

List of Questions to Prepare for the Final Exam

Abortion:

- Roe v Wade: 1.
- Thomson: 1, 2, 3, 5.
- Warren: 3, 4, 5, 6.
- Marquis: 1, 7, 8, 9, 10, 16, 17.

Paternalism and Drugs:

- Mill, "On Liberty": 2, 3, 12.
- Goodin: 3, 5, 7.
- Szasz: 5, 6, 7, 14.
- Shapiro: 1, 10.

Capital Punishment:

- Gregg v Georgia: 3, 10, 11, 12.
- Perlmutter: 1, 4, 5, 8, 11.
- van den Haag, "The Ultimate Punishment": 5, 7, 13, 16.
- Reiman: 4, 9, 11, 13.
- van den Haag, "Refuting Reiman": 3, 5.

Marriage and Family:

- Bennett: 1, 4.
  - Sullivan: 3, 5.
  - Joseph: 2, 5.
  - Posner: 3, 5, 12, 14.
  - LaFollette: 2, 4, 9, 15.
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Roe v Wade

1. What three reasons does the court provide to explain the historical enactment of anti-abortion laws? Describe the two reasons in which the Court claims that the State maintains an interest.

Judith Jarvis Thomson, "A Defense of Abortion," pp 184-191

1. Specifically, which premise will Thomson allow for the sake of her argument?
2. Explain the argument against abortion, granting the above premise. Does it sound plausible? Does her violinist example make it sound less plausible?
3. What is the "extreme view"? Explain Thomson's argument against this view. How does the analogy of the growing child in a tiny house apply?
5. What problem arises for the view that a right to life includes a right to at least the bare minimum one needs to survive?

Mary Anne Warren, "On the Moral and Legal Status of Abortion," pp 191-198.

3. What does Warren mean by 'moral community'? Why does she seek to define it?
4. What are two senses of 'human being' that Warren introduces? What's the difference between a person and a human, in her terminology?
5. What are Warren's five criteria for personhood?
6. What kinds of human beings are not people? What sorts of non-humans might be persons?

Dan Marquis, "An Argument That Abortion Is Wrong," pp 204-212.

1. What does Marquis grant that Thomson's argument establishes? How does he argue that her argument doesn't establish a general right to abortion?
7. What is the FLO theory?
8. Describe the Considered Judgment Argument for the FLO theory.

9. Describe the Worst of Crimes Argument for the FLO theory.
10. Describe the Appeal to Cases Argument for the FLO theory.
16. Describe the Contraception Objection, including the counter-reply. How does Marquis conclude that contraception is not wrong, consistent with the FLO theory?
17. "Therefore, the FLO account shows that abortion, except in rare instances, is seriously wrong." (212) Explain.

Mill, "On Liberty"

2. Describe Mill's Harm Principle. What does it say about paternalism?
3. "Over himself, over his own body and mind, the individual is sovereign." (359) Explain. What limits does Mill recommend for this principle?
12. "No person ought to be punished simply for being drunk; but a soldier or policeman should be punished for being drunk on duty." (364) Explain.

Robert E. Goodin, "The Ethics of Smoking," pp 506-515.

3. When is it appropriate for public policy to prevent people from relying on false beliefs that would harm themselves?
5. How does Goodin defend his weak paternalism?
7. "The issue is not one of impossibility but rather of how hard people should have to try before their will is said to be sufficiently impaired that their agreement does not count as genuine consent." (509) Explain.

Thomas Szasz, "The Ethics of Addiction..." pp 499-506.

5. How do laws against drugs treat people the way suicidal mental patients are treated?
6. How does prohibition increase the likelihood of accidental overdose?
7. Why does Szasz favor legalization of all drugs?
14. How does our attitude toward sexual activity provide a model for our attitude towards drugs and the protection of children?

Daniel Shapiro, "Addiction and Drug Policy," pp 515-521.

1. What is the "standard view" of drug addiction?
10. "The standard view that cocaine and heroin are *inherently* addictive is false, because no drug is inherently addictive." (519) Explain. What conclusions does Shapiro draw from this for drug policy?

Gregg v Georgia

3. What evidence of historical and popular support for the death penalty does Stewart cite?
10. What is the basis of Brennan's rejection of the death penalty?
11. On what basis does Marshall reject the death penalty?
12. How does Marshall disagree with Stewart over the evidence of death penalty statutes for popular support of capital punishment?

Martin Perlmutter, "Desert and Capital Punishment," pp 124-131.

1. Compare the utilitarian and retributivist justifications of punishment.
4. For the utilitarian, what, besides past wrong-doing, is required to justify punishment? Why is past wrong-doing insufficient to justify punishment?
5. How might the utilitarian critique of punishment lead to abandoning it?
8. What is *lex talionis*? How do we still use it? Explain.
11. How is punishing a wrongdoer respecting his or her integrity?

Ernest van den Haag, "The Ultimate Punishment," pp 131-136.

5. How does van den Haag argue that execution of innocents (miscarriages of justice) should not stop us from using capital punishment?
7. "Penal sanctions are useful in the long run for the formation of internal constraints so necessary to control crime." (134) Explain. What does this mean for capital punishment?
13. "Thus, the death penalty can not be unjust to the guilty criminal." (135) Explain.
16. How does the belief that capital punishment is degrading reverse the direction of causality?

Jeffrey H. Reiman, "Justice, Civilization, and the Death Penalty," pp 136-141.

4. "Consequently, reduction in the horrible things we do to our fellows... is an advance in civilization that we are called upon to continue once we consciously take upon ourselves the work of civilization." (137) Explain.
9. "From the fact that one penalty is more feared than another, it does not follow that the more feared penalty will deter more than the less feared..." (139) Explain. Why not?
11. How, according to van den Haag, does capital punishment work as a deterrent? How, according to Reiman, does abolishing capital punishment work as a deterrent?
13. "[W]e take the amount of force a society uses against its own people as an inverse measure of its justness." (140) Explain.

Ernest van den Haag, "Refuting Reiman," pp 142-145.

3. How does van den Haag respond to Reiman's claim that abolition represents an advance in civilization?
5. How does van den Haag respond to Reiman's allegation that van den Haag's argument entails that we should us torture as punishment?

Elizabeth Joseph, "Polygamy is Good Feminism," pp 311-312.

2. According to Joseph, to what compromises concerning children does monogamy lead? How does she avoid these compromises?
5. "[Plural marriage] enables women, who live in society full of obstacles, to fully meet their career, mothering, and marriage obligations." Explain.

William Bennett and Andrew Sullivan, "Same-Sex Marriage: A Debate," pp 312-315.

Bennett:

1. What two issues divide the proponents and opponents of same-sex marriages?
4. What is the relationship between monogamy and marriage? How does Bennett see this relation as an argument against same-sex marriage?

Sullivan:

3. "The truth is, marriage has changed many, many times over the centuries. Each change should be judged on its own terms, not as part of some seamless process of alleged disintegration." (314) Explain.
5. Does male promiscuity serve as an argument against same-sex marriage? Explain.

Richard Posner, "Selling Babies," pp 323-328.

3. What are "hard-to-place" children? How is the present system of encouraging their adoption a "grossly inefficient, as well as covert, method"? (324)
5. What changes does Posner recommend to screening procedures for prospective parents under a free market for babies?
12. Is selling babies like slavery? Explain.
14. "The question of public policy is not whether baby selling should be forbidden or allowed but how extensive it should be regulated." (328) Explain.

Hugh LaFollette, "Licensing Parents," pp 328-336.

2. What two conditions must be fulfilled for us to regulate an activity?
4. "[The] general criteria for regulatory licensing can certainly be applied to parents." (330) Explain. Is LaFollette correct that they can be applied to parents?
9. How do worries about prior restraint affect LaFollette's theoretical justification for licensing parents? How does LaFollette defend applying priori restraint in this case?
15. "[I]f we continue our practice of regulating the adoption of children...we are rationally compelled to establish a licensing program for all parents." (334) Explain.