

JULIAN DAVID JONKER

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ACADEMIC POSITIONS

Assistant Professor, The Wharton School of the University of Pennsylvania, Department of Legal Studies and Business Ethics, 2017–present

Lecturer, University of Cape Town, Department of Private Law, 2007–2010

Teaching and Research Assistant, University of Cape Town, Department of Private Law, 2002–2003

EDUCATION

University of California, Berkeley, 2010–2017, PhD in Philosophy

University of Cape Town, 2008–2010, BA Honours in Philosophy

University of Cape Town, 2003–2005, MPhil in Legal Theory

University of Cape Town, 1999–2001, LLB *cum laude*

AREAS OF SPECIALIZATION

Moral Philosophy, Political Philosophy, Philosophy of Law

AREAS OF COMPETENCE

Chinese Philosophy, Decision Theory, Philosophy of Language, Logic

DISSERTATION

In Defense of Directed Duties

Committee: Niko Kolodny and R Jay Wallace (co-chairs), Martin Jay (History)

If I promise Stephanie that I will help her move house, then not only ought I help her, I also owe it to her to do so. The duty to keep my promise is a *directed duty*, with Stephanie as its addressee. A satisfactory account of directed duties should answer three distinct questions, and distinguishing these questions allows us to adopt insights from theories that would otherwise be seen as competitors. (i) **Direction**—Why is a particular duty owed to S rather than T? I defend an answer implicit in Scanlon’s contractualism: the addressee is the one whose potential complaint justifies the duty. Defending this account involves emphasizing the neglected importance of what Scanlon calls ‘generic reasons.’ (ii) **Practical Difference**—What difference does directedness make to how one appropriately acts? I argue that a directed duty gives the duty’s addressee special standing in our practice of accountability, including special entitlement to apology and redress, and special power to forgive. (iii) **Importance**—What is lost when a moral community fails to acknowledge the directedness of duties? I argue that a practice of accountability that grants special standing to the addressee of a duty makes available a form of recognition that serves to repair the lapse of recognition constituted by the wrongdoing. Such recognition is a form of respect for creatures who have the distinctive capacity to take an interest in how their interests are regarded by others.

SELECTED ACADEMIC PUBLICATIONS

Journal Articles

'Truth, amnesty, and defamation: *The Citizen v McBride* 2010 SA 148 (SCA),' *South African Law Journal*, 127(3), 2010: pp. 381-97.

'Of soft vengeance and laughter,' *South African Public Law/Publieke Reg* 25(1), 2010: pp. 137-51.

'Excavating the legal subject,' *Griffith Law Review* Vol 14, 2005: pp. 187-212.

Book Chapters

Raygaanah Barday and Julian Jonker, 'Chapter 5. Thinking critically,' in A Barday, R Barday, A Barratt, P F Iya, J Jonker and M Olivier *Skills for law students: fresh perspectives*. Cape Town: Pearson Prentice Hall, 2008.

SELECTED ACADEMIC AWARDS

Scholarships and Fellowships

Dean's Completion Fellowship, Fall 2014–Spring 2015

Berkeley Fellowship, Fall 2010–Spring 2012

Twelfth Annual Cultural Studies Workshop, Hyderabad, 28 January–2 February 2007 (hosted by the Centre for the Study of the Social Sciences, Calcutta and the South South Exchange Programme for Research in the History of Development)

Institutions of Public Culture Fellowship at the Centre for Studies of Public Scholarship, Emory University, Atlanta, January - May 2006

Sir William Solomon Scholarship, 2004

K W Johnston Scholarship, 2004

UCT Council Bursary, 2004

Manuel and Luby Washkansky Scholarship, 2003-2004

Fulbright Scholarship, 2002-2003 (not accepted)

Selected Prizes

Outstanding Graduate Student Instructor Award (Berkeley, 2015)

DB Molteno Prize for highest marks in courses in Public Law, 2001

Administrative Law class medal, 2001

Ben Beinart Memorial Prize (for Roman Law), 1999

Jurisprudence class medal, 1999

African Customary Law class medal, 1999

Research Assistantships

Research Assistant for Niko Kolodny (December 2013)

Research Assistant for Lara Buchak (March 2011–January 2012)

SELECTED PRESENTATIONS

- 'Affirmative action for non-racialists,' *Society for Applied Philosophy 2016 Conference*, Queen's University, Belfast, 1 July 2016
- 'Contractualist Justification and the Directedness of Duties,' *Berkeley-Stanford-Davis Graduate Conference*, University of California, Berkeley, 9 April 2016
- 'Liberal consensus and the expressive significance of law,' *Hong Kong University Political Theory Graduate Conference*, Hong Kong University, 28-29 March 2016
- 'The expressive significance of directives,' *Ontario Legal Philosophy Project graduate conference*, McMaster University, Hamilton, Ontario, 28-29 May 2014
- 'A Confucian account of animal suffering,' *University of Toronto Graduate Conference at the Centre for Ethics*, 26 April 2014 (presented in absentia)
- 'Rational decision-making with unsharp credences,' *CSLI Logic and Methodology Workshop*, Stanford University, 14-15 May 2011
- 'Language policy in postcolonial legal systems,' *African Academy of Legal Theory*, University of Namibia, Windhoek, 26-27 March 2008
- 'Geographies of apartheid: boundaries, porosity, foundations,' *Critical Law Conference*, Birkbeck University, London, 16-18 September 2007
- 'Reconciliation with the dead: silence, hauntings and public memory in Cape Town, 1995-2005,' Emory University, Atlanta, GA, 9 March 2006
- '"Reimagining" carnival? Community organizations, cultural production as intervention, and the politics of cultural property,' *Hands On District Six. Landscapes of Postcolonial Memorialisation*, District Six Museum, Cape Town, 25-28 May 2005

TEACHING EXPERIENCE

As Primary Instructor at University of California, Berkeley

Phil 2 Individual Morality and Social Justice (Summer 2014)

As Primary Instructor at the San Quentin Prison University Project

Phil 271 Introduction to Philosophy (with Jeff Kaplan) (Fall 2016)

As Primary Instructor at University of Cape Town

Constitutional Law (2007–2010)

Comparative Legal History (2007–2010)

Law of Marriage and Persons (2007–2010)

Foundations of South African Law (2008 – 2010)

As Teaching Assistant at University of California, Berkeley

Phil 18 Confucius for Today (Primary Instructor: Kwong-loi Shun, Fall 2016)

Phil 115 Political Philosophy (Primary Instructor: Prof. Hans Sluga, Spring 2016)

Phil 18 Confucius for Today (Primary Instructor: Prof. Kwong-loi Shun, Fall 2015)

Phil 153 Chinese Philosophy (Primary Instructor: Prof. Kwong-loi Shun, Spring 2014)

Phil 104 Ethical Theories (Primary Instructor: Prof. R Jay Wallace, Fall 2013)
Phil 153 Chinese Philosophy (Primary Instructor: Prof. Justin Tiwald, Summer 2013)
Phil 135 Theory of Meaning (Primary Instructor: Prof. John MacFarlane, Spring 2012)
Phil 12A Introduction to Logic (Primary Instructor: Prof. Sherri Roush, Fall 2012)
Phil 115 Political Philosophy (Primary Instructor: Prof. Florian Grosser, Summer 2012)
Phil 3 Nature of Mind (Primary Instructor: Katrina Winzeler, Summer 2011)
Phil 12A Introduction to Logic (Primary Instructor: Prof. Paolo Mancosu, Spring 2011)

PROFESSIONAL SERVICE

University of California, Berkeley

Comments on Ariel Zylberman's 'The Relationship of Respect,' *Directed Duties*, Simon Fraser University, Vancouver, 20 May 2016
Comments on Orris Stefánsson, 'Fairness, lotteries, and non-modal consequentialism,' *Berkeley-London Graduate Conference*, 10 May 2013
Comments on Justin Dallman, 'Taking confirmation first: toward a naïve conception of confirmation theory,' *Berkeley-Stanford-Davis Graduate Conference*, 9 April 2011

University of Cape Town

Coordinator of the Law Faculty Writing Centre (January 2007 - June 2009)
Coordinator of the isiXhosa Law Wiki project (January 2008 - December 2009)
Member of Academic Planning Committee (2007-2009)
Admissions Committee (2007-2009)
Readmissions Review Committee (2007-2009)
Board of the Centre for Higher Education Development (2007-2009)
Quality Assurance Working Group (2008-2009)
Senate Language Committee (2009)
Faculty Orientation Coordinator (2009)
Student Advisor: LLB preliminary year (2008)
Student Equity Forum (2007-2008)

COMMUNITY INVOLVEMENT

Instructor at San Quentin State Prison, Prison University Project (Fall 2016)
Contributor to report by the Association for Progressive Communications, *Media piracy* (2009)
Contributor to report by the Isandla Institute, *Culture and the Right to the City. Cultural Diversity and the Cultural Ecology of Cape Town.* (2007)

PHD QUALIFYING EXAM TOPICS

Relational Normativity (Prof. R Jay Wallace)
Interpersonal Utility Comparisons (Prof. Lara Buchak)
Subjective and Objective Ought (Prof. John MacFarlane)

SEMINARS AND COURSES TAKEN AS A GRADUATE STUDENT

Introduction to Literary Chinese (Fall 2016, Prof Robert Ashmore)
Chinese 10 (Fall 2016)
Chinese 1 (Fall 2015–Spring 2016)
Comparative Equality and Anti-Discrimination Law (Prof David Oppenheimer, Spring 2016)
Computational Cognitive Science (Prof Tom Griffiths, Fall 2015, audited)
Superintelligence research seminar (Sebastian Benthall, Fall 2015, audited)
Contractualism (Prof Véronique Munoz-Dardé, Fall 2014, audited)
Political Rule (Prof Niko Kolodny, Spring 2014, audited)
The Morality of Freedom (Prof Véronique Munoz-Dardé, Fall 2013)
Signals (Prof Brian Skyrms, Spring 2012, audited)
Habermas Research Seminar (Prof Martin Jay, Spring 2012)
Promises and Promissory Obligations. (Prof R Jay Wallace and Prof Niko Kolodny, Spring 2012)
Aristotle's De Anima (Prof Klaus Corcilius, Spring 2012)
Syntax and Semantics (Prof Line Mikkelsen, Fall 2011)
Form and Meaning (Prof Seth Yalcin, Fall 2011)
Habermas (Prof Martin Jay, Fall 2011)
Philosophical Logic (Prof John MacFarlane, Spring 2011)
Strange Tools (Prof Alva Noë, Spring 2011)
Seminar in Modal Logic (Prof Johan von Benthem, Spring 2011, audited)
Signals (Prof Brian Skyrms, Spring 2011, audited)
Hume (Prof MGF Martin, Fall 2010)
Game Theory and Philosophy (Prof Lara Buchak, Fall 2010)
First year seminar (Prof Barry Stroud and Prof MGF Martin, Fall 2010)

LANGUAGES

English (home language)
Afrikaans (fluent)
Mandarin (conversational and reading)
Classical Chinese (reading)
French (conversational and reading)
German (reading)
Latin (reading)

CITIZENSHIP

Republic of South Africa

REFERENCES

R Jay Wallace

Department of Philosophy
University of California, Berkeley
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Niko Kolodny

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Martin Jay

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DEPARTMENTAL CONTACT

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IN DEFENSE OF DIRECTED DUTIES

If I promise Stephanie that I will help her move house, then not only ought I help her, I also owe it *to her* to do so. If I fail to comply with this obligation, I not only do wrong, but I wrong someone, namely Stephanie. The duty to keep my promise is a *directed duty*, with Stephanie as its *addressee*. Directed duties and related normative concepts play a central role in non-consequentialist moral theories. For example, moral rights, which seem to rule out consequentialist moral theories, are closely connected to directed duties: if S has a right that J ϕ , then J owes it *to S* to ϕ . But directed duties remain poorly understood. For this reason, consequentialists dismiss talk of directed duties as justified, at best, by its tendency to promote good outcomes. I aim to characterize directed duties in a way that shows that treating duties as directed is not simply instrumentally convenient, but is a way of acknowledging an important dimension of morality.

An account of directed duties should answer three distinct questions: (1) **Direction.** Why is a particular duty owed to S rather than T? (2) **Practical Difference.** What difference does the directedness of a duty make to what we appropriately think and do? (3) **Importance.** What is lost when a moral community fails to acknowledge the directedness of duties? Distinguishing these questions allows us to adopt insights from theories that would otherwise be seen as competitors.

(1) **Direction.** I develop a contractualist account of direction: the addressee is the person whose representative role grounds a complaint which justifies the duty. For example, the act of promising establishes several representative roles: promisor, promisee, and third party. The duty to keep one's promise is justified by the fact that, in a representative case of promising, the promisee has a generic interest in assurance, and this interest grounds a complaint that outweighs the complaints available to the promisor and third parties. Since the complaint attached to the representative role of promisee grounds the duty, in a particular case it is the promisee who is owed the duty. This means that the promisee—and more generally, the addressee of a directed duty—has a special place in an agent's deliberation: it is the potential complaint based on their generic interests that determines how the agent should act.

(2) **Practical Difference.** Directed duties make a difference not only to how we deliberate intrapersonally, but, crucially, to how we hold one another accountable interpersonally. A directed duty gives its addressee special standing in the practice of accountability and moral repair: in particular, special entitlement to apology and redress, and special power to accept apology and forgive the wrongdoer. This account of Practical Difference improves on the common suggestion, inspired by Mill, that an addressee has special standing to blame.

(3) **Importance.** What would be lost if we failed to recognize directed duties? Observe that when J infringes a duty to S, the injury to S consists not only in the setback to her interests but also in the lack of recognition of those interests. Requiring that apology be directed to S in particular—that the apology be addressed to S in order to count as an apology—enables apology to serve as a form of recognition, one that serves to repair the original lapse of recognition. Observe further that S determines the significance to herself of how her interests have been affected, since she takes a stand on the value of what has been lost and the role that the loss will play in her life. Requiring that forgiveness be sought from S in particular enables the seeking of forgiveness to serve as a way of recognizing this fact. In sum, a practice of accountability that grants special standing to S acknowledges that she is the kind of creature who not only has interests but can take an interest in them, and can take an interest in whether others recognize them. In this way the practice of directed duties makes available a form of respect for persons grounded in their distinctive capacity to take an interest in how their interests are regarded by others.