

[18 November 2024. Syllabus and assignments subject to change]



**HARVARD KENNEDY SCHOOL OF GOVERNMENT
DPI-411 A&B: POLITICAL PHILOSOPHY FOR DEVELOPMENT
FALL 2024**

**Arthur Applbaum
Adams Professor of Democratic Values**

Section A: Monday and Wednesday, 1:30-2:45 pm, Littauer 230

Section B: Monday and Wednesday, 3:00-4:15 pm, Littauer 230

Combined Review Session: Friday, 12:00-1:15 pm, Rubenstein 306

Teaching Fellow: Miranda Lacey
mirandamckinney@fas.harvard.edu

Faculty Assistant: Don Olander
don_olander@hks.harvard.edu

This course examines the normative principles that are of great importance to political and economic development, and explores how choices in the design of the institutions and procedures of governance promote certain specifications of these normative principles and hinder others. The principles we examine include well-being, freedom, autonomy, equality, justice, and legitimacy. The institutions and procedures of governance we explore include rule of law, constitutions, majority rule, and representation.

The course is required of, and open only to, candidates for the MPA in International Development degree at the Harvard Kennedy School.

GETTING STARTED

*There are readings for the first meeting and a written assignment is due the evening before class. Please complete the Normative Puzzles Quiz (included in this syllabus) and post your answers to the course Canvas website by **9:00 pm, Thursday, September 5.***

COURSE FORMAT

The course is taught in two sections of approximately forty students each and meets twice a week. For most of the semester, the rhythm of the course is that we will begin a topic on Wednesday and conclude on the following Monday, with the Wednesday and Monday assignments, readings, and examples related to each other. An optional review session will be held on Friday afternoon. Students will be grouped into teams of three students. Beginning with the second week of the course, teams are to meet to discuss the upcoming week's topic. A default time for these meetings has been scheduled, but your team may arrange an earlier regular meeting time.

SUMMARY OF MEETING TIMES AND DUE DATES

Team meeting: Tuesday at 4:30 pm (or an earlier time to be arranged)

Written assignment: Tuesday by 9:00 pm

Class meeting: Wednesday 1:30-2:45 (Section A) or 3:00-4:15 (Section B), Littauer 230

Optional review session: Friday 12:00-1:15, Rubenstein 306

Written assignment: Sunday by 9:00 pm

Class meeting: Monday 1:30-2:45 (Section A) or 3:00-4:15 (Section B), Littauer 230.

COURSE WEBSITE (CANVAS)

All course readings and assignments will be available on the course Canvas website, <https://canvas.harvard.edu/courses/146400> for Section A (1:30) and <https://canvas.harvard.edu/courses/146399> for Section B (3:00). All written submissions are to be posted there. If you are having difficulties posting to the website, email your answers to Arthur (arthur_applbaum@harvard.edu).

REQUIREMENTS AND EVALUATION

Class Participation

Attendance in all classes is mandatory. You are expected to be prepared to discuss the day's readings and examples and to make thoughtful contributions to the learning of your classmates. Arthur will hold informal group office hours at 4:15 after each class meeting and by appointment. If you are reticent about speaking up in class, you are encouraged to use office hours or the optional Friday review session as a way to participate. Class participation counts for one third of your grade. Lateness and absence will be penalized.

Written Assignments

By 9:00 pm, September 5, the evening before the first class meeting, you are to complete the Normative Puzzles Quiz, which is included in this syllabus and available on the course website. The quiz should be submitted online.

Beginning the second week of the course, your team of three classmates is to meet at least once a week to discuss the upcoming readings and written assignments. The default time for

the team meeting is Tuesday at 4:30, or you may arrange among yourselves an earlier time. Individually written answers should be approximately 500 words in total length and submitted to the Canvas page by 9:00 pm the evening before the class meeting.

There are twenty-four written assignments, of which you are to complete eighteen. You are allowed to skip up to six of these assignments, subject to three conditions: you are required to complete the Normative Puzzles Quiz, you may not skip more than one assignment in a row, and you are required to attend and participate in all team meetings, even if you plan to skip the written assignment that is discussed. You are free to submit more than eighteen assignments. If you do so, only the highest scoring eighteen assignments will count towards your grade. The written assignments count for one third of your course grade. Late or missing submissions will be penalized.

Final Take-home Examination

The final take-home and open-book examination for this course will be available online by Friday, November 22, and is due online by **9:00 pm, Friday, December 13**. The exam will comprise several essay questions whose answers should be 2,000 to 2,500 words in total length. The final exam counts for one third of your course grade. Late submissions will be heavily penalized.

Academic Integrity

I am chair of the HKS Administrative Board, the body that adjudicates cases of misconduct by students. Sadly, each year some students who ought to know better, usually because they are under great stress, violate the academic code by misrepresenting the work of others as their own. Please don't be one of those students. Lateness is excusable—cheating isn't. Although you are required to meet with your team once a week to deliberate about written assignments, you need to think for yourself and your submissions should be entirely composed by you. Don't be a free rider: do your fair share preparing for *each* assignment. If you are using the ideas of others, attribute them to others. If you are using the words of others, identify the author. If you received help from someone in or out of our class, thank them. Don't even *think* of copying the work of other students, current or former. Most of the submissions for the course are informal Canvas posts, and most of your sources will be your classmates or course readings familiar to us all, so you may be quite informal in giving credit where credit is due. Formal citations usually are not necessary. If you are at all unsure whether you are meeting the high standards of academic integrity that are required of you and that you should require of yourself, ask. And read the [Academic Code](#).

Use of Generative Artificial Intelligence

Although it is true that AI is transforming at lightning speed how we work, there are no AI shortcuts to acquiring the qualities of mind and skills of reasoning that this course seeks to develop in you through close, careful reading and writing. By analogy, though we all use calculators and spreadsheets, our conceptual understanding of arithmetic required that we learned to multiply and divide with a pencil. Except for the use of the basic spelling and grammar functions built into Word, Google Docs, or Pages, you are not allowed to use AI in *any*

other way. In particular, you may not use AI to summarize readings, organize your thoughts, write a first draft of your assignments, or edit or translate your work.

Technology in the Classroom

Turn off your phones and keep your laptops and tablets closed for the duration of the class. All you need to flourish in this course is an open mind. I will post the classroom slides to Canvas after each class, so there is little call to take notes. If you have been granted a learning accommodation related to technology, please let me know.

READINGS AND ASSIGNMENTS

1. Puzzles and Principles I

Friday, September 6 (Wednesday class schedule)

Readings

Amartya Sen, *Development as Freedom* (1999), pp. 3-34, 299-301.

Arthur Isak Applbaum, *Legitimacy: The Right to Rule in a Wanton World* (2019), pp. 1-5, 9-26, 261-263.

Written Assignment

Normative Puzzles Quiz

NORMATIVE PUZZLES QUIZ

Answer all questions briefly. Think hard and have fun. Post your answers to the course Canvas page by 9:00 pm the evening before the first class. Do not read the answers of other classmates until you have submitted your own work.

1. Kidney Transplant

In India, some 200,000 people with end-stage renal disease are waiting for kidneys, but only 5,000 receive transplants each year—some from dead donors, some from relatives, and some from illegal black-market sales. A healthy person can live with only one kidney.

Should a lawful commercial market in kidneys be established in India, permitting patients who need kidneys to purchase them from living donors who need money? Why or why not?

2. Heart Transplant

In India, millions of people suffer from end-stage heart failure and at least 50,000 are candidates for heart transplants, but only about 150 hearts are harvested from dead donors each year. No one can live without a heart.

Should a lawful commercial market in hearts be established in India, permitting patients who need hearts to purchase them from consenting, healthy, living donors whose surviving family or designated beneficiaries need money? Why or why not?

Briefly explain why your answers to **Heart Transplant** and **Kidney Transplant** are different or the same.

3. Organ Harvest

If harvested and transplanted, a healthy person's heart, lungs, liver, and kidneys could save many lives, though the donor will of course die. Maxim, a policy analyst who studied at the Harvard Kennedy School, proposes that when a healthy person's organs are found to be a good tissue match for five or more recipients, the government may forcibly remove those organs for transplantation without the donor's consent and compensate the survivors with an amount equal to the market price of the harvested organs or the present value of the donor's future expected earnings, whichever is greater.

Should Organ Harvest be adopted? Why or why not?

Briefly explain why your answers to **Organ Harvest** and **Heart Transplant** are different or the same.

4. Dangerous Crossing

Heavy rains have damaged the footings of a narrow bridge connecting two sides of a market town, creating a serious hazard of collapse. The local police have put up barriers at the ends of the bridge and posted large danger signs that direct traffic to a safe bridge one mile upstream. Maria arrives at the bridge on market day with her burro laden with her family's sweet potato crop. Because Maria will not get to the market before it closes if she takes the safe detour, she leads her burro around the barrier onto the bridge. The bridge collapses underneath her and she falls into the river, sustaining severe injuries. Her burro drowns and her crop is lost.

Is Maria responsible for her injuries and losses?

Maria's district has an under-funded government hospital that cannot treat everyone adequately. Should Maria be treated for her injuries?

Maria's district has a small fund to aid farmers who face extreme financial hardship, but cannot meet everyone's need. Should the fund compensate Maria for the loss of her burro and her crop?

Briefly explain your answers.

5. Will of the People

The Constitution of Ghana says: "We the People of Ghana ... in solemn declaration and affirmation of our commitment to ... The Principle that all powers of Government spring from the Sovereign Will of the People ... do hereby adopt, enact, and give to ourselves this constitution." From the time that Kwame read these words in primary school, he has worn a sign around his neck that says: "I have not granted the government of Ghana any powers, so its powers do not spring from *my will*."

Do the legitimate powers of the Ghanaian government spring in any way from Kwame's will? Why or why not?

Does the government of Ghana have legitimate power to govern Kwame? Why or why not?

6. Tacit Consent

In high school, Kwame read John Locke, who says:

Every man, that hath any possessions, or enjoyment, of any part of the dominions of any government, doth thereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as any one under it; whether this his possession be of land, to him and his heirs for ever, or a lodging only for a week; or whether it be barely travelling freely on the highway.

Ever since, before enjoying his possessions or travelling freely on the highway, Kwame has worn a sign around his neck that says, "I do not consent to obey the laws of this government, and no one should infer from my enjoyment of my possessions or from my travelling freely on the highway that I have given my tacit consent."

Has Kwame consented to obey the laws of the government? Why or why not?

Is Kwame morally obligated to obey the laws of the government? Why or why not?

7. Well

Neighbors plan to dig a new well on unowned land, tapping an abundant and unowned aquifer. They slip a note under Kwame's door, inviting him to join their venture, which requires a few hours of work and a small annual maintenance fee. Kwame, who has an adequate supply of water at the more distant old well, ignores the note. But every night, Kwame draws water from the new well.

Has Kwame consented to join the well cooperative?

Is Kwame morally prohibited from drawing water from the new well?

If Kwame does draw water, is he morally obligated to join the well cooperative, do the work, and pay the fee?

Briefly explain your answers.

8. Constitutional Constraints on Majority Rule

A country's constitution contains the following provision: "The organs of one must not be involuntarily harvested to save five." The country's highest court is empowered to strike down any laws adopted by the elected legislature that violate the constitution.

Do these constitutional constraints on the elected legislature make the county less democratic? Why or why not?

Are the constitutional constraints on the elected legislature justified? Why or why not?

2. Puzzles and Principles II

Monday, September 9

Readings

John Rawls, *A Theory of Justice: Revised Edition* (1999 [1st ed. 1971]), pp. 3-30, 40-44 (“... clear our own heads.”) (§§1-6, 9 (part)).

Arthur Isak Applbaum, *Legitimacy: The Right to Rule in a Wanton World* (2019), pp. 26-43, 263-264.

Written Assignment

1. In the readings for the first two sessions, what did you find most illuminating? Why?
2. What did you find most puzzling? Why?
3. Rawls says:

When a person is presented with an intuitively appealing account of his sense of justice (one, say, which embodies various reasonable and natural presumptions), he may well revise his judgments to conform to its principles even though the theory does not fit his existing judgments exactly. He is especially likely to do this if he can find an explanation for the deviations which undermines his confidence in his original judgments and if the conception presented yields a judgment which he finds he can now accept (pp. 42-43).

In completing the Normative Puzzles Quiz, did you revise any of your judgments in the way that Rawls describes? Why or why not? Give one example.

3. Freedom and Well-Being I

Wednesday, September 11

Example: Controlling the Pandemic in Colombia

Readings

“Bogotá’s Claudia López makes changes to quarantine after total lockdown ruled out,” *The City Paper Bogota*, 21 July 2020.

“Colombia’s Medellín emerges surprise covid-19 pioneer,” *ABCNewsgo.com*, 13 June 2020.

“Colombia: Armed Groups Brutal Covid-19 Measures,” *Human Rights Watch*, 15 July 2020.

Julian Savulescu, Ingmar Persson, and Dominic Wilkinson, “Utilitarianism and the Pandemic,” *Bioethics* 34 (2020), pp. 620–632.

John Stuart Mill, *On Liberty* (1859), Chap. 1, excerpts (8 pp.)

Franklin G. Miller, “Liberty and Protection of Society During a Pandemic: Revisiting John Stuart Mill,” *Perspectives in Biology and Medicine* 64 (2021), pp. 200-210.

Written Assignment

1. The time is the near future, and a new, deadly strain of the coronavirus is sweeping through Colombia. To contain the pandemic, the mayor of the hard-hit city of Bogotá issues a six-week lockdown order for the entire city. All residents are ordered to stay in their homes except to purchase food or obtain medical treatment. All businesses are ordered to close their doors except for a short list of essential workers and workplaces, mainly in public safety, infrastructure, health care delivery, food distribution, and package delivery. The city will deliver food parcels and cash transfers to residents in need who sign up for a mobile phone app modelled on the successful program that the city of Medellín implemented in the summer of 2020. Those who sign up agree to the city using the app to trace the contacts of infected residents in order to impose even stricter quarantine conditions on those exposed to the coronavirus. Residents, workers, and businesses who disobey the general lockdown order will be charged a substantial monetary fine. Those who disobey the more stringent quarantine order will be subject to imprisonment for up to 90 days.

Meanwhile, armed insurgent groups have imposed their own measures to combat the spread of the virus in the rural and mountainous regions they control. The guerrillas have imposed screening checkpoints, curfews, restrictions on public gatherings, and stay-at-home orders much like the government's rules in the cities. The groups have communicated their regulations through pamphlets and WhatsApp messages. Enforcement has included fines, threats, destruction of offending vehicles, violent attacks, and killings. For example, the National Liberation Army (ELN) announced that they were "forced to kill people in order to preserve lives," because the population has not "respected the orders to prevent Covid-19."

Answer the following questions:

- a. Which of the pandemic provisions of Bogotá restrict the freedoms of the city's residents, and which do not? Explain.
 - b. Which of these pandemic provisions are morally justified, and which are not? Explain.
 - c. Are the residents of Bogotá morally obligated to comply with the pandemic provisions? Explain.
 - d. Which of the pandemic provisions of the armed insurgent groups restrict the freedoms of the regions they control, and which do not? Explain.
 - e. Which of these pandemic provisions are morally justified, and which are not? Explain.
 - f. Are the residents of the areas under the control of insurgents morally obligated to comply with the pandemic provisions? Explain.
2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

4. Freedom and Well-Being II

Monday, September 16

Example: Controlling the Pandemic in Colombia

Reading

Arthur Ripstein, "Beyond the Harm Principle," *Philosophy & Public Affairs* (2006), pp. 215-222, 229 ("THE SOVEREIGNTY PRINCIPLE") -245. Skip pp. 222-229 ("INDIRECT STRATEGIES").

Written Assignment

1. In this week's readings, what did you find most illuminating? Why?
2. What did you find most puzzling? Why?
3. Consider "Beyond the Harm Principle."
 - a. How does Ripstein's conception of freedom differ from Mill's?
 - b. Has Ripstein convinced you to change any of your answers about the pandemic in Colombia? Why or why not?

5. Coercion and Paternalism I

Wednesday, September 18

Example: Regulation of Tobacco in China

Readings

Mark Goodchild and Rong Zheng, "Tobacco Control and Healthy China 2030," *Tobacco Control* (2019), pp. 409-413.

Dennis F. Thompson, "Paternalistic Power," in *Political Ethics and Public Office* (1987), pp. 148-177, 238-246.

Daniel Hausman and Brynn Welch, "Debate: To Nudge or Not to Nudge," *Journal of Political Philosophy* (2010), pp. 123-136.

Written Assignment

1. To reduce the number of cigarette smokers, and in particular, to reduce the number of new smokers among young adults, China's policy makers are considering four proposals:
 - a. Ban cigarette advertising on all media
 - b. Increase the excise tax on cigarettes to 100% of the sales price
 - c. Require all smokers to attend a nicotine abuse treatment program
 - d. Make smoking in public a crime punishable by 14 days in prison.

Are any of the four proposals paternalistic? Are any of them examples of justified paternalism? Explain.

2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

6. Coercion and Paternalism II

Monday, September 23

Example: Regulation of Tobacco in China

Reading

Alan Wertheimer, *Coercion* (1987), pp. 3-10 (“... in Chapter 16”), 172, 202-241.

Written Assignment

1. In this week’s readings, what did you find most illuminating? Why?
2. What did you find most puzzling? Why?
3. Answer the questions in the following three hypotheticals, **Robber**, **Drowning**, and **Mountaineer**:

Robber: Tomás demands \$10,000 from Juan at gunpoint. Juan offers to write Tomás a check for \$10,000, which Tomás accepts.

Does Juan sign the check voluntarily?

Does Tomás coerce Juan?

Is Juan morally permitted to cancel the check before Tomás cashes it?

Should Juan be legally permitted to cancel the check before Tomás cashes it?

Briefly explain your answers.

Drowning: Juan, who is drowning in a lake, calls out to Tomás in a nearby rowboat. Tomás, who can easily save Juan at no risk, proposes to rescue Juan if Juan pays Tomás \$10,000. Both Tomás and Juan know that there are no other potential rescuers. Juan, who otherwise will drown, accepts Tomás’s terms.

Is Juan’s agreement voluntary?

Does Tomás coerce Juan?

Is the agreement between Tomás and Juan morally binding?

Should the agreement be legally enforceable?

Briefly explain why your answers to **Drowning** and **Robber** are the same or different.

Mountaineer: Juan, who is stranded on a steep mountainside in a snowstorm, radios Tomás at the foot of the mountain for help. Tomás, who can save Juan at considerable effort and risk, proposes to rescue Juan if Juan pays Tomás \$10,000. Both Tomás and Juan know that there are no other potential rescuers. Juan, who otherwise will die, accepts Tomás’s terms.

Is Juan’s agreement voluntary?

Does Tomás coerce Juan?

Is the agreement between Tomás and Juan morally binding?

Should the agreement be legally enforceable?

Briefly explain why your answers to **Mountaineer** and **Drowning** are the same or different.

7. Responsibility I

Wednesday, September 25

Example: Risky Conduct

Reading

T. M. Scanlon, *What We Owe to Each Other* (1999), pp. 248-294, 399-402.

Written Assignment

1. Consider the four persons who are exposed to hazardous materials and suffer lung damage in Scanlon, *What We Owe to Each Other*: (1) Didn't Hear, (2) Curious, (3) Scientist, and (4) Forgot. Which of the four, if any, are responsible for their injuries on Scanlon's two senses of responsibility? In your answer, distinguish between responsibility as attributability (that is, as properly subject to blame or praise) and substantive responsibility (that is, as properly subject to burdens or benefits).
2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

8. Responsibility II

Monday, September 30

Example: Risky Conduct

Reading

Review: T. M. Scanlon, *What We Owe to Each Other* (1999), pp. 248-294, 399-402.

Written Assignment

1. In this week's reading, what did you find most illuminating? Why?
2. What did you find most puzzling? Why?
3. Reconsider the "Dangerous Crossing" hypothetical from the Normative Puzzles Quiz and revise your answer:

Dangerous Crossing

Heavy rains have damaged the footings of a narrow bridge connecting two sides of a market town, creating a serious hazard of collapse. The local police have put up barriers at the ends of

the bridge and posted large danger signs that direct traffic to a safe bridge one mile upstream. Maria arrives at the bridge on market day with her burro laden with her family's sweet potato crop. Because Maria will not get to the market before it closes if she takes the safe detour, she leads her burro around the barrier onto the bridge. The bridge collapses underneath her and she falls into the river, sustaining severe injuries. Her burro drowns and her crop is lost.

Is Maria responsible for her injuries and losses?

Maria's district has an under-funded government hospital that cannot treat everyone adequately. Should Maria be treated for her injuries?

Maria's district has a small fund to aid farmers who face extreme financial hardship, but cannot meet everyone's need. Should the fund compensate Maria for the loss of her burro and her crop?

Briefly explain your answers.

9. Equality and Distributive Justice I

Wednesday, October 2

Example: Scarce Ventilators and Vaccines

Readings

Derek Parfit, "Equality and Priority," *Ratio* (1997), pp. 202-221.

Ezekiel J. Emanuel and Alan Wertheimer, "Who Should Get Influenza Vaccine When Not All Can?" *Science* 312 (2006), pp. 854-855.

Written Assignment

Assume that you are a team of public health officials in a middle-income country confronting serious pandemic conditions. The exercise asks your team to allocate scarce vaccines and scarce ventilators among particular patients with particular attributes, but your answers should be supported by general considerations that can be defended as the beginnings of a policy about allocating scarce resources among classes of patients that share similar attributes. The factual assumptions of these hypotheticals are deliberately stylized, and have an unrealistic precision, in order to focus your attention on the relevant normative criteria. Please do not fight the assumptions. Deliberate with your team and then submit your individual answer. You do not need to reach agreement.

1. Allocating Vaccines

An effective vaccine has recently been approved, but doses currently are in very short supply in your country. You have been charged with ranking four patients in order of priority to receive scarce doses of the vaccine. You definitely have one dose to administer. You might get a second dose, or even a third. You are sure you will not have four doses.

Assume all four patients face the same risk of infection and the vaccine will provide each with the same degree of immunity. Rank them in order of priority. Explain whether or not their age, gender, family situation, or occupation are morally relevant to your ranking. If these attributes are morally relevant, explain why they are relevant and how they are relevant:

- A. Age 20, male, unmarried, 1 noncustodial child, day laborer**
- B Age 35, female, unmarried, no children, police officer**
- C. Age 50, male, married, 2 young children, school teacher**
- D. Age 70, female, widowed, 3 adult children, retired virologist, helped develop the vaccine.**

2. Allocating Ventilators

The local hospital does not have enough ventilators for the Covid-19 patients who need them. Four patients in severe respiratory distress arrive at the hospital at the same time, and there is one available respirator. Prioritize the patients, choosing one patient to treat first. Ventilators in use by other patients might become available in time to help the new arrivals if the patients currently on ventilators either improve enough to no longer need a ventilator or if they die. In what order should you allocate ventilators that become available? Assume that all of the new patients are about the same age and, conditional on survival, are expected to have about the same lifespan and health prospects after recovery. Further assume that there are no other morally relevant differences among these patients other than their chances of survival with and without ventilator treatment. Be explicit about the considerations you have relied on to distinguish the patients, and defend the relevance of those considerations:

Probability of Survival:

	Without Ventilator	With Ventilator
E.	.75	.95
F.	.45	.75
G.	.25	.50
H.	.05	.20

3. Disagreement

Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

10. Equality and Distributive Justice II

Monday, October 7

Reading

John Rawls, *A Theory of Justice: Revised Edition* (1999 [1st ed. 1971]), pp. 52-58 (... "other interpretations."), 62 ("Now these reflections ...") - 68 ("... the difference principle."), 72 ("Finally, a comment ...") -78, 86-93 (§§11, 12 (part), 13 (part), 14, 17).

Written Assignment

1. In this week's readings, what did you find most illuminating? Why?
2. What did you find most puzzling? Why?
3. Which inequalities are permitted by Rawls's two principles of justice, and which inequalities are not? Why? Do you agree with Rawls? Why or why not?

11. Equality and Distributive Justice III

Wednesday, October 9

Example: Reservations in India

Readings

Akhilesh Pillalamarri, "The Future of Reservations in India," *The Diplomat*, 20 November 2022.

Robert S. Taylor, "Rawlsian Affirmative Action," *Ethics* 119 (2009), pp. 476–506.

Kwame Anthony Appiah, "Group Rights and Racial Affirmative Action," *The Journal of Ethics* 15 (2011), pp. 265-280.

Ajantha Subramanian, "Meritocracy and Democracy: Indian Reservations and the Politics of Caste," *Public Culture* 31 (2019), pp. 275-288.

Written Assignment

1. Until recently, the quota system in India had reserved up to 50% of higher education seats and civil service jobs for members of scheduled castes, scheduled tribes, and what are called "other backward castes." Approximately 70% of Indians belong to a caste or tribe entitled to preference in admissions and employment. Differences in household income and wealth across castes are large, but also vary substantially within castes. Recently, the Indian government has set aside an additional 10% of university slots and government positions for poor members of the "forward," or upper castes.

Supporters claim that a caste-based quota system is demanded by the correct conception of social justice. Opponents argue that justice forbids it.

- a. What is the strongest argument in favor of the Indian quota system?
- b. What is the strongest argument against?
- c. What is the correct view, and why?

2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

NO CLASS MONDAY OCTOBER 14: INDIGENOUS PEOPLES DAY

12. Political Equality I

Wednesday, October 16

Example: Electoral Design in Divided Societies

Readings

Benjamin Reilly, "Electoral Systems for Divided Societies," *Journal of Democracy* 13:2 (2002), pp. 156-170.

Charles R. Beitz, *Political Equality* (1989), pp. 3-24, 141-163.

Written Assignment

Freedonia is a middle-income democracy emerging from three years of military rule. The generals had deposed an ineffectual multi-party coalition government that was unable to control a conflict between violent factions on both the revolutionary left and the reactionary right. Having mediated a fragile truce, in part through repressive measures, the army is now prepared to restore democratic governance. The violent struggle partly coincided with the historical persecution of an impoverished ethnic minority mainly concentrated in a geographic region where the leftist insurgency is strongest. The vast majority of the members of the minority group simply want to get on with their lives and did not support the insurgency. This is especially true of those who live in Freedonia's cities working as shopkeepers and artisans, for they are better integrated into Freedonian society than their rural compatriots. Nonetheless, the supposed affinity between the insurgency and the ethnic minority has intensified persecution of the minority by the Freedonian majority, and has led to occasional atrocities by extreme right-wing militias.

Your team has been sent by the United Nations Development Program to advise an interim assembly on how to design legislative elections that are both fair and stable. Consider four ways to elect 100 legislators to Freedonia's national legislative body. Which scheme you choose will not only affect the electoral strength of existing parties, but could affect party formation itself. In all proposals, a prime minister supported by a majority of representatives will head the executive branch of government:

- a. 100 single-member districts filled by the candidate with the plurality of the votes in that district (known as first past the post). Current examples: Lok Sabha of India, UK House of Commons.
- b. 100 single-member districts filled by the alternative vote (also called instant run-off voting or ranked-choice voting). Voters list candidates in order of preference. If no candidate wins a majority of first-place votes, the candidate with the lowest number of first-place votes is eliminated and the votes are distributed to the voters' second choice, and so on until one

candidate has a majority. Current examples: Papua New Guinea's Parliament, Australia's House of Representatives.

c. 100 nationwide seats filled by party-list proportional representation. Political parties rank their candidates, voters vote for parties, and seats are filled in rank order in proportion to the share of the national votes won by the party. Current examples: South Africa's National Assembly, House of Representatives in the Netherlands.

d. 20 geographical districts of equal population fill 5 seats each by single transferable vote. Voters list candidates in order of preference. Candidates who win 20% of the first-place votes are seated, with excess votes distributed to the voter's second-place choice, and so on; the candidate with the lowest number of first-place votes is eliminated and the votes are distributed to the voters' second choice, and so on, until 5 candidates are seated per district. Current examples: Ireland's Dáil, Cambridge City Council.

Deliberate with your team and then submit individual answers to two questions:

a. In light of the situation in Freedonia, rank these proposals in order of how likely they are to support the election of governments that are able to counteract the spread of extreme right and left factions and protect the religious minority from persecution. What are the reasons for your ranking?

b. In light of the situation in Freedonia, which of these proposals do better than others at realizing the political equality of citizens? What are the reasons for your ranking? If the proposals are the same with respect to realizing the political equality of citizens, explain why they are the same.

2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

13. Political Equality II

Monday, October 21

Example: Electoral Design in Divided Societies

Readings

Arthur Isak Applbaum, *Legitimacy: The Right to Rule in a Wanton World* (2019), pp. 141- 144 (skip "Democratic Ideals and Thresholds"), 148-168, 169-171 (skip "Is Political Participation Necessary for Legitimacy?"), 174-198, 271-275.

Written Assignment

1. In this week's readings, what did you find most illuminating? Why?
2. What did you find most puzzling? Why?
3. In the Applbaum reading, consider "*MODEST PROPOSAL*: Give every black citizen of Kyklos two votes, and others one vote" (p. 194). Does *MODEST PROPOSAL* violate the principle of

political equality, properly understood? Why or why not? Are there any circumstances under which such a proposal would be justified? Explain why or why not.

14. Constitutions and Courts I

Wednesday, October 23

Example: The Constitution of South Africa

Readings

Constitution of the Republic of South Africa (1996), Explanatory memorandum, Preamble, Chapter 1: 1-6 Founding provisions, Chapter 2: 7-39 Bill of Rights, Chapter 8: 165-173 Courts and Administration of Justice.

Ronald Dworkin, *Freedom's Law* (1996), pp. 7-35, 349-351.

Jeremy Waldron, *Law and Disagreement* (2001), "The Constitutional Conception of Democracy," pp. 282-312.

Written Assignment

1. The South African constitution contains a long list of rights that guarantee equal civil and political freedoms (§§ 9-25) and that mandate the provision of many basic goods such as housing, health care services, food and water, social assistance, and education (§§ 26-29). The constitution asserts its legal supremacy, invalidating any law or conduct inconsistent with it (§ 2) and binding all branches and organs of government (§ 8). The final authority to decide whether legislation complies with the constitution is vested in a constitutional court, which has the power to invalidate legislation and decide disputes between organs of state (§§ 165-167).

In light of these specific provisions of the South African constitution, consider three distinct questions:

- a. Are constitutional constraints and demands on majoritarian legislation and executive decisions justified?
- b. Is the institution of judicial review, in which the power to invalidate laws and policies on constitutional grounds is vested in the courts, a justified way to implement constitutional constraints and demands on majoritarian legislation and executive decisions?
- c. What is the correct way to interpret a constitution?

Which of these questions are Dworkin and Waldron addressing? On which of them do they disagree? On each point of disagreement, who has the better argument? Who has the correct position? Can you supply a better argument for the correct position than Dworkin or Waldron do?

2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

15. Constitutions and Courts II

Monday, October 28

Example: The Constitution of South Africa

Readings

Mark Tushnet, "Institutions Protecting Democracy: A Preliminary Inquiry," *Law and Ethics of Human Rights* 12 (2018), pp. 181-202.

Review: Applbaum, *Legitimacy*, pp. 158-168.

Written Assignment

1. In this week's readings, what did you find most illuminating? Why?

2. What did you find most puzzling? Why?

3. When judges, especially judges of a supreme or constitutional court, are too dependent on the power and influence of elected officials, there is a risk that they will seek the favor of the powerful, take sides in partisan conflicts, and so be insufficiently protective of individual rights and fair elections. When high court judges are too independent of elected officials, there is a risk that they will be insufficiently accountable to the people, will interpret the law in accordance with their personal values and policy preferences, and so be insufficiently democratic.

In anticipation of these countervailing risks, should a country's highest court have the final say on all questions of constitutional interpretation, or should this power be limited in some way? How, if at all, should the court's power be limited, and by what other institution of government? How should judges of the highest court be selected, how long should their terms of office be, and on what grounds and by what procedure, if any, should they be removable from office?

16. Religious Toleration

Wednesday, October 30

Example: Same-Sex Marriage in Costa Rica

Readings

Inter-American Human Rights Court, Advisory Opinion OC-24/17 (2017), §§ 1-3, esp. footnotes 4, 6, 7 (pp. 1-4), § 61 (p. 31), §§ 65-70 (pp. 33-34), § 83 (pp. 41-42), §§ 172-182 (pp. 68-71), §§ 197-202 (pp. 75-76), §§ 217-288 (pp. 80-82).

Congregation for the Doctrine of the Faith, Joseph Cardinal Ratzinger, Prefect, "Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons" (2003), pp. 1-8.

John Rawls, "The Idea of Public Reason Revisited," in *Collected Papers* (1999), pp. 573-615.

T. M. Scanlon, "The Difficulty of Tolerance," in David Heyd, *Toleration: An Elusive Virtue* (1996), pp. 226-239.

Written Assignment

1. The Vatican and Rawls offer different accounts of what kinds of reasons are reasonable to invoke as grounds for subjecting fellow citizens to the force of law. Does a citizen who sincerely believes that homosexual conduct is sinful or unnatural or offensive or otherwise morally wrong have adequate reasons to deny homosexuals who wish to marry the rights, duties, immunities and liabilities of the legal institution of marriage? If so, what are those reasons, and why are they adequate? If the reasons that opponents of homosexual marriage invoke do not provide adequate justification for such opposition, why not? In answering, explain how and why you agree or disagree with the Vatican or with Rawls.

Note that you are not being asked whether you believe that homosexual conduct is morally wrong. You are asked to take the point of view of someone who does.

2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

17. Cross-Cultural Conflicts of Value I

Monday, November 4

Example: The Blasphemous Poet

Readings

Mary Anne Weaver, "A Fugitive from Injustice," *The New Yorker*, Sept. 12, 1994, pp. 48-60.

Taslina Nasrin, "Happy Marriage," *The New Yorker*, Sept. 12, 1994, p. 55.

Bernard Williams, *Morality: An Introduction to Ethics* (1972), pp. 20-26.

John Rawls, *The Law of Peoples* (1999), pp. 59-88.

Written Assignment

1. In this week's readings, what did you find most illuminating? Why?

2. What did you find most puzzling? Why?

3. Consider Rawls's hypothetical country of Kazanistan (*Law of Peoples* pp. 75-78). Suppose that in Kazanistan public blasphemy—showing contempt or irreverence for God—is a very serious crime. Disbelief itself is not a crime, and the practice of non-Islamic religions is tolerated, but public displays of impiety by Kazanistanis are dealt with harshly. The population of Kazanistan is nearly unanimous in its support for the severe punishment of blasphemers because virtually everyone in the nation shares the religious belief that blasphemy is a great sin.

An obscure Kazanistani poet published a volume of verse entitled *If God Is Not Dead, Kill Her*. The poems ridicule Kazanistani religious beliefs and practices, in particular, beliefs and practices that require women to obey their fathers and husbands. The poet was found guilty of blasphemy by a panel of six judges and sentenced to twenty-five years in prison after a trial in which proper procedure (including provision by the state of an excellent defense team) was

scrupulously observed. The highest court in Kazanistan (whose chief justice studied at Harvard Law School) heard the case on appeal and upheld the conviction and sentence.

- a. Can someone who is not a Kazanistani morally judge Kazanistan's treatment of the poet? If one cannot, why not? If one can, why?
- b. If your answer is that moral judgment by outsiders is possible, what is that moral judgment, and why?
- c. Are other nations morally justified in forcing Kazanistan to release the poet by threatening serious diplomatic sanctions? Why or why not? Leave aside the question of whether such sanctions are legal under current international law.

18. Cross-Cultural Conflicts of Value II

Wednesday, November 6

Example: Multiculturalism and Feminism

Readings

Amartya Sen, *Development as Freedom* (1999), "Culture and Human Rights," pp. 227-248, 343-345.

Susan Okin, "Is Multiculturalism Bad for Women?" in *Is Multiculturalism Bad for Women?* eds. Joshua Cohen et al. (1999), pp. 9-24, 133-135.

Azizah al-Hibri, "Is Western Patriarchal Feminism Good for Third World / Minority Women?" in *Is Multiculturalism Bad for Women?* eds. Joshua Cohen et al. (1999), pp. 41-46, 135-136.

Written Assignment

1. In *Development as Freedom*, Amartya Sen is very keen to establish that freedom of the person and religious tolerance are not uniquely Western values. Rather, freedom and tolerance can be found in significant ancient texts in South Asian and East Asian traditions. Conversely, the idea of the equality of freedom takes hold only recently in European political thought. Sen believes that these historical facts support what he calls a "strong universalist presumption" that freedom is an "overriding value" that can be held in common by a diversity of cultures, and that human rights discourse is not just another instance of Western cultural domination.

- a. What is the meaning of the proposition that freedom is a universal value?
- b. Does Sen successfully make the case that freedom is a universal value? Why or why not?
- c. Do you believe that freedom is a universal value? Why or why not?

2. What are Azizah al-Hibri's disagreements with Susan Okin? How could Okin best respond? Who has the better arguments?

3. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

NO CLASS MONDAY NOVEMBER 11: VETERANS DAY

19. Legitimacy: Foundings

Wednesday, November 13

Example: The Libyan Revolution

Readings

Duncan Pickard, "Claiming Legitimacy: The First Weeks of the National Transitional Council of Libya" (HKS Case Program, draft)

Arthur Applbaum, *Legitimacy: The Right to Rule in a Wanton World*, "All Foundings Are Forced," pp. 73-106, 266-268.

Pauline Maier, *American Scripture: Making the Declaration of Independence* (1997), pp. 3-46, 246-254.

Written Assignment

1. On March 5, 2011 in Benghazi, the "National Transitional Council of Libya" declared that it was "the only legitimate body representing the people of Libya and the Libyan state." At the time it was made, did this declaration have normative force? Why or why not?

On July 4, 1776 in Philadelphia, the "Representatives of the united States of America, in General Congress, Assembled" declared "in the Name, and by Authority of the good People of these Colonies" that the thirteen British colonies "are, and of Right ought to be Free and Independent States." At the time it was made, did this declaration have normative force? Why or why not?

Briefly, give an account of political legitimacy that consistently explains your answers.

2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

20. Legitimacy: Revolution

Monday, November 18

Example: The Libyan Revolution

Reading

Christine M. Korsgaard, "Taking the Law into Our Own Hands: Kant on the Right to Revolution," in *The Constitution of Agency: Essays on Practical Reason and Moral Psychology* (2008), pp. 233-262.

Written Assignment

1. In this week's readings, what did you find most illuminating? Why?
2. What did you find most puzzling? Why?
3. Korsgaard seeks to reconcile three seemingly incompatible positions that Kant takes about violent revolution: (1) revolution is unconditionally wrong; (2) a revolution that succeeds establishes a legitimate authority to which citizens owe their obedience; and (3) our enthusiasm for and wishful participation in the French Revolution is a sign of a moral disposition in our nature, giving hope for our moral progress.
 - a. How does Korsgaard reconcile these views?
 - b. Is Korsgaard's reconstruction of Kant the correct view to hold about revolution? Why or why not?
 - c. What, on your view, is the correct view about whether and when violent revolution is justified?

21. Legitimacy: Secession

Wednesday, November 20

Example: Catalan Independence

Readings

Alexandra Sukin, "The Catalan Independence Referendum," pp. 1-8.

Allen Buchanan and Elizabeth Levinson, "Secession," *Stanford Encyclopedia of Philosophy*, <https://plato.stanford.edu/entries/secession/>

Written Assignment

1. After separatist parties won a narrow majority in the regional parliament, the new Catalan government in Barcelona called for a referendum on independence. The Spanish constitutional court declared the impending vote illegal, and the national government in Madrid sent thousands of police officers to Catalonia to stop the election by seizing ballot boxes and closing polling places. Defying the Spanish government, Catalan leaders proceeded with the referendum and then declared independence. Invoking its authority under the Spanish constitution, the Spanish government dissolved the Catalan regional government and arrested several Catalan legislators on charges of sedition and rebellion. After Madrid called for new regional elections, separatist parties again won a narrow majority in the Catalan parliament.

Under what conditions, if any, are unlawful attempts by a subset of a country's population to separate and form an independent state morally justified? Did the Catalan separatists meet those conditions? Under what conditions, if any, do such attempts succeed in creating a new state with legitimate authority?
2. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

22. Legitimacy: Self-Determination

Monday, November 25

Example: Catalan Independence

Reading

Anna Stilz, "Decolonization and Self-Determination," *Social Philosophy & Policy* 32:1 (2015), pp. 1–24.

Written Assignment

1. In this week's readings, what did you find most illuminating? Why?

2. What did you find most puzzling? Why?

3. Consider the following argument against no-fault secession:

1. Everyone in the world is entitled to be a free and equal citizen of some country.

2. Ordinarily, this is the country where one is an inhabitant.

3. If 1 and 2 are satisfied, then ordinarily one is not entitled to choose a different country in which to be a citizen.

4. All foundings are forced and most international boundaries are the arbitrary result of some great crime of the past.

5. If it is possible for any country's government to treat its inhabitants as free and equal citizens, it must be with respect to *in medias res* criteria of legitimacy and justice, rather than *ab ovo* criteria of legitimacy and justice (from 4).

6. No one is entitled to choose one's co-citizens (from 3, 4, and 5).

7. As long as one is a free and equal citizen, it is misfortune, rather than injustice, if one is disappointed to be in a linguistic, cultural, racial, ethnic, national, or religious minority.

Therefore:

8. There is a right to secession only if secession is the only way to secure free and equal citizenship.

Do you agree with this argument? Why or why not? If you do not agree, at what station do you get off the train?

NO CLASS WEDNESDAY, NOVEMBER 27: THANKSGIVING BREAK

23. Democratic Backsliding

Monday, December 2

Example: Authoritarianism in Hungary

Readings

Steven Levitsky and Daniel Ziblatt, *How Democracies Die*, pp. 11-32; 97-117; 236-238; 256-263.

Franklin Foer, "Viktor Orbán's War on the Intellect," *The Atlantic*, June 2019.

András Kádár, "The Hungarian Helsinki Committee," term paper, 2018, pp. 1-25.

Written Assignment

1. In this week's readings, what did you find most illuminating? Why?
2. What did you find most puzzling? Why?
3. In *How Democracies Die*, Steven Levitsky and Daniel Ziblatt argue that democracy is threatened when leaders with authoritarian tendencies violate the norms of mutual toleration and institutional forbearance. Paradoxically, effective dissent from and resistance to authoritarianism may call for sharp tactics that themselves violate the norms of mutual toleration and institutional forbearance. In light of these considerations, what can NGOs such as the Hungarian Helsinki Committee and other civil society institutions such as the Central European University collectively do to restore respect for democratic norms in Hungary?

24. Coda

Wednesday, December 4

Readings

Ian McEwan, *Enduring Love*, pp. 1-3, 7-17.

Nadine Gordimer, "A Soldier's Embrace," in *Crimes of Conscience*, pp. 13-20.

Written Assignment

1. The narrator of *Enduring Love* says, "I should make something clear. There may have been a vague communality of purpose, but we were never a team." Is this meant to justify or excuse the actions of the rescuers? Does it succeed in justifying or excusing? Why or why not?
2. What does the lawyer in a "A Soldier's Embrace" misunderstand about the revolution? What does he misunderstand about himself?
3. Did you initially disagree with another member of your team on one of these questions? What was the disagreement? Did either of you change your view? Why or why not?

FINAL TAKE-HOME EXAMINATION DUE 9:00 PM, FRIDAY, DECEMBER 13.