

Appendix II: Assignment to Collect Data

Essay Assignment Four: Aristotle (Govt 110)

(due April 21)

Answer one of the following questions in an essay of 3-5 pages. Use the text to support your interpretations and arguments, citing all references and quotations. The questions give you things to think about; you do not have to address all of the issues I mention in order.

1. Aristotle says that “the state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of the good life.” (1252b29-31) What does this mean? What is the ‘good life’? Does this help us understand how he can say that some regimes are ‘good’ and others ‘bad’ later in his book? Does the modern world accept this distinction? Should government aim at ends beyond simply ‘the bare need of life’, and if so, what?
2. Aristotle claims that there is “no difficulty” in answering the question of whether some are slave by nature: “from the hour of their birth, some are marked out for subjection, others for rule.” (1254a22-23) But he proceeds to argue about it for the next two chapters, and admits that “those who take the opposite side have in a certain way right on their side.” (1255a3) What is Aristotle saying about slavery, rule and equality in chapters 5-7 of the **Politics** and is he right? Should some people rule over others? For instance, when a totalitarian regime is shattered, can the people rule themselves, or will they need to be ruled over? Does this justify slavery and colonialism?
3. What makes a state, according to Aristotle? What is the difference between a state and an alliance? Looking especially at I.1-2 and III.9. When can we say that a state actually ‘exists’ according to Aristotle? What is his answer to these questions, and what does it tell us about what he thinks a state is?
4. What are the democratic and oligarchic ideas of justice? In what way does equality demand equals be treated ‘equally’? How do ‘unequals need to be treated unequally’? Looking at Book Three, primarily chapter 9, what are the errors that oligarchy and democracy make about justice? How should people be treated to be treated justly?
5. Aristotle asks about what kind of government is best to rule. What does he think about the rule of the many—what we call ‘democracy’? Is it a better or a worse rule than the rule of a chosen few or a single man? Consider what he says about democracy primarily in chapters 7-11 in Book Three.
6. Aristotle compares the rule of a king and the rule of law in the second half of book III. What is the ‘rule of law’? Why does Aristotle suggest that it might be better than the rule of a king? What is Aristotle’s eventual conclusion about the relative merits of the rule of law and the rule of a king? Why does he think this? What do you think about his arguments and conclusions?
7. In Book IV of the *Politics*, Aristotle says that political science must study both the ideal and “the best in relation to actual conditions.” (1288a28) What is the difference between these two things? How do his descriptions of democracy and oligarchy in Book IV differ from his descriptions of them in Book III?
8. In Book IV, Aristotle describes different types of democracies and oligarchies in chapters 2-6. What makes them act differently? Are these important differences? How are the types similar and different to each other? What makes the worst forms of each bad, and how can they be prevented? How do the types of democracy and oligarchy compare to the descriptions of ‘constitutional rule’ and ‘aristocracy’ in chapters 7-9? How would Aristotle categorize American democracy? Would he approve of it? How would he think it might be improved?
9. In Chapter 11 of Book IV, Aristotle discusses “what is the best constitution and the best way of life for the majority of cities and the majority of mankind.” (1295a26) What is this best way of life, and why does he call it the best? How does this compare to his arguments for the best kind of government in Book III? What are his arguments here? Are they convincing? Why or why not?

GOVT 118: Just War, Natural Rights, and the Law of Nations

Assignment Four: *War and Peace* (Due December 12—papers can be dropped at my office (3009 Tahoe) by 5:00. I will accept e-mailed papers in Word (doc or docx) format e-mailed by 4:00 that same day. I will not be returning papers with comments, and I will not inform you of individual grades by e-mail.)

Clausewitz suggests that war will become more brutal and total with the progress of modernity, and that there will be fewer limits to it, morally and practically. Kant on the other hand, suggest that there is a 'realistic' way to envision a future where peace can be maintained by something other than a balance of forces. In the end, this is a question about reason for all concerned: is war a rational means to some rational ends, and can the international sphere be structured in such a way that peoples, acting more rationally, can avoid going to war? Has the world become more peaceful or more warlike? Can it ever go in the direction of being more peaceful, realistically?

Papers should be 3-5 pages, double-spaced, 10 or 12 point type, normal margins. I do not care about bibliographical style, as long as I can find it.

For other advice, see pages 3 and 4 of the syllabus.

Elements of Law Assignment 4 (Due on May 19) (Govt 123)

“...the institution of punishment involves acts which are normally highly objectionable. When forcing people to pay compensation is admittedly a gross imposition, it is quite a different matter from controlling their bodies, inflicting physical suffering, or depriving them of their liberty. For this reason...A theory of punishment must first and foremost seek to justify the practice of punishment as a whole.” (Finkelstein in Golding pg. 207)

In the last few weeks we have read articles considering the role of intent and responsibility as a justification for punishment (Golding), the questions raised by theories of justification of punishment (Finkelstein), and accounts of the normative requirements of a morally justified or practically efficient code of criminal, tort, and contract law. (Husak, Zipursky, and Eric Posner, respectively)

1. Why are there philosophical questions about how legal codes should be structured?
2. What questions are there regarding legal concepts of liability, punishment, criminalization, civil liability, and promise keeping?
3. Why is it important to be concerned in criminal law with whether someone has a guilt mind? (Look especially at Golding, but also Finkelstein and Husak)
4. What are negligence and recklessness, and why are they essential for holding people responsible? Should people be held similarly responsible for acts done knowingly and purposively?
5. What is the purpose of tort law? Why do penalties need to be paid for the affects our actions have on others? In the case of *Buick Motor Company v. McPherson* (1916), manufactured products were held to be the responsibility of the manufacturer in some cases even after they were sold for resale. (This is known as the elimination of *privity*.) In the case of *Greenman v. Yuba Powers Products* (1963), courts held that in civil law, actors could be held responsible for damages under strict liability, where neither intent nor negligence was shown. What are the reasons for accepting strict liability as a standard? What would be the argument for requiring a finding of negligence?
6. Why does criminal law and its punishment require some finding of intent or negligence, where tort law allows strict liability? Should they be placed on the same standard?
7. Consider the attached story—should the Tiede case, from what it says, have had its punishment affected by information about Tiede’s state? Is prison the appropriate correction for him? Why or why not?

Essay Assignment #3

Write a 5-page (double spaced) essay on one of below topics. Your essay should 1) demonstrate understanding of the concepts, theories, and authors addressed in this section of the course, 2) analyze and evaluate conflicting views on the question, and 3) present a clear argument of your own about the question. Put simply, you should *draw on the course texts to present an argument of your own about the question*. Your argument may be primarily analytical (about how particular concepts relate to each other) or normative (about how particular concepts should be understood), but your paper must have a clear argument. I urge you to avoid non-course materials, especially online sources, except for those recommended in class. Essays are due in class on **Wednesday, May 14**. Late essays will be marked down one letter grade per day. I strongly encourage you to meet with me to discuss your essay.

1. How should we assess human freedom and development? Sen and Nussbaum both argue that we should focus on “capabilities,” rather than resources or utility (see pp. 442-443, pp. 460-463). Summarize and evaluate their argument.
2. Susan Okin argues that justice in society depends on justice within the family, and she advocates various policies to promote family justice. Summarize and evaluate Okin’s argument.
3. Should we be cosmopolitans? If not, why not? If so, what kind of cosmopolitans should we be? Thomas Pogge compares “institutional” and “interactional” forms of cosmopolitanism. Summarize and evaluate Pogge’s argument.