

Freedom, Autonomy, and the State

Winter semester, 2023–2024

Department of Philosophy

University of Vienna

Course convener: Dr Lars Moen

Course description

This course is primarily in political philosophy, but it will also touch on several key issues in political economy. The course focuses on individuals' freedom and autonomy, and to what extent these values restrict how the state can act permissibly, especially to promote social welfare. We also explore what, if anything, makes individuals obligated to behave in accordance with rules the state makes and enforces.

We will go into several practical issues on the basis of the theoretical issues described above. We consider the possible problems of paternalistic policies with reference to individuals' freedom and autonomy. Can the state force us to act in a way considered to be in our own best interest? If not, perhaps softer measures, such as 'nudging', is permissible. We will also look into important policy issues such as drug legalisation and organ conscription.

The course is open to all master's students in the Department of Philosophy, including students in the Master of Philosophy and Economics programme offered jointly with the Department of Economics.

Assessment

70%	Research essay (2500 words)
20%	Reading notes (10 x 100–150 words)
10%	Essay plan (500 words)

Programme

Week 1	Introduction
Week 2	Freedom and autonomy

Week 3	Ability and resources
Week 4	Political obligation
Week 5	Coercion
Week 6	Collective action problems
Week 7	Morality or markets?
Week 8	Affirmative action
Week 9	Paternalism
Week 10	Nudging
Week 11	Addiction and drug legalization
Week 12	Organ conscription

Seminar descriptions

Seminar 1: Introduction (6 October)

Introduction to key concepts, including freedom, autonomy, and welfare.

Discussion questions:

- 1) What are some different ways of conceptualizing freedom?
- 2) To what extent do individuals' freedom and autonomy conflict with the promotion of welfare?
- 3) What is paternalism, and is it really as bad as it sounds?

Required reading:

Hausman, McPherson, and Satz, *Economic Analysis, Moral Philosophy, and Public Policy*, ch. 10.

Seminar 2: Freedom and autonomy (13 October)

Autonomy, or self-rule, is widely regarded an important value both at the individual and collective level.

Discussion questions:

- 1) What is autonomy?
- 2) Is there a tension between individual and collective autonomy?
- 3) Are we made unfree when we are forced to abide by a law we have prescribed to ourselves?

Required readings:

Ian Carter, "Positive and Negative Liberty", sections 1–3 ([link to text](#)).
Gerald Dworkin, *The Theory and Practice of Autonomy*, pp. 12–20.

Recommended readings:

Richard Arneson, "Freedom and Desire".
Ian Carter, "Positive and Negative Liberty", sections 4–7.
Joel Feinberg, *Harm to Others*, ch. 18.

Seminar 3: Ability and resources (20 October)

If being free simply means that no one prevents you from doing something, it seems you can be free to do something you are unable to do. Some theorists avoid this implication by taking freedom to refer to what you are both able and unprevented from doing. But others argue we can understand at least some problems of inability and lack of resources in terms of being prevented to perform various actions.

Discussion questions:

1. How is freedom related to ability and resources?
2. Can we be free to do something we don't have the necessary resources to do?
3. What is van Parijs's distinction between formal and real freedom?

Required readings:

Jeremy Waldron, "Homelessness and the Issue of Freedom".
Philippe van Parijs, *Real Freedom for All*, pp. 20–24.

Recommended readings:

Ian Carter, "Positive and Negative Liberty", section 5.
G.A. Cohen, "Freedom and Money".
Philippe van Parijs, *Real Freedom for All*.

Seminar 4: Political obligation (27 October)

In this seminar, we consider what, if anything, makes us obligated to behave in the way the state requires us to.

Discussion questions:

- 1) What is the basis for political obligation?
- 2) Do we have a duty to comply with an arrangement that benefits ourselves and others?

Required readings:

Robert Nozick, *Anarchy, State, and Utopia*, pp. 90–95.
John Rawls, *A Theory of Justice*, sections 51–52.

Recommended readings:

[Richard Dagger and David Lefkowitz, "Political Obligation", Stanford Encyclopedia of Philosophy.](#)
Joseph Raz, *The Authority of Law*, ch. 12.
David Schmidtz, "Justifying the State".
A. John Simmons, "Justification and Legitimacy".

Seminar 5: Coercion (3 November)

Coercion is a central concept in considerations of how individuals cooperate in large societies. In this seminar, we discuss the meaning of coercion, how it relates to freedom, and what might make it justifiable.

Discussion questions:

- 1) What is coercion?

- 2) What makes coercion right or wrong?
- 3) What is the difference between a threat and an offer?
- 4) What makes an action voluntary?

Require readings:

Robert Nozick, "Coercion" (excerpts from Carter et al.'s *Freedom* anthology).
Serena Olsaretti, *Liberty, Desert and the Market*, ch. 6 (esp. 138–150).

Recommended readings:

[Scott Anderson, "Coercion", *Stanford Encyclopedia of Philosophy*.](#)

Michael Garnett, "Coercion: The Wrong and the Bad".

F. A. Hayek, *The Constitution of Liberty*, esp. 133–143.

Michael Munger, "Euvoluntary or Not, Exchange Is Just".

Christine Swanton, *Freedom: A Coherence Theory*, esp. 104–113.

Seminar 6: Collective action problems (10 November)

We find collective action problems in our local, national, as well as global societies. Many consider solving these problems to be a key purpose of the state.

Discussion questions:

- 1) What is a collective action problem? What are some examples?
- 2) Do CAPs illuminate a stark disconnection between individual and collective rationality?
- 3) Does the prevalence of CAPs justify state action as a way of promoting welfare?

Required reading:

Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action*, ch. 1 (esp. 1–23).

Recommended readings:

Garrett Hardin, "The Tragedy of the Commons" (a classic in the CAP literature).

Russell Hardin, *Collective Action*.

Andrew Hindmoor and Brad Taylor, *Rational Choice*, second ed., ch. 6.

Julian Le Grand, "The Theory of Government Failure".

Mancur Olson, *The Logic of Collective Action*.

Seminar 7: Morality or markets? (24 November)

Many economists consider markets to give individuals the right incentives to make each other better off. Recently, however, behavioural economists, like Samuel Bowles, have challenged this view by arguing that market incentives can have negative effects on social welfare because they make us less moral.

Discussion questions:

- 1) To what extent can we rely on markets to promote individuals' welfare?
- 2) How can market incentives 'crowd out' moral motivation to do good?

Required readings:

Samuel Bowles and Wendy Carlin, "Shrinking Capitalism".
Eric Posner and Glen Weyl, *Radical Markets*, introduction.

Recommended readings:

Samuel Bowles, *The Moral Economy*.
Bruno S. Frey, *Not Just for the Money*.
Rachel Kranton, "The Devil Is in the Details".
Elinor Ostrom et al., "Covenants with and without a Sword".
Elinor Ostrom, "Crowding Out Citizenship".

Seminar 8: Affirmative action (1 December)

Affirmative action is a highly controversial measure applied to ensure greater social equality. In this seminar, we consider what it is, whether it conflicts or is compatible with important political values, and what might justify it.

Discussion questions:

1. What is affirmative action, and how can it be justified?
2. Can a liberal support affirmative action? Why or why not?

Required reading:

Iris Marion Young, *Justice and the Politics of Difference*, ch. 7.

Recommended readings:

Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, ch. 12.
[Robert Fullinwider, "Affirmative Action"](#).
D.C. Matthew, "Rawlsian Affirmative Action: A Reply to Robert Taylor".
Marion Tapper, "Can a Feminist Be a Liberal?"
Robert S. Taylor, "Rawlsian Affirmative Action".

Seminar 9: Paternalism (15 December)

An act of paternalism is an interference with an individual meant to make that individual better off. In this seminar, we consider how paternalism might be justified, and how someone other than the individual that be a better judge of what is in the best interest if that individual.

Discussion questions:

1. What is paternalism? Explain with an example.
2. Do paternalistic interventions make us unfree? Or can they actually promote our freedom?
3. Is paternalism an insult to people's autonomy?

Required reading:

David Archard, "For Our Own Good".
T.M. Wilkinson, "Judging Our Own Good".

Recommended readings:

[Gerald Dworkin, "Paternalism", *Stanford Encyclopedia of Philosophy*](#).

Joel Feinberg, *Harm to Self*, chs. 17 and 19.
Robert Goodin, "Liberalism and the Best-Judge Principle".

Seminar 10: Nudging (12 January)

Nudging is supposed to help individuals make better decisions for themselves without restricting their freedom of choice. In this seminar, we consider possible problems with nudging, including whether it is manipulative.

Discussion questions:

1. What is nudging? Explain with an example.
2. Are nudges manipulative?

Required readings:

Richard H. Thaler and Cass R. Sunstein, *Nudge*, introduction.
Daniel M. Hausman and Brynn Welch, "To Nudge or Not to Nudge".

Recommended readings:

Keith Dowding and Alexandra Oprea, "Nudges, Regulations and Liberty".
Andreas T. Schmidt and Bart Engelen, "The Ethics of Nudging: An Overview".
Richard H. Thaler and Cass R. Sunstein, *Nudge*.
T.M. Wilkinson, "Nudging and Manipulation".

Seminar 11: Addiction and drug legalisation (19 January)

In this seminar, we consider to what extent the use and possession of drugs should be legalised or criminalised. We will also consider whether protecting citizens from drug addiction can be understood to protect or enhance their freedom and autonomy.

Discussion questions:

1. To what extent does the addictiveness of drugs justify prohibition?
2. To what extent does the harmfulness of drugs justify prohibition?

Required reading:

Douglas Husak and Peter de Marneffe, *The Legalization of Drugs: For and Against*, chs. 4, 7.

Recommended readings:

Robert Goodin, "The Ethics of Smoking".
Glen Heyman, *Addiction: A Disorder of Choice*, ch. 5.
Husak and de Marneffe, *The Legalization of Drugs: For and Against*, chs. 6.
Neil Levy, "Autonomy and Addiction".

Seminar 12: Organ conscription (26 January)

In this seminar, we consider whether people can have rights after death, and what grounds there might be for restrictions on harvesting organs of the dead for the benefit of the living.

Discussion questions:

1. On what grounds can individuals be thought to have rights after they have died?

2. If the needs of living individuals always outweigh the wishes of the dead, should organs be compulsorily taken from dead people for transplantation?

Required readings:

John Harris, "Law and Regulation of Retained Organs: The ethical issues".

Margaret Brazier, "Retained Organs: Ethics and humanity".

Recommended readings:

James Delaney and David B. Hershenov, "Why Consent may not be Needed for Organ Procurement".

Cécile Fabre, "Justice and the Confiscation of Cadaveric Organs".

John Harris, "Organ Procurement: Dead Interests, Living Needs".

T.M. Wilkinson, *Ethics and the Acquisition of Organs*, esp. ch. 7.

[T.M. Wilkinson and Stephen Wilkinson, "The Donation of Human Organs", *Stanford Encyclopedia of Philosophy*.](#)