Grades

The course grade will be based on three components: short writing assignments, participation in course discussion, and the final paper. The breakdown of the final grade is:

50% Short writing assignments (x10) (approximately 2 pages each)

50% Term paper (approximately 10 pages)

Breakdown of Term Paper Grade:

- 5% Rough Draft (pass/fail)
- 10% Peer Editing Comments
- 85% Final Draft

Final grades may be adjusted up or down by up to a third of a letter grade on the basis of participation.

Academic Integrity

You are expected to abide by UCLA's policies on academic misconduct. I recommend that you read through the flyer on academic misconduct that has been prepared by the Dean of Students at <https://www.deanofstudents.ucla.edu/portals/16/documents/studentguide.pdf>.

A few important reminders about academic integrity are relevant to the writing assignments for this course:

- Write your own papers and properly attribute other people's ideas and words that you include in your writing.

- If you copy someone else’s words into your assignment word for word, indicate that these words are a quotation by enclosing them in quotation marks.
- Provide a citation if you paraphrase someone else’s idea in your own writing.
- Whenever you cite something, provide a citation that includes enough information that your reader could locate the material that you’re citing. (For our course materials, you can just give the author’s last name and a page number.)
- If you have any questions about whether what constitutes academic misconduct, please ask.

Accessibility

Students needing academic accommodations based on a disability should contact the Center for Accessible Education (CAE) at (310) 825-1501 or in person at Murphy Hall A255. When possible, students should contact the CAE within the first two weeks of the term as reasonable notice is needed to coordinate accommodations. For more information visit www.cae.ucla.edu.

Schedule of Readings

While not required, you may find it useful to read Gerald Dworkin’s *Stanford Encyclopedia of Philosophy* article on “Paternalism” as background. It is available at <http://plato.stanford.edu/entries/paternalism/>.

I. Unit 1: Setting the Stage: Historical Antecedents

A. Week 1

1. Lecture 1
 - a) Immanuel Kant, “On the Common Saying: That May Be Correct in Theory, but It Is of No Use in Practice”
2. Lecture 2
 - a) Immanuel Kant, “The Principles of Political Right”

B. Week 2

1. Lecture 3
 - a) John Stuart Mill, *On Liberty*, chapter 1
2. Lecture 4
 - a) John Stuart Mill, *On Liberty*, chapter 2

C. Week 3

1. Lecture 5
 - a) John Stuart Mill, *On Liberty*, chapters 3 and 4
2. Lecture 6
 - a) John Stuart Mill, *On Liberty*, chapter 5

II. Unit 2: Contemporary Debates about Paternalism

A. Week 4

1. Lecture 7
 - a) Joel Feinberg, “Legal Paternalism”
2. Lecture 8
 - a) Gerald Dworkin, “Paternalism”

B. Week 5

1. Lecture 9

- a) Richard Arneson, "Mill versus Paternalism"
- 2. Lecture 10
 - a) Seana Valentine Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation"
- C. Week 6
 - 1. Lecture 11
 - a) Sarah Conly, "Coercive Paternalism in Health Care: Against Freedom of Choice"
 - 2. Lecture 12
 - a) Ingrid Steinberg, "A Child-Centric Conception of Paternalism"
 - 3. Proposed Paper Topic Due Online by 5:00 PM on Friday**
- D. Week 7
 - 1. Lecture 13
 - a) Peter de Marneffe, "Avoiding Paternalism"
 - 2. Lecture 14
 - a) George Tsai, "Rational Persuasion as Paternalism"
- III. Unit 3: Paternalism, Law, Fairness, Liberalism
 - A. Week 8
 - 1. Lecture 15
 - a) Robert Paul Wolff, *In Defense of Anarchism*, chapter 1
 - 2. Lecture 16
 - a) A.J. Julius, "Public Transit"
 - 3. Rough Draft of Term Paper Due Online by 5:00 PM on Friday**
 - B. Week 9
 - 1. Lecture 17
 - a) Peer Editing Workshop in Class (Bring two hard copies of your rough draft to class with you)**
 - 2. Lecture 18
 - a) Richard Arneson, "Paternalism and the Principle of Fairness"
 - b) Calvin Normore, "Consent and the Principle of Fairness"
 - 3. Comments on Another Student's Paper Due Online and by Email by 5:00 PM on Friday**
- IV. Unit 4: Why Decide for Oneself?
 - A. Week 10
 - 1. Lecture 19
 - a) Ralph Waldo Emerson, "Self-Reliance"
 - 2. Lecture 20
 - a) Isaiah Berlin, "John Stuart Mill and the Ends of Life"
 - B. Week 11
 - 1. Lecture 21
 - a) Michel Foucault, *The Birth of Biopolitics*, lecture 2
 - 2. Lecture 22
 - a) Michel Foucault, *The Birth of Biopolitics*, lecture 3
 - C. **Examination Week**
 - 1. Term Paper Due Online by 5:00 PM on Friday**