

Final Exam Preview

The final exam is scheduled for Monday, May 12 at 9am.

The exam will have two parts. I think that each part should take about forty minutes to complete. The exam time is two hours or about one and a half times as long as I think you need. Of course, writing styles and speeds vary. So you might take more or less time than eighty minutes with no cause for concern. I will ask you not to use notes during the exam.

The first part will involve analyzing passages. The second part will involve writing an essay. The grades for each part will have equal weight.

Part 1: Passages

In the first part of the exam, you will be asked to choose *two* out of four passages. For these two passages, you will be asked to do the following.

1. *Identify* the author.
2. *Describe* what the author was doing. This usually involves choosing an appropriate verb phrase such as: raising an objection, summarizing a position, stating a principle, posing a question, giving an example, and so on. It also requires *explaining* how the passage does what you say it does: how it raises, summarizes, states, poses, gives and so on.
3. *Evaluate* the passage's significance. Why does it matter for the author's position? For instance, a passage may be significant because of its relationship with other claims that the author makes. Or it may give rise to an objection to the author's position. Or it may explain why the author's position is superior to an opponent's.

The passages will be drawn from all of the readings we have done.

Here is an example of how to do this. Suppose I gave you the following passage.

“I forego any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being. Those interests, I contend, authorize the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people.”

Your answer should include the following information:

1. The author is John Stuart Mill.
2. Mill is telling us how he will argue for his so-called Harm Principle. This states that the only legitimate reason for interfering with an individual's liberty is to prevent harm to others. One way of arguing for the Harm Principle is to say that interference violates people's natural rights; Robert Nozick and John Locke would have supported something like the Harm Principle in this way. But Mill insists that his argument will be different. He says that he will show that the Harm Principle follows from utilitarianism. Utilitarianism is the view that the state should act in ways that bring about the greatest overall happiness. So Mill said he would show that respecting the Harm Principle would bring about greater overall happiness than violating it would.

The third question is the most important. It is also the one that is most open. My evaluation of your answer turns on both the accuracy of what you say as well as your judgment in choosing something interesting to talk about. Here is one example of how you might answer this question. There could be others that are equally good.

3. Utilitarians support interference whenever it would bring about more happiness than non-interference. So Mill has to show that interference would bring about more happiness than non-interference *only* when interference prevents harm to others.

However, there are several cases in which interference with behavior that does not threaten to harm others would bring about more happiness than non-interference. For instance, interfering with people's liberty might make them better off, apart from any effects of their behavior on others. This is the idea behind mandatory seat belt laws, for instance. Requiring people to wear seat belts has little to do with whether they will harm others but it protects them from death and injury. Since the costs to their happiness are negligible, these laws produce more happiness than would otherwise exist. Others believe that regulating speech is the best way of ensuring that discussion leads to true beliefs and, through those true beliefs, to greater overall happiness. They point out that scholarly discussion is highly regulated and does a better job of reaching the truth than unregulated discussion does.

Mill's best response to these kinds of arguments is to say that the power to regulate speech and behavior would be misused. He should concede that there might be some instances when this power could be used to bring about greater overall happiness, but there would be many more in which it would be used to bring about worse consequences. Mill's case is supported by his observations of political behavior. He believed that the public tends to err on the side of conformity at the expense of individual happiness. If so, government action in a democracy would, generally speaking, promote happiness less than individual liberty. Thus while utilitarianism and the Harm Principle may diverge in theory, they come much closer to one another when we think about how things would be in practice.

Part 2: Essay

In the second part of the exam, you will be asked to write an essay on one of the following topics. What you see here is exactly what will appear on the exam.

1. In the second half of the course, we have read three different attempts to explain why the state should respect extensive individual liberty. Natural rights theorists, such as Locke and Nozick, think interference with individual liberty violates natural rights, that is, rights that people have prior to entering the state. Utilitarians, such as Mill, think that respecting individual liberty produces the greatest overall good. And Rawls thinks that a fair agreement on how to run a society, such as that made by the parties in the original position, would give priority to a list of basic liberties over all other social goals. Which position, if any, seems most persuasive to you? Describe what you see as the most compelling problem that your preferred view faces. How do you think this problem might be overcome?
2. Rawls claims that we should prefer his principles of justice over utilitarianism because the parties in the original position would choose his principles of justice over utilitarianism. What is the most compelling thing that a utilitarian could say in response to this claim? How might Rawls answer this response? What is the correct answer? Has Rawls shown that his principles of justice are superior to utilitarianism or not?
3. H.L.A. Hart criticizes Rawls's treatment of liberty and Jeremy Waldron criticizes the difference principle. Choose one compelling criticism from these articles. Describe the criticism. Consider how Rawls might respond to it. What do you think? Is the criticism valid or would Rawls's response be adequate?