

# Moral and Political Philosophy

## Tutorial Questions and Readings

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Tutorials for Students at the Faculty of Law

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### Overview

These tutorials are an essential part of the Moral and Political Philosophy course at the Law Faculty. This document contains all relevant information about how the tutorials will be run, so please read it carefully.

I am a D.Phil. student at the Faculty of Philosophy, working on moral and political philosophy, and a thesis on political legitimacy in particular. You can contact me at all times via email, at the email address given above, or speak to me after tutorials. Please never hesitate to raise any questions, problems or feedback you might have.

At the beginning, most of you will experience this course to have a steep learning curve, as you will acquire an entirely new methodology and area of knowledge. This can be exciting as well as challenging. Don't worry: this course is explicitly designed for law students, and takes those initial challenges into account. That being said, the course *does* require a willingness to put in the work.

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### Structure

You will be taught in tutorial groups of two or three, and for each group there will be six tutorials in total. You will write an essay for every session. There will be two tutorials in Michaelmas and four in Hilary.

#### Deadlines

I have set topics and questions for each tutorial (see below). You will be required to send your essay to me at **10 am the day before the tutorial**. (E.g., if your tutorial is on Monday, send it to me Sunday 10 am at the latest.)

Please raise all difficulties and problems you have with your essay as soon as possible. If I do not receive your essay on time, I might not read it. If your essays reach me repeatedly late or not at all, I will talk to your college tutor, and might take further steps.

**Please send all essays by email**, in a Word-compatible format (.doc, .docx, or .rtf), to matthias.brinkmann@magd.ox.ac.uk. Please do **not** send me PDF documents, as I can not annotate them. Note that if you present your essay, you also need to send it to your tutorial partner(s).

### Tutorials

I will not ask you to read out your essay. However, in each session one of you will be required to present the central argument(s) of her or his paper. This should take 5-10 minutes. Try to be precise, focussed and succinct in your presentation: the aim is for you to show that you can not only write about an academic topic, but talk efficiently and convincingly about it.

As a second step, one tutorial partner will be required to give a critical response to the presented essay, of roughly the same length. The student will have read the relevant essay in advance. Giving good academic criticism is itself a valuable skill, which I hope to teach via this method. The response should be charitable to the other person's work, engage with its central points in a critical but constructive manner, and raise points for discussion.

On the basis of the presentation and its response, we will then discuss the central issues raised by the essay, and the topic more generally conceived. It can be helpful if you send me questions about the essay, topic or readings in advance of the tutorial.

### Written Comments

I will provide written feedback for those essays we do not discuss together. I might also give further written feedback for the presenting student's essay where apt, or if specifically requested.

I tend to write lots of comments, but the quantity of my comments says nothing about the quality of your essay: even excellent essays will receive a lot. Furthermore, my main aim is to help you improve your essays. So more than 90% of my comments will be criticisms, questions or suggestions. This will be especially the case for the first essays we discuss together. So don't get discouraged by either of this.

Always talk to me if you feel you don't understand my comments. Rewriting your essay can be one of the best things you can do. Also, try to answer for yourself all questions I ask in my side comments. If you are confident you can answer them well, you're usually on a good track.

### Feedback

I will not give tentative grades for your papers, though I will aim to provide you with clear and helpful feedback on your progress.

Please raise any issues you have with my teaching or the topics we are dealing with immediately, so that I can do better.

### Location

All tutorials will take place in **Lecture Room A in Magdalen College**. Ask your way from the Porters' Lodge on High Street.

I will inform you of the exact arrangements for **Hilary** before term starts, but it is likely that we will meet each week in the first four weeks.

### Presenters and Respondents

This table shows which student will present their essay in which week, and who will respond.

| Session | Two-student groups |                 | Three-student groups |                 |
|---------|--------------------|-----------------|----------------------|-----------------|
|         | <i>presents</i>    | <i>responds</i> | <i>presents</i>      | <i>responds</i> |
| 1       | 1                  | 2               | 1                    | 2               |
| 2       | 2                  | 1               | 2                    | 3               |
| 3       | 1                  | 2               | 3                    | 1               |
| 4       | 2                  | 1               | 1                    | 2               |
| 5       | 1                  | 2               | 2                    | 3               |
| 6       | 2                  | 1               | 3                    | 1               |

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## Writing Philosophy

I assume that you already have extensive experiences with writing essays in law. The general virtues of writing are the same in philosophy: clarity, structure, focus and proper academic referencing. Still, there are some aspects about writing a philosophy essay which you might find are different. The following gives you an idea of some of the pitfalls to avoid. We will work on the stylistic aspects of your philosophy essay together, so do not stress yourself too much at this point.

### General

In the words of Jim Pryor, “a philosophy paper consists of the reasoned defence of some claim” (see link below). This excludes two kinds of papers from being acceptable: first, papers which do not defend any substantive claim, but are primarily summaries of the literature, or a collection of observations and unconnected musings. It is not enough for your paper to merely summarise or endorse the secondary literature. You must make your own argument.

Second, a good philosophical essay tries to make a reasoned *argument*: it offers the reader reasons to believe what the author proposes. An argument starts from premises, and reaches a conclusion through a number of clear and logical steps. Thus, a good paper is not merely a retelling of one’s opinion, or a rhetorical appeal to some authority or authoritative principle.

### Focus

A good essay answers the question it is addressed to, not more and not less. (The questions you can find in the next section.) It is a constant complaint of examiners that students fail to pay attention to the precise direction of an exam question, so I will insist on this point as well. At the same time, of course, you should read and think widely about the topics on the reading list.

Every finitely long essay, and every exam answer in particular, must strike a balance between breadth—the amount of material covered—and depth—the detail at which the material is covered. In my experience, most students tend to over-emphasise breadth. Be picky. In

your reading, you will come across many different interesting points and arguments. Do not try to cover all of them, but highlight the ones you think most interesting and convincing, and structure your essay around these.

Lastly, do not try to reach for the stars. It is tempting to try in a philosophical essay to solve the underlying philosophical issue once and for all. This will overwhelm you, as it would most professional philosophers. Try to find a manageable, “bite-sized” aspect of the overall question, and aim to make some progress there.

### Style

There is a common misunderstanding that complicated intellectual thought is (or only can be) expressed in complicated language. However, the primary function of an academic essay is to communicate an argument to your reader. Thus, almost the opposite is true: you should follow the maxim *to make things as simple as possible* (but not simpler). Aim for clear and direct language. You will get no bonuses for style, and being overly ornamental will actually count against your essay.

You will come across many specialist terms during your reading (“deontology”, “contractualism”, etc.), or words which philosophers use in uncommon ways. Be cautious with using such concepts: only use them if you are certain you know their precise meaning. If you can express your claim without them, see whether you can avoid them. You should also not presume that your reader necessarily knows or shares your understanding of a specific term.

The pronoun “I” can and should be used freely in philosophy essays. Avoid awkward passive phrases such as “It can be argued that ...”. Instead write, “I will argue that ...” or “Williams argues that ...” or “Williams argues that ... and I disagree because ...”.

### Structure

Similarly, make your essay structure as transparent as you can. Tell your reader explicitly how your argument works, and how its parts hang together. Use connective phrases such as

I will first argue that ... and then argue that ...

I will outline Kant’s position ... and then criticise it by arguing ...

On the basis of these points, I conclude that ...

We now have to consider the objection that ...

One standard essay structure is the following:

1. Introductory paragraph—summarising in a few sentences the main claims and argumentative structure of the essay;
2. Clarifications and definitions—clarifying any ambiguities and defining central terms, insofar as necessary;
3. Central argument(s)—the major body of the text, giving the central argument;

4. Possible objections and replies—objections which could be made against the central argument, and rebuttals of those arguments;
5. Summary—brief, usually paragraph-long summary of the main argument, and noting any open questions.

This is not a structure you have to stick to, but it might be helpful for guidance.

#### Further Reading

The majority of the preceding advice and much more is also contained in Jim Pryor's excellent guide on how to write a philosophy paper. I strongly recommend that you read it before the course starts. You can find it at

<http://www.jimpryor.net/teaching/guidelines/writing.html>

Another very useful resource on how to write a philosophy essay is Douglas Portmore's guide, which is online at

<http://www.public.asu.edu/~dportmor/tips.pdf>

For all other questions you have about writing a philosophical essay, talk to me directly.

#### Literature

For readings, please refer to the reading lists provided by the Law Faculty.\* I will give some additional pointers to literature, though the primary and secondary readings on the faculty list provided should be generally sufficient to answer the questions.

An excellent way to get started on any given topic in philosophy is to read the relevant article(s) on the **Stanford Encyclopedia of Philosophy** (SEP, <http://plato.stanford.edu/>), which also contains an abundance of bibliographical information. I will sometimes require you to read SEP articles in advance.

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## Session 1: Utilitarianism

### Essay Question

What is utilitarianism? Can utilitarianism adequately account for the nature of our own projects and relationships?

### Remarks

This question first asks you to give a definition of the term under discussion. Try to formulate *in one sentence* the central claim that utilitarianism makes. You can then continue to distinguish different kinds of utilitarianism, or make other necessary distinctions, as you see fit. Describe in particular what the role of well-being is in utilitarianism.

The second part of the question asks you somewhat vaguely after the "nature" of "projects" and "relationships", so you might want to say

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\* <http://www2.law.ox.ac.uk/jurisprudence/student/mpp.htm>

a bit about what you take the particular problem with utilitarianism to be. An example might help to highlight these issues.

#### Required Readings

In addition to the faculty readings, I will expect you to have read the SEP article on “consequentialism”, sections 1-3 and 6-7.\*

#### Recommended Readings

In addition to the faculty readings, interested students might also consider

Kapur, Neera Badhwar. “Why It Is Wrong to Be Always Guided by the Best: Consequentialism and Friendship.” *Ethics* 101, no. 3 (1991): 483–504.

Railton, Peter. “Alienation, Consequentialism, and the Demands of Morality.” *Philosophy and Public Affairs* 13, no. 2 (1984): 134–71.

Mulgan, Tim. *Understanding Utilitarianism*. Stocksfield: Acumen, 2007. (General introductory work)

Kagan, Shelly. “Defending Options.” *Ethics* 104, no. 2 (1994): 333–51.

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## Session 2: Kant and the Ethics of Duty

#### Essay Question

Do Kant’s examples in the *Groundwork* help us to understand how the Categorical Imperative is supposed to work? Are they convincing?

#### Remarks

This question falls into two parts, so this suggests a natural division for your essay.

To answer the first half, it is best if you first identify a particular example or set of examples from Kant you intend to discuss. You will not have the space to discuss all of Kant’s examples, so be picky. Note also that the Categorical Imperative has different “formulas”. Say which one(s) you’re dealing with.

The question asks you whether these examples “help us to understand” the Categorical Imperative. So you should at least do the following: (i) explain what the Categorical Imperative is and “how it works” —itself a difficult question!—and (ii) how the examples help (or do not help) in understanding it.

The second part of the essay question asks you whether the examples are “convincing”. Several things could be meant by “convincing,” so you should start out by explaining how you understand this term. Try to specify by what standards you measure whether Kant’s examples are convincing or not.

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\* <http://plato.stanford.edu/entries/consequentialism>

Reading Kant

Obtain a copy of the *Groundwork*. The *Groundwork* splits into three major sections, of which only the first two will be directly relevant to your essay. If you read these sections, you will naturally come across the examples the essay question refers to. The *Groundwork* is a very difficult work, and you will have to read it carefully and slowly. Don't panic: even professional Kant interpreters disagree strongly about some of the more complicated passages.

Required Readings

As last week, I will expect you to have read the relevant SEP article, this week on "Kant's Moral Philosophy". As an alternative or in addition, read Hill's article in the *Oxford Handbook of Ethical Theory*.<sup>†</sup>

Recommended Readings

In addition to the faculty readings, interested students might also consider

Korsgaard, Christine. *Creating the Kingdom of Ends*. Cambridge: Cambridge University Press, 1996. Chapters 3 and 4.

Wood, Allen. *Kant's Ethical Thought*. Cambridge: Cambridge University Press, 1999. (General introductory work)

Baron, Marcia. "The Alleged Moral Repugnance of Acting from Duty." *Journal of Philosophy* 81, no. 4 (1984): 197–220.

Herman, Barbara. "On the Value of Acting from the Motive of Duty." *Philosophical Review* 90, no. 3 (1981): 359–382.

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## Session 3: Virtue Ethics and Moral Dilemmas

Essay Question

Does virtue ethics provide us with any moral guidance in genuine moral dilemmas?

Remarks

This tutorial combines topics 5 and 6 from the faculty reading list. You should try to say something about both topics, but if you wish you can emphasise one of the two issues in your essay.

Either way, you will need to give a brief outline of the major aspects of virtue ethics. It can be helpful to explain how it differs from consequentialist and deontological ethics. You can set your focus on classical virtue ethics (Aristotle), or more modern versions (Foot, Hursthouse).

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\* <http://plato.stanford.edu/entries/kant-moral/>

† Hill, Thomas. "Kantian Normative Ethics" in Copp, David (ed.). *The Oxford Handbook of Ethical Theory*, 480–529. New York: Oxford University Press, 2006.

While there is a “common-sensical” idea of what a moral dilemma is, please note that philosophers tend to use the concept in a more precise meaning. Note that the essay question does not ask you whether there really are moral dilemmas, but we can discuss that in the tutorial.

#### SEP Articles

There are two SEP articles relevant to this topic, <http://plato.stanford.edu/entries/moral-dilemmas/> (ignore the technical details provided in this article, they’re irrelevant for us) and <http://plato.stanford.edu/entries/ethics-virtue/>.

Furthermore, the articles on “Aristotle’s Ethics” and “Incommensurable Values” can give you more background if needed.

#### Recommended Readings

Further readings I can recommend, in addition to the faculty readings, are

##### **On Virtue Ethics:**

Annas, Julia. “Being Virtuous and Doing the Right Thing.” *Proceedings and Addresses of the American Philosophical Association* 78, no. 2 (2004): 61–75.

Johnson, Robert. “Virtue and Right.” *Ethics* 113, no. 4 (2003): 810–34.

Hursthouse, Rosalind. “Virtue Theory and Abortion.” *Philosophy & Public Affairs* 20, no. 3 (1991): 223–46.

##### **On Moral Dilemmas:**

Railton, Peter. “Pluralism, Determinacy, and Dilemma.” *Ethics* 102, no. 4 (1992): 720–42.

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## Session 4: Subjective and Objective Morality

#### Essay Question

What would it mean for morality to be ‘objective’? Would objective morality be ‘queer’?

#### Remarks

This question falls into two parts. The answer to the first part is actually very hard. It’s by no means obvious what question we are asking when we ask whether morality is objective—e.g., is it an epistemological or metaphysical question?—so you should spend some time (and space) on clarifying the concept. As you will see in the secondary literature, many philosopher in fact eschew talking about objectivity altogether, and instead talk about “moral realism” or other terms.

The second part of the question asks you, on this background, whether morality is queer. This refers to a famous criticism John Mackie made of certain “objective” views in morality (see reference



on faculty reading list). So one way to answer this question is to look at Mackie's criticisms (pick one or two), and see whether you find them convincing. Alternatively, you can engage with other secondary readings independent from Mackie.

#### Required Reading

For this essay, I expect you to have read chapter 2, "Moral Realism and Moral Inquiry" in David Brink, *Moral Realism and the Foundations of Ethics* (Cambridge University Press, 1989). It gives an excellent overview of the main positions, and is crucial background to understand what's going on.

#### Recommended Readings

There are a couple of SEP articles on the topic: start from <http://plato.stanford.edu/entries/metaethics/>, but the article is not required. The literature on meta-ethics is often very difficult, but some more accessible readings you might consider are

Shafer-Landau, Russ. *Moral Realism: A Defence*. Oxford: Oxford University Press, 2003. (accessible defence of moral realism)

Miller, Alexander. *An Introduction to Contemporary Metaethics*. Cambridge: Polity, 2003. (general introductory work)

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## Session 5: Justice

#### Essay Question

'A hypothetical contract is not simply a pale form of an actual contract; it is no contract at all.' (Dworkin) Is this a problem for Rawls's theory of justice?

#### Remarks

In this tutorial, we will focus on justice. The topic is of course huge, and we only be able to cover a very small amount of the overall topic. Our main focus will be on John Rawls's theory of justice, and criticisms of that theory. Please read Rawls, and have a look at some of the main criticisms of Rawls—especially Nozick and Sandel. We will aim to discuss these issues in the tutorial.

The essay question is even more specific than this: it asks you a question not about the content of Rawls's theory, but rather about how Rawls argues for his theory. Rawls uses a modern version of social contract theory, which is based around the idea of a hypothetical, rather than actual contract.

#### Required Readings

Please read the central parts of Rawls, *A Theory of Justice*. In particular, focus on chapters 1 to 3, especially sections 1–5, 11–13, 15, and 20–30. If you are interested in the connection between Rawls and Kant, have a look at section 40. In addition, you might consider the SEP article on Rawls.

### Recommended Readings

The literature on justice is simply endless. Have a look at the faculty readings, which give you a diverse array of readings. For a general introduction have a look at Kymlicka, Will. *Contemporary Political Philosophy: An Introduction*. Oxford: Oxford University Press, 2002, which gives you ample pointers to further literature.

For Rawls, have a look at the very comprehensive book by Freeman, Samuel. *Rawls*. London: Routledge, 2007. Freeman is also the editor of a good companion to Rawls, Freeman, Samuel, ed. *The Cambridge Companion to Rawls*. Cambridge: Cambridge University Press, 2003.

The quote in the essay question is taken from Dworkin, Ronald. "The Original Position." In *Reading Rawls: Critical Studies on Rawls' A Theory of Justice*, edited by Norman Daniels, 16–52. New York: Basic Books, 1975, but there is no need to read it.

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## Session 6: Equality

### Essay Question

Is equality intrinsically valuable?

### Remarks

This is a past exam question. By now you should have the techniques to approach it in an effective way: define central terms, outline the main issues, narrow down the question, and then argue your point convincingly. If you still have problems with structuring your essay, please raise them in this session.

### Required Reading

From the faculty reading list, please read at least Parfit, Frankfurt and Anderson.

### Recommended Readings

The faculty reading list on this issue is excellent, and I have little to add. You might also consider the SEP articles on "equality" and "egalitarianism", which give you further pointers to literature.

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## Additional Session

Towards the end of term, I will offer an additional session for general questions, and on exam techniques. I will answer all questions which you email me in advance, and we can discuss any remaining issues. In addition, we will talk about how to structure an exam answer, and what to do and avoid.