

## THE ETHICS OF SELF-DEFENSE

PROFESSOR: Blake Hereth

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OFFICE: Old Main 311

CLASS MEETINGS: Tuesday 3:30-5:45pm in the Conference/Seminar Room

OFFICE HOURS: Tuesday/Thursday 2-3pm and by appointment

### COURSE DESCRIPTION:

Most people think that harming people in self-defense is justifiable. If someone breaks into your home to kill you because they want to face zero resistance while acquiring your TV, it seems you're permitted to kill them. But there's little consensus beyond this basic picture. Is it necessary that the killer is culpable, or would a less culpable attacker also be liable? If culpability is required, then are we allowed to kill nonhuman animals? Are you obligated to attempt an escape first, or are you permitted to stand your ground in your home? If there are multiple attackers, may you kill them all? When some battered partners can save themselves only before an attack begins, is it permissible for them to do so? We'll explore questions like these and others in this course, probing deeply into both longstanding and new problems in the ethics of self-defense.

### COURSE GOALS:

By the end of the course, students should be able to:

- Identify the major issues in the ethics of self-defense discussed in the course.
- Identify the major thinkers in the ethics of self-defense and their views.
- Write an original, high-quality paper in the ethics of self-defense.

### CONTENT WARNING:

Domestic abuse, violence in war, home invasions, harming nonhuman animals, and sexual assault are issues we'll discuss. We're thinking critically about these things because they're important, if for no other reason than they deeply affect people's lives. We owe them, each other, and ourselves good answers to morally vital questions. But because these issues are disturbing and students should know about them in advance, I'll avoid using examples and discussing cases that are needlessly problematic. (I also ask that students avoid doing so.) If any student finds it difficult to attend or participate in class because of something we're discussing, the student should let me know and I'll modify the discussion as best I can. But if I can't do so to the student's satisfaction, they're free to excuse themselves from class without penalty. Any student who excuses themselves should follow up with me later.

### COURSE REQUIREMENTS:

- Participation (10%): Do the reading carefully and come prepared to discuss it. Then, when in seminar, discuss it.

- Weekly Reading Responses (30%): Reading responses are due each week and should include (a) a reconstruction of the central argument of a reading from that week and (b) an analysis of the central argument. Reading responses should be 2-3 pages in length.
- Long Abstract (10%): Each student will write a 1,000-word abstract of their Term Paper. Your abstract needs to outline an original contribution to the self-defense literature and should indicate some sources you intend to cite. The purpose of the abstract is to jumpstart your thinking and allow me to provide early feedback. This is due Friday, October 18<sup>th</sup>.
- Literature Review Presentation (15%): You'll be responsible for a presentation that reviews the literature the topic for that week. For example: If you choose to present on the internalist/externalist debate, you'll need to summarize a sampling of the literature that explains the major philosophical positions and arguments that have been put forward. Your review doesn't need to be exhaustive, but it should be substantial. In the first or second week of class, students will sign up for a presentation topic and date.
- Term Paper (35%): The culmination of this course should result in a highly polished term paper of ~4,000 to 5,000 words (not including notes or works cited). Your job is to develop a substantial, creative, and interesting line of philosophical argument about some issue in the ethics of self-defense. Ideally, this should be something you can submit to quality conferences or peer-refereed journals. You can choose something we've discussed or can branch out on your own and develop a new problem. Just be sure you run your topic by me first. Your paper is due Tuesday, December 17<sup>th</sup>, by 5pm.

### **GRADING SCALE:**

I use a standard grading scale for this course:

A = 90-100%

B = 80-89.99%

C = 70-79.99%

D = 60-69.99%

F = 59.99 or below

### **TEXTBOOK(S):**

- *The Ethics of Self-Defense*, ed. Christian Coons and Michael Weber (Oxford University Press, 2016).
- Helen Frowe, *Defensive Killing* (Oxford University Press, 2014).

### **READING SCHEDULE:**

WEEK 1 (AUG 27<sup>TH</sup>): WHAT IS SELF-DEFENSE AND WHY DO WE CARE?

#### Readings:

- Syllabus
- Frowe, "Self-Defense" (Blackboard)
- Coons and Weber, "The Ethics of Self-Defense: The Current Debate" (*The Ethics of Self-Defense*)
- Tyler Doggett, "Recent Work in the Ethics of Self-Defense" (Blackboard)

WEEK 2 (SEP 3<sup>RD</sup>): WHAT IS MORAL LIABILITY?

#### Readings:

- *Defensive Killing*, chapter 3
- Kimberly Ferzan, “Culpable Aggression: The Basis of Moral Liability to Defensive Killing” (Blackboard)
- Seth Lazar, “Responsibility, Risk, and Killing in Self-Defense” (Blackboard)
- Victor Tadros, “Causation, Culpability, and Liability” (*The Ethics of Self-Defense*)

WEEK 3 (SEP 10<sup>TH</sup>): IS MORAL LIABILITY INTERNAL OR EXTERNAL?

Readings:

- Jonathan Quong & Joanna Firth, “Necessity, Moral Liability, and Defensive Harm” (Blackboard)
- Helen Frowe, “The Role of Necessity in Liability to Defensive Harm” (*The Ethics of Self-Defense*)

WEEK 4 (SEP 17<sup>TH</sup>): MUST THERE BE A REASONABLE CHANCE OF SUCCESS?

Readings:

- Daniel Statman, “On the Success Condition for Legitimate Self-Defense” (Blackboard)
- *Defensive Killing*, 109-115
- Suzanne Uniacke, “Self-Defense, Just War, and a Reasonable Prospect of Success” (Blackboard)

WEEK 5 (SEP 24<sup>TH</sup>): WHAT IF YOU CAN ESCAPE THE THREAT?

Readings:

- Helen Frowe, “The Role of Necessity in Liability to Defensive Harm” (*The Ethics of Self-Defense*)
- Heidi M. Hurd, “Stand Your Ground” (*The Ethics of Self-Defense*)
- Ian Fishback, “Necessity and Institutions in Self-Defense and War” (*The Ethics of Self-Defense*)

WEEK 6 (OCT 1<sup>ST</sup>): IS THE IMMINENCE REQUIREMENT SEXIST?

Readings:

- Marcia Baron, “The Imminence Requirement” (Blackboard)
- Fiona Leverick, *Killing in Self-Defense*, chapter 5 (Blackboard)
- Kimberly Ferzan, “Defending Imminence: From Battered Women to Iraq” (Blackboard)

WEEK 7 (OCT 8<sup>TH</sup>): CAN JUSTIFIED THREATENERS BE LIABLE?

Readings:

- Jeff McMahan, “Self-Defense Against Justified Threateners” (Blackboard)
- Adam Hosein, “Are Justified Aggressors a Threat to the Rights Theory of Self-Defense?” (Blackboard)
- Helen Frowe, “Lesser-Evil Justifications for Harming: Why We’re Required to Turn the Trolley” (Blackboard)

WEEK 8 (OCT 15<sup>TH</sup>): IS DESERT A GOOD BASIS FOR SELF-DEFENSE?

Readings:

- *Defensive Killing*, pp.106-109
- Victor Tadros, *The Ends of Harm*, pp.175-177 (Blackboard)
- John Gardner and Francois Tanguay-Renaud, “Desert and Avoidability in Self-Defense” (Blackboard)

WEEK 9 (OCT 22<sup>ND</sup>): FALL BREAK!

WEEK 10 (OCT 29<sup>TH</sup>): WHAT ABOUT PACIFISM?

Readings:

- Cheyney Ryan, “Self-Defense, Pacifism, and the Possibility of Killing”
- Saba Bazargan-Forward, “Varieties of Contingent Pacifism in War”
- Sara Ruddick, “Preservative Love and Military Destruction: Some Reflections on Mothering and Peace”

Optional Reading:

- Victoria Davion, “Pacifism and Care”

WEEK 11 (NOV 5<sup>TH</sup>): WHAT ABOUT SYMMETRICAL THREATS?

Readings:

- Timothy Campbell, “The Problem of Symmetrical Threats” (Blackboard)

Optional Readings:

- Kerah Gordon-Solmon, “Self-Defense Against Multiple Threats” (Blackboard)
- Jeff McMahan, “Liability, Proportionality, and the Number of Aggressors” (*The Ethics of Self-Defense*)
- David Rodin, “The Lesser Evil Obligation” (*The Ethics of Self-Defense*)

WEEK 12 (NOV 12<sup>TH</sup>): WHAT ABOUT KILLING ANIMALS?

Readings:

- Tatjana Visak, “Do Utilitarians Need to Accept the Replaceability Argument?” (Blackboard)
- Cheryl Abbate, “The Search for Liability in the Defense Killing of Nonhuman Animals” (Blackboard)
- Blake Hereth, “Animal Rights Pacifism” (Blackboard)

WEEK 13 (NOV 19<sup>TH</sup>): CAN PUNISHMENT BE JUSTIFIED VIA SELF-DEFENSE?

Readings:

- David Boonin, *The Problem of Punishment*, 192-207 (Blackboard)
- David Alm, “Self-Defense, Punishment, and Forfeiture” (Blackboard)
- Zac Cogley, “Fortifying the Self-Defense Justification of Punishment” (Blackboard)

WEEK 14 (NOV 26<sup>TH</sup>): HOW DOES SELF-DEFENSE RELATE TO WAR?

Readings:

- Christopher Kutz, “The Difference Uniforms Make: Collective Violence in Criminal Law and War” (Blackboard)
- Helen Frowe, *Defensive Killing*, chapter 5
- Seth Lazar, “Complicity, Collectives, and Killing in War” (Blackboard)
- Holly Lawford-Smith, *Not in Their Name*, chapter 5 (Blackboard)

WEEK 15 (DEC 3<sup>RD</sup>): HEALTHCARE JUSTICE FOR COMBATANTS?

Readings:

- Richard Arneson, “Luck Egalitarianism—A Primer” (Blackboard)
- Kasper Lippert-Rasmussen, “Noncombatants and Liability to Be Attacked in Wars” (Blackboard)
- Blake Hereth, “Reductive Individualism and Healthcare Justice” (Blackboard)

WEEK 16 (DEC 10<sup>TH</sup>): MAY WE KILL NON-COMBATANTS?

Readings:

- *Defensive Killing*, chapters 6-8
- Saba Bazargan-Forward, “Non-Combatant Immunity and War-Profitteering” (Blackboard)
- Seth Lazar, *Sparing Civilians*, chapter 5 (Blackboard)

WEEK 17 (DEC 17<sup>TH</sup>): FINALS WEEK

**POLICIES:**

- Academic Integrity: As a core part of its mission, the University of Arkansas provides students with the opportunity to further their educational goals through programs of study and research in an environment that promotes freedom of inquiry and academic responsibility. Accomplishing this mission is only possible when intellectual honesty and individual integrity prevail. Each University of Arkansas student is required to be familiar with and abide by the University’s ‘Academic Integrity Policy’ which may be found at [provost.uark.edu](http://provost.uark.edu) Students with questions about how these policies apply to a particular course or assignment should immediately contact their instructor.
- Selling Notes: There are companies that will try to lure you into selling the notes you take in this class. Don’t let these companies take advantage of you. Selling my notes to any commercial service I will consider a violation of my intellectual property rights and/or copyright law as well as a violation of the U of A’s academic integrity policy. Continued enrollment in this class signifies intent to abide by the policy. Any violation will be reported to the Office of Academic Initiatives and Integrity.
- Respect of Self and Others: Respect of Self and Others: As a (mostly) consistent Kantian, I expect everyone in this course to maintain a certain level of self-respect. This means taking yourself seriously (although not *too* seriously) and avoiding excessive self-deprecation. You are valuable and an important part of the philosophical community. I also expect everyone in this course to maintain respect for others. Philosophical engagement is often aggressive and it’s easy to see why: Sometimes you develop a devastating objection to someone’s argument and you want to deliver it in epic fashion. But we won’t indulge those impulses here. It’s okay to care about the material and to discuss it passionately, but *don’t* interrupt others, *do* be equitable with your speaking time (and be aware that we’re often bad judges of when we’ve exceeded our equitable speaking time), *do* aim to help someone identify any flaws in their view *and* make suggestions for how they might improve it, and *do* respect others’ pronouns.
- Attendance: Education at the university level requires active involvement in the learning process. Therefore students have the responsibility to attend classes and to actively engage in all learning assignments or opportunities provided in their classes. Instructors have the responsibility to provide a written policy on student attendance that is tied to course objectives and included in a course syllabus. There may be times, however, when illness, family crisis, or university-sponsored activities make full attendance or participation impossible. In these situations students are responsible for making timely arrangements with the instructor to make up work missed. Such arrangements should be made in writing and prior to the absence when possible. Examples of absences that should be considered excusable include those resulting from the following: (1) illness of the student, (2) serious illness or death of a member of the student’s immediate family or other

family crisis, (3) University-sponsored activities for which the student's attendance is required by virtue of scholarship or leadership/participation responsibilities, (4) religious observances (see Students' Religious Observances policy below), (5) jury duty or subpoena for court appearance, and (6) military duty. The instructor has the right to require that the student provide appropriate documentation for any absence for which the student wishes to be excused.

- Weather: When the University of Arkansas declares that the inclement weather policy is in effect, we won't meet for seminar. In such cases, and in any other case when class is cancelled, you will be notified via email or Blackboard. In cases of questionable whether, please check the university website.
- Disability Related Accommodation: University of Arkansas Academic Policy Series 1520.10 requires that students with disabilities are provided reasonable accommodations to ensure their equal access to course content. If you have a documented disability and require accommodations, please contact me privately at the beginning of the semester to make arrangements for necessary classroom adjustments. Please note, you must first verify your eligibility for these through the Center for Educational Access (contact 479-575-3104 or visit [cea.uark.edu](http://cea.uark.edu) for more information on registration procedures).
- Reminder About Concealed Carry on Campus: Handguns are only allowed on campus (including all classrooms) to the extent specifically authorized by state law. Each individual who lawfully possesses a handgun and an enhanced carry permit is required to keep the handgun concealed from public view at all times and is responsible for carrying the handgun in a safe manner. If an individual carries a concealed handgun in a personal carrier such as a backpack, purse, or handbag, the carrier must remain within the individual's immediate vicinity (within arm's reach). During this course, you may be required to engage in activities that may require you to separate from your belongings such as taking a quiz or examination, and thus you should plan accordingly. Any student who violates the concealed carry laws while on campus may be subject to criminal prosecution and/or discipline by the University, up to and including dismissal. If you observe someone displaying a handgun or other weapon on campus, it should be reported to the University of Arkansas Police Department. For more information, please go to [safety.uark.edu](http://safety.uark.edu).
- Problems with the Course: If you have concerns or suggestions regarding this course, I encourage you to speak to me directly about them. If you would prefer to speak with someone else, however, you may contact:

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