

CORE PRACTICAL PHILOSOPHY I (PHIL 4802/5802 3.0)

YORK GRADUATE PROGRAM IN PHILOSOPHY

Fall 2010: Fridays 10am-1pm, 2pm-4pm

Prof. M. Giudice

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This course offers an advanced survey of some central themes in contemporary practical philosophy, drawn from recent work in metaethics, ethical theory, political philosophy and the philosophy of law. While it is designed to provide background for those who will be pursuing graduate-level research in these areas, it is not an introductory course. (Those who do not have some undergraduate preparation in these areas are advised to discuss remedial work with the course directors as soon as possible.)

Requirements and Evaluation

Everyone is required to complete the required readings and essays and participate in seminar discussions. Evaluation is on the following basis:

One Seminar Presentation: 20%
Weekly Comments and Class Participation: 20%
Two short essays (approx. 3000 words each): 60% (30% each)

Seminar Presentation (20%)

The seminar assignment is designed to develop seminar members' skills in (1) verbal presentation of previously prepared material, and (2) spontaneous debate. When you present your seminar, you may assume that other members of the seminar have read the arguments we are considering. Your job is to go beyond this minimal understanding. As seminar presenter you must ensure that everyone has resources to understand fully the argument we examine, and to field questions and to present further questions which will lead us to a clear, detailed, and logically persuasive understanding of the work we examine. *You* as the seminar presenter are expected to chase up footnotes, unfamiliar references, and so forth, to provide to other members of the seminar the kind of depth of interpretation which they cannot reach for themselves in their private, preparatory reading. It is *very* helpful (read: DO THIS) if you provide seminar members with a comprehensive, well-organized outline of the arguments you intend to survey or make. Your job *is not* to simply repeat the text of the argument we have all read, to merely state your emotional reaction to what we read, or to badger other members of the seminar to determine whether they have prepared adequately. Your job *is* to provide quickly and clearly an account of the argument, and to guide us in the remainder of the time to discussion of the plausibility of the argument you present. If you can manage to provide some criticisms or further support for the arguments you present, this extra effort will be reflected in your seminar grade.

Each seminar will be assessed according to the accuracy of its identification and explanation of: (1) the thesis of the argument discussed, (2) the problem the argument addresses, (3) the structure of the argument, and (4) key insights and claims that make this argument a distinctive contribution. (5) The seminar will also be assessed with respect to its evaluation of the merit of the argument. Each criterion will be given equal weight in assignment of a grade.

Further information on effective seminar presentations is also available upon request.

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Comments and Participation (20%)

Before *noon of the Thursday* preceding each class, you must each email to *both* of us a comment, no more than one double-spaced page in length, on *any one* claim or argument drawn from that week's required readings. Your comments will form the basis of our weekly discussions and will be assessed for your class participation grade, provided that you are present in the seminar on the relevant day. You may without penalty take two 'passes' and email us no comment for that week; you must however email us before the Thursday deadline to say that you are taking a pass.

First Short Essay (30%), due October 29, 10am

The topic must be on ethical theory or metaethics

Second Short Essay (30%), due December 10, 10am

The topic must be on political philosophy or the philosophy of law.

You are expected to consult the listed further readings (and to conduct your own further research) in preparing for your essays (and, especially, the exam for those in 5803).

Late Penalties:

Weekly comments are not accepted late. Other work may be accepted late at the discretion of the Course Directors and subject to a penalty of 2.5% per day late.

SCHEDULE OF TOPICS AND READINGS

The required readings for each meeting are shown below. In preparation of your essays, and for the comprehensive examination for those in 5803, you should also sample some of the further recommended readings and read broadly in the field.

Good general reference works are the *Routledge Encyclopedia of Philosophy* (available online through the York library) and the *Stanford Encyclopedia of Philosophy* (<http://plato.stanford.edu>).

For a reliable short dictionary, see S. Blackburn, ed., *Oxford Dictionary of Philosophy*.

WEEK ONE (SEPT 24): CONSEQUENTIALISM, DEMANDS AND RIGHTS

4802/5802 readings:

Williams, B. (1973). 'A Critique of Utilitarianism.' In *Utilitarianism: For and Against*, ed. J.J.C. Smart and B. Williams. Cambridge: Cambridge University Press.

Railton, P. (1984). 'Alienation, Consequentialism, and the Demands of Morality.' *Philosophy and Public Affairs* 13, 134-171.

5803 readings:

Foot, P. (1985). 'Utilitarianism and the Virtues.' *Mind* 94, 196-209.

Further Recommended Readings:

Kagan, S. (1989). *The Limits of Morality*. Oxford: Clarendon Press.

Murphy, L. (2000). *Moral Demands in Nonideal Theory*. Oxford: Oxford University Press.

Myers, R. (1999). *Self-Governance and Cooperation*. Oxford: Oxford University Press.

Nagel, T. (1972). 'War and Massacre' *Philosophy and Public Affairs* 1, 123-144.

Nagel, T. (1986). *The View from Nowhere*. Oxford: Oxford University Press, Ch. 8-10.

Scheffler, S. (1982). *The Rejection of Consequentialism*. Oxford: Clarendon Press.

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WEEK TWO (OCT 1): CONTRACTARIANISM AND CONTRACTUALISM

4802/5802 readings:

- Gauthier, D. (1991). 'Why Contractarianism?' In *Contractarianism and Rational Choice*, ed. P. Vallentyne. Cambridge: Cambridge University Press.
 Scanlon, T.M. (1982). 'Contractualism and Utilitarianism.' In *Utilitarianism and Beyond*, ed. A. Sen and B. Williams. Cambridge: Cambridge University Press.

5803 readings:

- Dimock, S. (2008). 'Why All Feminists Should be Contractarians.' *Dialogue*, 47: 273-290.

Further Recommended Readings:

- Gauthier, D. (1986). *Morals by Agreement*. Oxford: Clarendon Press.
 Kumar, R. (2003). 'Reasonable Reasons in Contractualist Moral Argument.' *Ethics* 114, 6-37.
 Scanlon, T.M. (1998). *What We Owe to Each Other*. Cambridge, MA: Harvard University Press.
 Stratton-Lake P., ed. (2004). *On What We Owe to Each Other*. Oxford: Blackwell Publishing.

WEEK 3 (OCT 8): REALISM, EXPRESSIVISM AND RELATIVISM

4802/5802 readings:

- Railton, P. (1986). 'Moral Realism.' *Philosophical Review* 95, 163-207.
 Blackburn, S. (2006). 'Must We Weep for Sentimentalism?' In *Contemporary Debates in Moral Theory*, ed. J. Dreier. Oxford: Blackwell.

5803 readings:

- Harman, G. (1975). 'Moral Relativism Defended.' *Philosophical Review* 84, 3-25.

Further Recommended Readings:

- Blackburn, S. (1998). *Ruling Passions*. Oxford: Clarendon Press.
 Brink, D. (1989). *Moral Realism and the Foundations of Ethics*. New York: Cambridge University Press.
 Gibbard, A. (1990). *Wise Choices, Apt Feelings*. Cambridge, MA: Harvard University Press.
 Harman, G. (2000). *Explaining Value*. Oxford: Clarendon Press.
 Korsgaard, C. (1996). *The Sources of Normativity*. Cambridge: Cambridge University Press.
 Shafer-Landau, R. (2003). *Moral Realism*. Oxford: Oxford University Press.

WEEK 4 (OCT 22): PARTICULARISM, RESPONSIBILITY AND VIRTUE

4802/5802 readings:

- McDowell, J. (1979). 'Virtue and Reason.' *The Monist* 62, 331-350.
 Walker, M. U. (2007). 'Authority and Transparency: The Example of Feminist Skepticism.' *Moral Understandings: A Feminist Study in Ethics*, 2nd ed. Oxford: Oxford University Press, pp. 55-106.

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WEEK 4 (OCT 22): PARTICULARISM, RESPONSIBILITY AND VIRTUE CONTD.

5803 readings:

Dancy, J. (2000). 'The Particularist's Progress.' In *Moral Particularism*, ed. B. Hooker and M. Little. Oxford: Oxford University Press.

Further Recommended Readings:

Anscombe, E. (1958) "Modern Moral Philosophy", *Philosophy* 33: 124, pp. 1-19.

Dancy, J. (1993). *Moral Reasons*. Oxford: Blackwell.

Dancy, J. (2004) *Ethics Without Principles*. Oxford: Clarendon Press.

M. Little (2001). "On Knowing the 'Why': Particularism and Moral Theory" *Hastings Centre Report* 31:4, pp. 32-40.

Hooker, B. and Little, M., eds. (2000). *Moral Particularism*, Oxford: Oxford University Press.

McDowell, J. (1998). *Mind, Value, Reality*. Cambridge, MA: Harvard University Press.

McNaughton, D. (1988). *Moral Vision*. Oxford: Blackwell.

Walker, M. U. (2007). *Moral Understandings: A Feminist Study in Ethics* 2nd ed. Oxford: Oxford University Press.

WEEK 5 (OCT 29): LAW

4802/5802 readings:

Hart, H.L.A. (1958) 'Positivism and the separation of law and morals', *Harvard Law Review* 71, 593-629.

Dworkin, R. (1967) 'The Model of Rules I', *University of Chicago Law Review*, 35, 14-46, reprinted in *Taking Rights Seriously* (1978).

5803 readings:

Raz, J. (1985) 'Authority, Law and Morality,' *The Monist* 68, 295-324 (Rep. in *Ethics and the Public Domain*. Oxford: Clarendon Press, 1995).

Further Recommended Readings:

Coleman, J. (2001) *The Practice of Principle*. Oxford: Oxford University Press.

Dworkin, R. (1986) *Law's Empire*. Cambridge, MA: Harvard University Press.

Fuller, L.L. (1964) *The Morality of Law*. New Haven: Yale University Press

Finnis, J. (1980) *Natural Law and Natural Rights*. Oxford: Clarendon Press, ch.1

Hart, H.L.A. (1961) *The Concept of Law*, 2nd ed. 1994, chs. 5-7.

Leiter, B. (2007) *Naturalized Jurisprudence*. Oxford: Oxford University Press.

Raz, J. (2009) *The Authority of Law*. Oxford: Clarendon Press.

Waluchow, W. (1994) *Inclusive Legal Positivism*. Oxford: Clarendon Press.

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WEEK 6 (NOV 5): JUSTICE

4802/5802 readings:

Rawls, J. (1971). *A Theory of Justice*. Cambridge MA: Belknap Press, secs. 11-13, 26, 29.
 Sandel, M. (1984). 'The Procedural Republic and the Unencumbered Self.' *Political Theory* 12, 81-96.

5803 readings:

Campbell, T. (1974), 'Humanity before Justice' 4 *British Journal of Political Science* 1-16.

Further Recommended Readings:

Kymlicka, W. (1988). 'Liberalism and Communitarianism.' *Canadian Journal of Philosophy* 18, 181-203.
 Nozick, R. (1973). 'Distributive Justice.' *Philosophy and Public Affairs* 3, 45-126. (Reprinted, slightly modified, as ch. 7 of *Anarchy State and Utopia*, NY: Basic Books, 1975).
 Rawls, J. (1971) *A Theory of Justice*. Cambridge, MA: Belknap Press.
 Taylor, C. (1985). 'Atomism.' In *Philosophy and the Human Sciences: Philosophical Papers 2*. Cambridge: Cambridge University Press.
 Walzer, M. (1983). *Spheres of Justice*. New York: Basic Books, chaps. 1, 3-4.

WEEK 7 (NOV 12): CRITICAL APPROACHES TO JUSTICE

4802/5802 readings:

Young, I. M. (1989) "Polity and Group Difference: A Critique of the Ideal of Universal Citizenship," *Ethics* 99: 2, pp. 250-274.
 Mills, C. (2005). "'Ideal Theory' as Ideology," *Hypatia* 20:3, pp.165-184.

5803 readings:

Kittay, E. F. (1990). "Human Dependency and Rawlsian Equality" *Feminists Rethink the Self*. ed. D. Tietjen Meyers. Boulder: Westview.

Further Recommended Readings:

Kittay, E. F. (1990). "Political Liberalism and Human Dependency," *Love's Labor: Essays on Women, Equality and Dependency*. New York: Routledge.
 Mills, C. (1999). *The Racial Contract*. Ithaca: Cornell University Press.
 Okin, S. M. (1989). *Justice, Gender and the Family*. New York: Basic Books.
 Pateman, Carol (1988). *The Sexual Contract*. Stanford: Stanford University Press.
 Wong, S. I. "Justice and Cognitive Disabilities: Specifying the Problem." *Essays in Philosophy*, 9:1 (2008) (<http://www.humboldt.edu/~essays/wong.html>).
 Young, I. (1990) *Justice and the Politics of Difference*. Princeton: Princeton University Press.

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WEEK 8 (NOV 19): INTERNATIONAL JUSTICE

4802/5802 readings:

Beitz, C. (1975). 'Justice and International Relations.' *Philosophy and Public Affairs* 4, 360-89.
 Blake, M. (2002). 'Distributive Justice, State Coercion, and Autonomy.' *Philosophy and Public Affairs* 30, 257-296.

5803 readings:

Nagel, T. (2005). 'The Problem of Global Justice.' *Philosophy and Public Affairs* 33, 113-47.

Further Recommended Readings:

Cohen, J. and Sabel, C. (2006). 'Extra Republicanam Nulla Justitia?' *Philosophy and Public Affairs* 34, 147-175.
 Julius, A. J. (2006). 'Nagel's Atlas.' *Philosophy and Public Affairs* 34, 176-193.
 Buchanan, A. (2004) *Justice, Legitimacy, and Self-Determination* (Oxford: Oxford University Press).

WEEK 9 (NOV 26): RIGHTS

4802/5802 readings:

Raz, J. (1984) 'The Nature of Rights', 93 *Mind*, (revised/expanded as ch. 7 of Raz's *The Morality of Freedom*.)
 Waldron, J. (1981) 'A Right to do Wrong', 92 *Ethics* 21; (repr. in his *Liberal Rights*).

5803 readings:

Tasioulas, J. (2007) 'The Moral Reality of Human Rights', in T. Pogge (ed.), *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* Oxford: Oxford University Press, pp.75-101.

Further Recommended Readings:

Dworkin, R.M. (1978) *Taking Rights Seriously*. Cambridge MA: Harvard University Press, ch.7
 Feinberg, J. (1970) 'The Nature and Value of Rights,' 4 *The Journal of Value Inquiry*,
 Hart, H.L.A. (1955) 'Are there any natural rights?' *Philosophical Review* 64, (repr. in *Political Philosophy* ed. A. Quinton, 1967, and in Waldron ed *Theories of Rights*.)
 Kramer, M., Simmonds, N., and Steiner, H. (1998) *A Debate Over Rights: Philosophical Enquiries*. Oxford: Clarendon Press.
 Lyons, D. (1969) 'Rights, claimants and beneficiaries' 6 *American Philosophical Quarterly*
 McCormick, D.N. (1977) 'Rights in Legislation', in P.M.S. Hacker and J. Raz eds. *Law Morality and Society*, reprinted in his *Essays in Social Democracy*
 Mackie, J.L. (1978) Can There Be A Right-Based Moral Theory? *Studies in Ethical Theory: Midwest Studies in Philosophy*.
 Waldron, J. ed., (1984) *Theories of Rights*. Oxford: Oxford University Press

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WEEK 10 (DEC 3): COLLECTIVE RIGHTS

4802/5802 readings:

Taylor, Charles. 'The Politics of Recognition', in Multiculturalism and the 'Politics of Recognition', ed. Amy Gutmann (Princeton: Princeton University Press, 1992) (pp. 25-73).
 Margalit, A., and J. Raz. (1990) 'National Self-Determination' 87 *The Journal of Philosophy*, 439-461.

5803 readings:

Buchanan, A. 'Theories of Secession', 26 *Philosophy and Public Affairs*, 31-61.

Further Recommended Readings:

Baker, J. (1994) *Group Rights*. Toronto: University of Toronto Press.
 Green, Leslie. 'Two Views of Collective Rights', vol 4, no. 2, (1991): 315-327.
 Green, L. (1995) 'Internal Minorities and their Rights', in W. Kymlicka, ed., *The Rights of Minority Cultures* (New York: Oxford University Press) (pp. 257-272)
 Hartney, Michael. (1991). 'Some Confusions Concerning Collective Rights', *Canadian Journal of Law and Jurisprudence* 4, 293-314.
 Kymlicka, W. (1994). *Liberalism, Community, and Culture*. Oxford: Oxford University Press.
 Miller, D. (1997). *On Nationality* (Oxford: Oxford University Press).
 Newman, Dwight. (2004) 'Collective Interests and Collective Rights', *American Journal of Jurisprudence* 49, 127-164.

WEEK 11 (DEC 10): RESPONSIBILITY AND PUNISHMENT

4802/5802 readings:

R.A. Duff, (1993). 'Choice, Character, and Criminal Liability', *Law and Philosophy* 12, 345-383.
 J. Murphy, (1994). 'Marxism and Retribution,' *A Reader on Punishment*, A. Duff and D. Garland, eds. Oxford: Oxford University Press.

5803 readings:

J. Hampton, (1984). 'The Moral Education Theory of Punishment,' *Philosophy and Public Affairs* 13, 208-238.

Further Recommended Readings:

Duff, R.A. (2001) *Punishment, Communication, and Community*. Oxford: Oxford UP.
 Duff, R. A. and Garland, D., eds. (1994). *A Reader on Punishment*. Oxford: Oxford UP.
 Golash, D. (1994). 'The Retributive Paradox,' *Analysis* 54:72.
 Hart, H.L.A. (1968). *Punishment and Responsibility: Essays in the Philosophy of Law*. Oxford: Clarendon Press.
 M. Moore, (1987). 'The Moral Value of Retribution,' *Responsibility, Character and the Emotions: New Essays in Moral Psychology*, F. Schoeman, ed. Cambridge: Cambridge University Press: pp.178-219.