

Smith, Paul (2008) Moral and political philosophy: key issues, concepts and theories. Palgrave Macmillan UK.

Downloaded from: <http://insight.cumbria.ac.uk/2883/>

*Usage of any items from the University of Cumbria's institutional repository 'Insight' must conform to the following fair usage guidelines.*

Any item and its associated metadata held in the University of Cumbria's institutional repository Insight (unless stated otherwise on the metadata record) may be copied, displayed or performed, and stored in line with the JISC fair dealing guidelines (available [here](#)) for educational and not-for-profit activities

**provided that**

- the authors, title and full bibliographic details of the item are cited clearly when any part of the work is referred to verbally or in the written form
  - a hyperlink/URL to the original Insight record of that item is included in any citations of the work
- the content is not changed in any way
- all files required for usage of the item are kept together with the main item file.

**You may not**

- sell any part of an item
- refer to any part of an item without citation
- amend any item or contextualise it in a way that will impugn the creator's reputation
- remove or alter the copyright statement on an item.

The full policy can be found [here](#).

Alternatively contact the University of Cumbria Repository Editor by emailing [insight@cumbria.ac.uk](mailto:insight@cumbria.ac.uk).

MORAL AND POLITICAL  
PHILOSOPHY

# MORAL AND POLITICAL PHILOSOPHY

KEY ISSUES, CONCEPTS AND  
THEORIES

Paul Smith

palgrave  
macmillan



© Paul Smith 2008  
Softcover reprint of the hardcover 1st edition 2008

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No paragraph of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP.

Any person who does any unauthorised act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The author has asserted his right to be identified as the author of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published in 2008 by  
PALGRAVE MACMILLAN  
Houndmills, Basingstoke, Hampshire RG21 6XS and  
175 Fifth Avenue, New York, N.Y. 10010  
Companies and representatives throughout the world.

PALGRAVE MACMILLAN is the global academic imprint of the Palgrave Macmillan division of St. Martin's Press, LLC and of Palgrave Macmillan Ltd. Macmillan® is a registered trademark in the United States, United Kingdom and other countries. Palgrave is a registered trademark in the European Union and other countries.

ISBN 978-0-230-55276-0      ISBN 978-0-230-59394-7 (eBook)  
DOI 10.1007/978-0-230-59394-7

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1  
17 16 15 14 13 12 11 10 09 08

Transferred to Digital Printing 2011

# CONTENTS

<i>Preface</i>	viii
<i>Acknowledgements</i>	ix
<b>1 Drug Laws</b>	<b>1</b>
Arguments for a right to the freedom to use drugs	1
Arguments against a right to the freedom to use drugs	4
A utilitarian argument for prohibition	11
A utilitarian argument against prohibition	13
<b>2 Justifications of Punishment</b>	<b>19</b>
Retributivism	20
Kant's retributivism	21
Kant's arguments for retributivism	22
Criticisms of retributivism	23
The utilitarian theory of punishment	24
Criticisms of the utilitarian theory of punishment	27
Attempts to reconcile retributivist and utilitarian justifications of punishment	30
<b>3 Civil Disobedience: Is There a Duty to Obey the Law?</b>	<b>33</b>
Definitions and varieties of civil disobedience	33
Is there a duty to obey the law?	35
Justifications of civil disobedience	39
<b>4 Global Poverty</b>	<b>45</b>
Facts about global poverty and affluence	45
Is there a moral duty to help the distant poor?	46
Peter Singer's argument for a duty to help the distant poor	48
Global poverty as injustice	52

<b>5 Liberty</b>	<b>58</b>
John Stuart Mill on liberty	58
Contractualism and liberty	62
Which freedoms are especially important?	65
Analysing interpretations of liberty:	
how many concepts of liberty?	65
Competing conceptions of freedom	67
Freedom and the state	72
<b>6 Liberty-limiting Principles</b>	<b>75</b>
Harm to others	76
Offence	78
Harm to self	80
Harmless wrongdoing	88
Public goods	92
Social justice	93
<b>7 Rights</b>	<b>95</b>
Some distinctions among rights	97
The basis of moral rights	100
Rights and right conduct	101
Rights and duties	102
Human rights	104
The importance of moral rights	109
Criticisms of the idea of moral rights	110
<b>8 Equality and Social Justice</b>	<b>113</b>
Equality	113
Social justice	115
Which kinds of equality does	
social justice require?	116
<b>9 Moral Relativism</b>	<b>129</b>
The fact of moral diversity	129
Varieties of moral relativism	130
Arguments for moral relativism	132
Objections to moral relativism	135
<b>10 Utilitarianism</b>	<b>143</b>
Bentham's and Mill's utilitarianism	144
Varieties of contemporary utilitarianism	148
Attractions of utilitarianism	151

Utilitarianism, liberty, rights, equality and social justice	154
Objections to utilitarianism	161
<b>11 Kantian Moral Philosophy</b>	<b>167</b>
Moral duties are categorical imperatives	168
The Categorical Imperative	170
The Formula of Universal Law	170
The Formula of Humanity	173
Kant and ordinary moral judgements	178
Kant on lying	179
Moral motivation as crucial, powerful, and inspiring	180
The sufficiency of moral motivation: ought implies can	182
Moral motivation and freedom of the will	183
<b>12 John Rawls's Theory of Justice</b>	<b>185</b>
Fundamental ideas	186
The principles of justice	190
Arguments for the principles of justice	193
Institutional and policy implications of the principles of justice	198
Criticisms of Rawls's contractual argument	200
Nozick's libertarian rival to, and critique of, Rawls's theory of justice	201
Cohen's egalitarian critique of Rawls's theory of justice	205
<b>Concluding Remarks</b>	<b>211</b>
<i>Notes</i>	215
<i>References</i>	241
<i>Index</i>	251

# PREFACE

This book is written primarily for undergraduates in philosophy and cognate subjects, such as politics or law. It aims to be accessible, clear and concise. Consequently, it avoids technicalities, complications and details (some of which some people will think should not have been avoided). A book of this length must be highly selective in its topics and their discussion. I have selected some key concepts and theories that are central to moral and political philosophy and some controversial practical moral and political issues. These issues are selected to engage students and to develop their interest in the moral and political concepts and theories. The topic of each chapter has been the subject of whole books that offer comprehensive surveys. However, I have been highly selective, aiming to focus on the essentials of each topic.

The book starts with four chapters on practical moral and political issues that are important, perennially topical, controversial and provocative. As well as engaging with students' interests, these practical issues raise and illustrate general issues in moral and political theory. Arguments about the practical issues appeal to moral and political concepts and principles, particularly to liberty, liberty-limiting principles, rights, equality and social justice. These are explored in chapters 5–8. Discussion of practical moral and political issues and of the concepts and principles continually raises questions about general moral and political theories, which are discussed systematically in chapters 9–12. (The distinctions between issues, concepts and theories are not clear-cut but porous, as they permeate each other.)

The chapters are interconnected and are best read in sequence. However, each chapter is written so that it can be read independently and so they can be read in any order. This necessitates some repetition, but is intended to make the book useful to diverse courses. Each chapter is intended to be thought-provoking and each concludes with questions for discussion, inviting students to think critically about the issues raised and to continue the debate.



# ACKNOWLEDGEMENTS

I am grateful to two anonymous readers for their very helpful comments, one on drafts of the first two chapters and one on the whole draft typescript.

Chapter 1 is based on 'Drugs, Morality, and the Law', *Journal of Applied Philosophy*, 19, 3 (2002). I am grateful to Blackwell Publishing for permission to use this material.

Chapter 2 is based on 'Justifications of Punishment', *Dialogue*, 25 (2005). I am grateful to Dr Jeremy Hall, the editor of *Dialogue*, for permission to use this material.