

POL 518/PHI 529 Problems of Risk in Law and Society

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Seminar Description

This seminar explores the moral and political significance of risk across several domains. We begin with a broad theoretical focus, looking at the role of risk in shaping theories of distributive justice, normative ethics, questions of aggregation, and theories of rights. We then turn to a variety of social and legal areas of application, including responsibility for foreseen or created risks, negligence, medical trials, statistical evidence in criminal law, risks in just war, precautionary principles, and how existential threats should affect our present policy priorities.

All readings will be made available on the **Course Canvas Page**:

<https://princeton.instructure.com/courses/2727>.

Course Logistics

This class is a graduate seminar, meeting synchronously over Zoom on Wednesdays 1:30-4:20 pm Eastern Time, every week from February 3 (first meeting) to April 21 (final meeting). We will typically have 1-2 breaks during each class. The class will meet at [this stable zoom link](#); if you need to join a different way, it is meeting ID **93604298880**, and the password is **risk**

Graded Work

- **Discussion Participation – 40%**

Readings. Everyone is expected to attend and actively participate in each class meeting, having already read the course readings for that week. Auditors are welcome to attend, but everyone contributing to discussion is expected to have completed the assigned readings.

Discussion Forum. After the first week, you are expected to post a brief (1-2 paragraph) response to the required readings to the [discussion forum on canvas](#) each week, no later than 24 hours before the class meets. You are encouraged to use these as an opportunity to raise points or questions that would be fruitful to discuss when we meet.

Presentations (optional). If you would like to give a 15-minute presentation (for example, to fulfill the Philosophy department requirement), then you may do so in lieu of posting discussion questions 2 weeks. A presentation should be about fifteen minutes, and can either summarize the paper for

discussion or present a more narrowly focused objection to a specific part of the paper. Please meet with us at least 2 weeks in advance of the week you'd like to present, to discuss further.

- **Writing Requirement -- 60%**

Each student must either write an article-length seminar paper (7500 words), or three short papers (2500 words each). Seminar papers might engage any issue related to the theme of the seminar, please talk with one of us before you get started. Final seminar papers are due on Deans' date. Short papers should critically address issues arising in the readings and discussions any single week. They are due 5pm the Monday after the class at which the relevant topic is discussed; at least one paper should be submitted before week 7.

Schedule of Readings

Readings are subject to change; we will alert you through the Canvas page if we make alterations to the reading schedule.

week	Date	
1	Feb 3	<p>Theoretical Foundations</p> <p>Required: Precis of Buchak, <i>Risk and Rationality</i></p> <p>Strongly encouraged: Buchak, <i>Risk and Rationality</i>, Chs. 1, 2.1, 3 [We strongly encourage you read this, but all of the formal material will be explained in class; seminar will focus on conceptual questions, so don't get too hung up on understanding the axioms/proof]</p>
2	Feb 10	<p>Risk & Deontological Ethics</p> <p>Jackson & Smith, Absolute Moral Theories and Uncertainty</p> <p>Lazar & Lee-Stronach, Axiological Absolutism and Risk</p>
3	Feb 17	<p>Risk and Aggregation</p> <p>Frick, Contractualism and Social Risk</p> <p>Horton, Aggregation, Complaints, and Risk</p> <p>Optional additional reading: Walen, Risk and Weak Aggregation</p>

4	Feb 24	<p>Veil of ignorance reasoning and distributive ethics</p> <p>Harsanyi, Cardinal Utility in Welfare Economics and the Theory of Rational Behavior</p> <p>Buchak, Taking Risks Behind the Veil of Ignorance</p> <p>Nebel, Rank-Weighted Utilitarianism and the Veil of Ignorance</p>
5	Mar 3	<p>Risk & Intervening Agency</p> <p>Zimmerman, Intervening Agents and Moral Responsibility</p> <p>Ferzan, Provocateurs</p> <p>White, Self-Prediction in Practical Agency: Its role and limits</p>
6	Mar 10	<p>Normative Opacity & Moral Status Risk</p> <p>Bolinger, <i>Rewriting Rights</i> (excerpts)</p> <p>Thomson, Risk and Restitution</p>
7	Mar 17	<p>Moral and Legal Luck and the Agent-Patient Distinction</p> <p>Frick, Dilemmas, Luck, and the Two Faces of Morality</p> <p>Zipursky, Two Dimensions of Responsibility in Crime, Tort, and Moral Luck</p>
8	Mar 24	<p>Legal Luck: Negligence</p> <p>Jeremy Waldron, Moments of Carelessness and Massive Loss</p> <p>Seana Shiffrin, The Moral Neglect of Negligence</p> <p>Optional Additional Reading: Michael Moore & Heidi Hurd, Punishing the Awkward, the Stupid, the Weak, and the Selfish: The Culpability of Negligence</p>

9	Mar 31	<p>Legal Luck: Statistical Evidence</p> <p>Buchak, Belief, Credence, and Norms</p> <p>Pritchard, Legal risk, legal evidence and the arithmetic of criminal justice, Jurisprudence</p> <p>Bolinger, Explaining Justificatory Asymmetries between Individualized and Statistical Evidence</p> <p>Optional Additional Reading: DiBello and O'Neill, Profile Evidence, Fairness, and the Risks of Mistaken Convictions</p>
10	Apr 7	<p>Medical Trials</p> <p>Robert Steel, Reconceptualizing Risk-Benefit analysis: The Case of HIV Research</p> <p>Steuwer, Balancing Risks Inside and Outside the Trial: The Challenge of Coronavirus Vaccine Testing</p> <p>Buchak, <u>Why High-Risk, Non-Expected-Utility-Maximising Gambles Can Be Rational and Beneficial: The Case of HIV Cure Studies.</u></p> <p>Chappell and Singer, Pandemic Ethics: The Case for Risky Research</p>
11	Apr 14	<p>Risk in Just War</p> <p>Kavka, Some Paradoxes of Deterrence</p> <p>Lackey, Immoral Risks: A Deontological Critique of Nuclear Deterrence</p> <p>Lazar, In Dubious Battle</p>
12	Apr 21	<p>Small Probabilities of Catastrophes</p> <p>Hilary Greaves & William MacAskill, The Case for Strong Longtermism</p> <p>Buchak, Weighing the Risks of Climate Change</p> <p>Bradley Monton, How to Avoid Maximizing Expected Utility</p> <p>Optional Background Reading: Nick Bostrom, Existential Risks Prevention as Global Priority</p>
	Apr 28	Reading Week

	May 5	Final papers due Dean's Date
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