

PHIL 431 Law, Society, and Politics
Fall 2023

Lectures MW 2pm– 3:20pm
Room MHP 101

Jonathan Quong
quong@usc.edu

Office Hours: Mondays and Wednesdays 12:30pm – 1:30pm or by email appointment
Office: 114 Stonier Hall

Course Description and Learning Objectives

This class will focus on the morality of defensive force and just war theory. Here are some of the questions we will consider:

- What, if anything, grounds the moral permission to impose serious defensive harm on others?
- What is the basis of moral liability to defensive harm?
- What grounds judgments regarding whether a given level of defensive force is proportionate?
- Do judgments regarding the permissibility of imposing defensive harm depend on the epistemic position of the agent imposing the harm?
- Are the moral principles that govern harming and killing in war essentially the same as the moral principles that apply to ordinary individual morality, or are there special sui generis principles governing war?
- Are combatants equally constrained and protected by the same principles of just conduct in war regardless of which side in the conflict they fight for?
- Is the traditional principle of distinction—one that sharply distinguishes between combatants and noncombatants—defensible?
- Is there a clear and useful distinction to be drawn between the morality of war as opposed to the laws of war?

No background in moral, legal, or political philosophy is presupposed.

Content Warning: The readings, lectures, and discussions for the course will frequently involve examples, both hypothetical and real, involving serious violence, including some cases of sexual assault.

Required Texts

All the required texts will be posted on Blackboard.

Note that it is strictly forbidden to use and/or distribute these texts for any purpose other than reading for the class. Doing so would constitute a copyright violation.

Grading

Participation:	10% of provisional grade
Quizzes:	30% of provisional grade
Midterm paper:	30% of provisional grade
Final exam:	30% of provisional grade

Your grades on participation, the quizzes, the midterm paper, and the final exam constitute your provisional grade for the course. Your final grade can also be affected by your attendance and participation in the Joint Educational Project (JEP). More on all this below.

Participation: Participation in discussion sections is an important part of making the course a success. Coming to your discussion section prepared, having done the required reading, and regularly making thoughtful contributions to the discussion is something on which you will be assessed. Your TA will provide more details on how participation will be assessed.

Quizzes: Each week (apart from the first week of semester) there will be a quiz during your discussion section. The quizzes will be short answer questions focused on the weekly reading. **Your grade on the quizzes will consist of your best 11 quiz scores.** Your TA will provide more details on how quizzes will be conducted and submitted.

The Midterm Paper: **is 2,800-3000 words in length.** You will be provided with essay prompts, and **must** discuss an essay outline with your TA prior to writing your essay. The due date for the midterm paper is **Monday October 16th at 5pm.** You are required to submit the essay via Blackboard. There will be a penalty of one letter grade increment for every day after the deadline an essay is submitted. So, for example, if you submit your paper one day late, and the paper is judged to be worth an A, you will only receive an A- grade for the paper. If you submit the same paper two days late, it will receive a grade of B+, and so on. Note that a submission on the correct date but after the 5pm deadline will count as one day late.

The final exam takes place **Friday Dec. 8th 2pm-4pm**. Details about the final exam will be provided in due course.

Attendance: **Attendance at lectures and discussion sections is mandatory.** If you are **absent from more than five lectures** without a valid and verifiable excuse your final grade will be **lowered by one grade increment**. If you are **absent from more than ten lectures** without a valid and verifiable excuse your final grade will be **lowered by two increments**. If you are **absent from more than two discussion sections** without a valid and verifiable excuse your final grade will be **lowered by one grade increment**. If you are **absent from more than four discussion sections** your final grade will be **lowered by two increments**.

JEP: Also, students who choose to participate in USC's **Joint Educational Project** that is paired with this course and successfully complete that program will receive an increase of one letter grade increment on their final grade. So, for example, if your provisional grade is a B+ but you successfully complete the JEP program this semester, you will receive a final grade of A-. Students who choose to register in the JEP program must inform their TA's of this fact at the start of semester.

Please see the University Catalogue or Grade Handbook for definitions of particular grades

Preparation for Class/Class Format

The format for the course is a combination of lectures and discussion, and you are encouraged to ask questions of me, and of each other, whenever something is puzzling, or whenever you feel something is being overlooked. The aim of the course is to have thoughtful and well-reasoned discussions about the issues, and the course will be more intellectually rewarding the more each person joins in the discussion. Participating in discussion section is also a small part of how you will be assessed (see above).

You will be expected to come to discussion sections having done the required reading. When you prepare for class, it's important not simply to read the assigned material, but to read it carefully and critically. I strongly encourage you to make careful notes as you read.

Policies on Disability and Academic Integrity

Students who need to request accommodations based on a disability are required to register each semester with the Disability Services and Programs. In addition, a letter of verification to the instructors from the Disability Services and Programs is needed for the semester you are enrolled in this course. If you have any questions concerning this procedure, please contact the course instructor and Disability Services and Programs at (213) 740-0776, STU 301.

No form of plagiarism or other type of academic dishonesty will be tolerated, and ignorance of the rules regarding plagiarism is no excuse. If in any doubt about what constitutes plagiarism or any other question about academic integrity, please ask your discussion section instructor or me. Do not assume the answer can be obtained from another source. General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that individual work will be submitted unless otherwise allowed by an instructor, and the obligations both to protect one's own academic work from misuse by others as well as to avoid using another's work as one's own. All students are expected to understand and abide by these principles. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, "Behavior Violating University Standards" policy.usc.edu/scampus-part-b. Other forms of academic dishonesty are equally unacceptable. See additional information in SCampus and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct>. Students will be referred to the Office of Student Judicial Affairs and Community Standards for further review, should there be any suspicion of academic dishonesty. The Review process can be found at: <http://www.usc.edu/student-affairs/SJACS/>

Schedule of Topics and Readings

Part I The Morality of Defensive Force

Aug. 21/23	Intro to course + Innocent Threats and Aggressors <ul style="list-style-type: none"> • No required reading
Aug. 28/30	Innocent Threats and Aggressors + Liability <ul style="list-style-type: none"> • Judith Jarvis Thomson, 'Self-Defense,' <i>Philosophy & Public Affairs</i> (1991)
Sept. 04	Labor Day – No Class

- Sept. 06 Liability
- Jeff McMahan, 'The Basis of Moral Liability to Defensive Killing,' *Philosophical Issues* (2005)
- Sept. 11/13 Proportionality and Partial Excuses
- Saba Bazargan, 'Killing Minimally Responsible Threats,' *Ethics* (2014)
- Sept. 18/20 Necessity
- Jeff McMahan, 'The Limits of Self-Defense: Retreat, Submission, and Conditional Threats,' *The Ethics of Self-Defense* (OUP)
- Sept.. 25/27 The Means Principle
- Victor Tadros, *The Ends of Harm* (OUP), chapter 6
- Oct. 02/04 Evidence, Uncertainty, and Insincerity
- Renée Jorgensen, 'The Moral Grounds of Reasonably Mistaken Self-Defense,' *Philosophy & Phenomenological Research* (2021)
- Oct. 09/11 Consent and Third Party Defensive Force
- Jonathan Parry, 'Defensive Harm, Consent, and Intervention,' *Philosophy & Public Affairs* (2017)

Part II Just War

- Oct. 16/18 The Moral Equality of Combatants
- Michael Walzer, *Just and Unjust Wars* (Basic Books), chapter 3
 - Jeff McMahan, *Killing in War* (OUP), chapter 1
- Oct. 23/25 Orders and Authority
- David Estlund, "On Following Orders in an Unjust War" *Journal of Political Philosophy* (2007)
- Oct. 30/Nov. 1 Proportionality in War
- Thomas Hurka, 'Proportionality and the Morality of War,' *Philosophy & Public Affairs* (2005)
- Nov. 06/08 Noncombatant Immunity and Liability
- Cecile Fabre, 'Guns, Food, and Liability to Attack in War,' *Ethics* (2009)
 - Helen Frowe, *Defensive Killing* (OUP), chapter 6
- Nov. 13/15 Vicarious and Complicitous Liability
- Victor Tadros, 'Orwell's Battle with Brittain: Vicarious Liability for Unjust Aggression,' *Philosophy & Public Affairs* (2014)
- Nov. 20 National Defense and Reductionism
- Anna Stilz, 'Authority, Self-Determination, and Community in *Cosmopolitan War*,' *Law and Philosophy* (2014)
- Nov. 22 Thanksgiving Holiday

Nov. 27/29

Deep Morality vs. Laws

- Jeff McMahan, 'The Morality of War and the Laws of War,' in *Just and Unjust Warriors* (OUP, 2008)
- Michael Otsuka, 'Licensed to Kill,' *Analysis* (2011)