

PHI 2642 HONORS ETHICS OF SOCIAL DIVERSITY

Spring 2024

Prof. Mark Tunick

Meets MW 12:30-1:50 in SR 269

3 credits, No prerequisites

Office: HC 104

Office Hours: MW 11-2, 2-3 in HC 104; other times by arrangement via [zoom](#).

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Description: A liberal society is premised on the idea that all citizens are free and equal: free to pursue a meaningful life so long as they leave the same liberty to others; and equally deserving of respect. How should a liberal society deal with situations in which one person's pursuit of a meaningful life is at odds with another's, as when a pornographer seeks to display his art on a street where devout Christians and Muslims live and to whom the displays are deeply offensive? Or when a person born female identifies as male and wants to use the men's restroom to the distress of others in the community? Does the ideal of equality mean we must be blind to differences in race, gender, religion, culture, ethnicity, disability, or sexual orientation, or are there times when these differences can legitimately be taken into account, as when a University wants to use race as a factor in admitting students in order to ensure a diverse student body, or a Catholic school doesn't want to hire a groundskeeper who is gay or an atheist? We will engage with theories about liberty, equality, and toleration while emphasizing the practical implications of these theories by turning to topics such as affirmative action in education, same-sex and polygamous marriage, hate speech codes, religious toleration, treatment of people with disabilities, and immigration.

The course is interdisciplinary, drawing primarily on philosophy and political theory but also on film, legal decisions, and the disciplines of social psychology, economics, history, and biology.

The goal is to be able to apply various theoretical frameworks to contemporary social and political controversies, and to understand arguments for and against toleration.

This course satisfies the Honors College core requirement in Culture, Ideas and Values, Humanities-B, and Global Citizenship--Ethics requirements; counts as required or elective coursework for concentrations in Philosophy, Political Science, and Law and Society; and is a WAC (Writing Across the Curriculum) course--see below.

Reading: Eugene Robinson, *Disintegration* (ISBN 0767929969), is available for purchase through the bookstore or amazon. Other readings, both required and recommended, are available in Canvas.

Requirements: Students can earn a total of 100 points, broken down as follows:

Participation in class discussion (5 points): this is based on quality and not simply quantity--for example, do you refer to the readings, do you show respect for your classmates, do you think critically about the material.

Quizzes and discussion board postings (27 points)

Unify America College Bowl: students will discuss social issues with students at other universities and with differing ideological perspectives (3 points)

Papers: Two 7-8 page papers on topics covered in the course (25 and 20 points each, totaling 45 points): the first paper will be turned in as a draft and again as a revision.

Group project/presentation (20 points).

Because this is a discussion-based course, attendance is important, and so for each unexcused absence beyond 2 you will lose 1.5 points. If you don't show up for the group presentation you will receive a 0 for that project.

The default grading scale is 94-100 (A), 90<94 (A-), 87<90 (B+), 84<87 (B), 80<84 (B-), 77<80 (C+), 74<77 (C), 70<74 (C-), 67<70 (D+), 64<67 (D), 61<64 (D-), <61 (F). I may utilize a curve but only if doing so would yield a higher rather than a lower grade than what the student would earn using the default scale.

Writing Across the Curriculum (WAC) General Requirements: This class meets the University-wide Writing Across the Curriculum (WAC) criteria, which expect you to improve your writing over the course of the term. The University's WAC program promotes the teaching of writing across all levels and all disciplines. Writing-to-learn activities have proven effective in developing critical thinking skills, learning discipline-specific content, and understanding and building competence in the modes of enquiry and writing for various disciplines and professions. You must receive at least a "C" grade (not a C-) to receive WAC credit. If this class is selected to participate in the university-wide WAC assessment program, you will be required to access the online assessment server, complete the consent form and survey, and submit electronically a first and final draft of a near-end-of-term paper.

Canvas: This course makes use of Canvas: Background information, schedule, links to the reading, quizzes and other assignments, and recommended readings are all accessible exclusively on Canvas. Be sure to check Canvas regularly for updates.

Schedule: The specific topics and readings listed below are subject to minor changes. Consult Canvas for up-to-date schedule and readings.

I. Theoretical Frameworks

A liberal society permits individuals to do as they please, unconstrained by prejudice and tradition, so long as the rights of others are respected. But if everyone does whatever they like, it may be difficult to maintain traditions and ties to community. For example, it may be difficult for a Christian fundamentalist community to thrive if people within this community are permitted to gamble, use drugs, view pornography, worship Satan, or lead a homosexual lifestyle. In this introductory section we begin to think about the conflicts between liberty and social diversity on the one hand, and community, tradition and social order on the other.

A. Introduction

Jan. 8: Liberalism (humans beings are free and equal). A few short readings are assigned in Canvas for you to read prior to the first class.

Jan. 10: Public Accommodation Statutes versus the 'right to discriminate'

Rdg: Boy Scouts of America v. Dale, 530 U.S. 640 (2000); 303 Creative LLC v. Elenis, 600 US 570 (2023)

Jan. 15: No class due to M.L. King Day

B. Theories

a) Mills' Harm principle

Jan. 17: Mill's Harm Principle (people should be free to do as they please so long as they do not harm others)

Rdg: J.S. Mill, *On Liberty*, chapters 1, 3, 4, 5

Jan. 22: The Harm Principle, continued.

2 short news articles assigned.

Writing Assignment 1: Williams, Style: *Ten Lessons in Clarity and Grace*, pp. 26-29, 47-54 on 'Nominalizations' (up to exercise 3.7)

Alternate Writing Assignment 1 for those who took another WAC class with me and did the Williams assignments already: Purdue Writing Lab: Read Establishing arguments; conciseness (do all section of these topics). Then do Eliminating Wordiness Exercises 1; Exercise 3
Short assignment due on Mill.

b) Toleration and the idea of an overlapping consensus

Jan. 24: Locke and Rawls

Rdg: Locke, "Letter on Toleration" (8-page excerpt); John Rawls, "The Idea of an Overlapping Consensus," *Oxford Jrnl of Legal Studies* 7(1):1-25 (1987)

c) Dignity and respect for persons; disgust

Jan. 29: Martha Nussbaum, *From Disgust to Humanity*, Preface and chs. 1-2

Writing Assignment 2: Williams, Style, pp. 54-66 | Alternate Writing Assignment 2: Purdue Writing Lab, Adding Emphasis:

GROUPS SHOULD BE FORMED BY NOW.

Jan. 31: Dignity

Rdg: Michael Rosen, *Dignity: Its History and Meaning* (2012), pp. 1-7, 31-5, 54-77, 104-14, 125-8

Film: *Black Mirror*, Season 1/Episode 1 "The National Anthem"

d) Waldron's theory of toleration: going beyond the harm principle

Feb. 5: Rdg: Waldron, "Toleration and Reasonableness," in McKinnon and Castiglione, *Culture of Toleration* (2003)

II. Liberty and Toleration: Applications

A. Religion and Multiculturalism

Feb. 7: Religious freedom vs the obligation to obey generally applicable laws

Rdg: *Employment Division v. Smith*, 494 U.S. 872 (1990); *Burwell v. Hobby Lobby Stores, Inc.*, 134 S.Ct. 2751 (2014); *Stormans, Inc. v. Wiesman*, 2016 WL 81161 (USSC June 28, 2016, Alito dissent of denial of certiorari).

Feb. 12: How far should we accommodate religion? Sikh kirpans and Jewish sukkahs

Rdg: *Cheema v. Thompson*, 36 F.3d 1102 (1994); 67 F.3d 883 (1995); *Syndicate Northcrest v.*

Amselem, [2004] 2 S.C.R. 551
GROUPS SHOULD NOW HAVE AN APPROVED PROJECT.

Feb. 14: Case Study: Public Religious Displays at Boca Raton's city-run cemetery
Rdg: Warren v. Boca Raton, 64 F. Supp. 2d 1272; and Winnifred Sullivan, *The Impossibility of Religious Freedom* (2005), pp.1-88
OUTLINE DUE

Feb. 19: Boca Raton Cemetery case (continued)
Rdg: Sullivan, *The Impossibility of Religious Freedom*, pp. 111-43.

Feb. 21: Public Displays of Religion and the Establishment Clause
Rdg: American Legion v. American Humanist Association, 588 U.S. ___ (2019)

B. Sexual Orientation and Gender Identity

Feb. 26: Same Sex marriage
Rdg: Obergefell v. Hodges, 576 U.S. 644 (2015)
Draft of Paper 1 Due

Feb. 28: Alternate forms of marriage including polygamy
Rdg: Elizabeth Brake, "Minimal Marriage: What Political Liberalism Implies for Marriage Law," *Ethics* 120(2):302-37 (2010), online.

March 4, 6: No class due to spring break

March 11 Transgender identity and the use of restrooms
Rdg: "Gay, Femme, Nonbinary: How Identity Shaped the Lives of these 10 New Yorkers," *New York Times*, July 5, 2019; G.G. v. Gloucester County School Board, 2016 U.S. App. LEXIS 7026 (4th Circuit, 2016); Benoit Denizet-Lewis, "How do you Change Voters' Minds?," *New York Times Magazine*, April 7, 2016
Star Trek TNG 5:17: 'The Outcast'
Writing Assignment 3: Williams, *Style*, pp. 96-110 (stress and emphasis), and 209-20 | Alternate Writing Assignment 3: Williams, 'Ethics of Writing', 185-92

C. The Immigration Debate

March 13: The immigration debate: Should immigration be restricted or should there be open borders?
Rdg: Christopher Wellman, "Immigration and Freedom of Association," *Ethics* 119(1):109-141 (October 2008), online; 'Migrant Crisis Tests New Yorkers who thought they supported immigration', *New York Times* Oct. 7, 2023.

D. Hate Speech Codes: May a state university restrict the liberty of people to express their dislike or hate of people who are different than them? Should those who commit 'hate crimes' receive a more severe punishment because their crime was motivated by bigotry?

March 18: The argument in favor of free speech: J.S. Mill's On Liberty
Rdg: J.S. Mill, On Liberty, chapter 2
REVISED PAPER ONE DUE

March 20: Hate Speech Codes
Rdg: Andrew Altman, "Liberalism and Campus Hate Speech: A Philosophical Examination,"
Ethics 103:302-17 (January 1993), online.

III. Equality

A. Race: Is it ever legitimate to identify people based on their race or should the category be given up?

March 25: Equality and Discrimination

Rdg: Peter Singer, "All Animals are Equal," *Philosophical Exchange* 1(5):103-16 (1974); Xiaofei Liu, "No Fats, Femmes, or Asians," *Moral Philosophy and Politics* 2(2):255-76 (2015); Levitt, *Freakonomics*, 'Discrimination on the Weakest Link'; FAU's anti-discrimination guidelines for Hiring Committees.

March 27 The concept of race

Rdg: Steven Jay Gould, *Ever Since Darwin* (chapters 29-31) and *Mismeasure of Man*, pp. 324-334; Smedley and Smedley, "Race as Biology is Fiction", *American Psychologist*, Jan. 2005, online; Gretchen Reynolds, "Hoping Olympic Gold Might End a Racial Divide," *New York Times*, August 16, 2016, online; Nicholas Wade, "Race is seen as real guide to track roots of disease," *New York Times*, July 30, 2002 (online)

Implicit Association Test: take the "Race IAT"

April 1: Black America

Rdg: Robinson, *Disintegration*, chs. 1-7

April 3: Black America

Rdg: Robinson, *Disintegration*, chs. 8-10

B. Affirmative Action: Affirmative action is an effort to redress past injustices, but in giving special preferences to minorities it arguably perpetuates stereotypes. Does affirmative action make people equal, or perpetuate inequality? Does it provide justice or perpetuate injustice?

April 8: Is Race-based Affirmative Action the right solution?

Rdg: Shelby Steele, "A Negative Vote on Affirmative Action"; Amy Gutmann, "Should Public Policy be Class Conscious rather than Color Conscious"; *Students for Fair Admissions v. Harvard* ___ U.S. ___ (2023), excerpts.

C. Gender equality

April 10: Should there be all-female or all-male state-funded schools?

Rdg: *Mississippi University for Women v. Hogan*, 458 U.S. 718 (1982); *U.S. v. Virginia*, 518 U.S. 515 (1996)

Assignment: research what the gender makeup at VMI currently is and what the reaction has

been following U.S. v. Virginia.

GROUPS SHOULD NOW HAVE SUBMITTED A DRAFT POWERPOINT OF THEIR PRESENTATION

D. People with severe disabilities

April 15: John Vorhaus, "Sharing in a Common Life: People with profound and Multiple Learning Difficulties," *Res Publica*, 07 April 2016 published online (skip "Intro" and "Contextual Remarks" and begin with "Actual Participation" and read to end); Genevieve Field, "Should Parents of Children with Severe Disabilities be allowed to stop their growth?", *New York Times Magazine*, March 22, 2016, online

IV. Group presentations

April 17: Group presentations (I)

April 22: Group presentations (II)

April 24 (reading day) or April 26 (10:30-1, final exam slot): Group presentations (III)
Paper two due April 24th

Additional notes:

Attendance Policy: Students are expected to attend all of their scheduled University classes and to satisfy all academic objectives as outlined by the instructor. The effect of absences upon grades is determined by the instructor, and the University reserves the right to deal at any time with individual cases of non-attendance. Students are responsible for arranging to make up work missed because of legitimate class absence, such as illness, family emergencies, military obligation, court-imposed legal obligations or participation in University-approved activities. Examples of University-approved reasons for absences include participating on an athletic or scholastic team, musical and theatrical performances and debate activities. It is the student's responsibility to give the instructor notice prior to any anticipated absences and within a reasonable amount of time after an unanticipated absence, ordinarily by the next scheduled class meeting. Instructors must allow each student who is absent for a University-approved reason the opportunity to make up work missed without any reduction in the student's final course grade as a direct result of such absence.

Policy on Accommodations In compliance with the Americans with Disabilities Act Amendments Act (ADAAA), students who require reasonable accommodations due to a disability to properly execute coursework must register with Student Accessibility Services (SAS) and follow all SAS procedures. SAS has offices across three of FAU's campuses -- Boca Raton, SU 131 (561-297-3880); in Davie, LA 131 (954-236-1222); in Jupiter and all Northern Campuses, SR 111F (561-799-8585). Disability services are available for students on all campuses. For more information, please visit SAS website at www.fau.edu/sas/.

Counseling and Psychological Services (CAPS) Center Life as a university student can be

challenging physically, mentally and emotionally. Students who find stress negatively affecting their ability to achieve academic or personal goals may wish to consider utilizing FAU's Counseling and Psychological Services (CAPS) Center. CAPS provides FAU students a range of services – individual counseling, support meetings, and psychiatric services, to name a few – offered to help improve and maintain emotional well-being. For more information, go to <http://www.fau.edu/counseling/>

Academic Integrity Policy: Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty is considered a serious breach of these ethical standards, because it interferes with the university mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the university community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. For more information, see University Regulation 4.001 and <http://www.fau.edu/divdept/honcol/students/honorcode.html>Links to an external site.

Policy on use of Artificial Intelligence (AI): Students are not permitted to use AI (such as ChatGPT, PaLM2, Grammarly-Go, any other LLMs, etc.) in working on a graded assignment for a class (e.g., written work such as papers, quizzes, discussion board posts, or any other assignment), unless explicitly permitted to do so by the instructor. See the [Honors College Policy on the Use of AI in Courses](#).

Classroom Etiquette Policy: To enhance and maintain a productive atmosphere for education, personal communication devices, such as cellular telephones and pagers, are to be disabled in class sessions.

In this class we address many controversial social issues. The goal is for students to form their own judgements and develop their critical thinking skills. Students are to be respectful of other students and recognize that reasonable people can take different positions on the issues we address.

Policy on Recording in Class: by state law, audio or video recordings of class lectures is permitted only for personal educational use and may NOT be published. Publication, which refers to circulating, sharing, or distributing with anyone (including classmates) or on social media or other media formats is by law subject to penalties up to \$200,000. In addition, failure to adhere to this policy may constitute a violation of the honor code. Recording of class discussions is not permitted unless the student has an accommodation granted by Student Accessibility Services. Students who request recording of class lectures or discussions under the Americans with Disabilities Act must contact Student Accessibility Services to obtain such permission or accommodation, and must otherwise comply with the requirements of SAS. Information for the SAS is available at <http://www.fau.edu/sas/>.