

AS/PHIL 4900 6.0A
HONOURS SEMINAR: RETRIBUTION AND RECONCILIATION

Course Director: A. MacLachlan
Office: S418 Ross
Office Hours: M, W, F: 10.00-11.00
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Course Location: FC 106
Course Time: F: 11.30-2.30

** Please Note: I check email daily, and will respond within 24 hours. I check my voice mail several times a week only. Email is therefore the best way to reach me. Please include the course number in the subject line of your email.

BRIEF COURSE DESCRIPTION

Is it ever right to seek vengeance? Is it ever wrong to forgive? Typically, moral philosophy has discussed retributive justice as something distinct from both revenge and reconciliation. This seminar will investigate the extent to which these are conceptually separable, by asking such questions as: What is the moral function, if any, of resentment? How can we understand the difference between revenge and retribution? If vengeance is morally unacceptable, how do we explain the enduring satisfaction of revenge narratives in literature? What does it mean to forgive? Do we ever have a duty to forgive, or, alternatively, can forgiveness be unjust? We will explore these and related themes in historical and contemporary philosophy, and will also take up the potentially gendered nature of both revenge and forgiveness. The course will conclude with a brief discussion of recent developments in restorative and transitional justice.

REQUIRED READINGS

The readings for this course are wide-ranging, and include both contemporary and historical philosophical sources. Where possible, online versions of articles will be made available to you: you can find links to these on the course website. However, the following three texts and a Fall Term course kit have also been made available at the University bookstore:

Jacques Derrida, *On Cosmopolitanism and Forgiveness* (Routledge, 2001).
Jeffrie Murphy and Jean Hampton, *Forgiveness and Mercy* (CUP, 1988).
Robert Solomon and Mark Murphy, *What is Justice? Classical and Contemporary Readings* (OUP, 2000).

Copies of each text, and of the course kit, are available on reserve at the library. You are responsible for doing all the assigned readings in advance of each class. Please make sure you have access to them in electronic or hard form. There will be a second course kit available for the Winter Term.

COURSE REQUIREMENTS

Class Presentations (2 in total)	20 %	(1 in Fall Term, 1 in Winter Term)
1-paged Weekly Response Papers (15)	30 %	(8 in Fall Term, 7 in Winter Term)
1 st Paper (10-15 pages)	20 %	(Due December 7)
2 nd Paper (15-20 pages)	30 %	(Due April 11)

COURSE ASSESSMENT

Class Presentations 20%

Each of you will make a short presentation on one of the assigned readings, once per term. A sign-up list of readings/topics will be passed around at the beginning of each term. Presenters are expected to speak for 10-15 minutes; your goal is to introduce the major themes of the reading, to outline the main argument, and to raise relevant questions for class discussion. Each presenter is required to email a 1-paged handout to me, by 5pm on Thursday before your presentation.

While there is no participation grade for this course, focused and pertinent class participation over the course of the term can enhance a poor presentation grade.

Response Papers 30%

You are required to write 15 single-paged response papers over the course of the year. 8 of these must be submitted in the fall term, and 7 in the winter term. While you may choose to which days/readings you respond, you may NOT write a response paper for any reading on which you are also making a class presentation. You may not submit more than one response paper per class. Each response paper will be marked out of 2. You cannot submit your response paper if you do not come to class.

1st Formal Paper (10-15 pages) 20%

You are required to write one 10-15 paged formal paper on a topic chosen from the list provided in class and online, by Nov. 2. If you choose, you may write on a topic of your choosing, provided you receive prior permission from me (by Nov. 23). Assessment criteria will be provided in class on Nov. 2.

2nd Formal Paper (15-20 pages) 30%

You are required to write one 15-20 paged formal paper on a topic of your choosing, drawn from (or significantly related to) the course material and seminar discussions over the course of the year. Your topic must be approved by me, by Mar. 28.

PAPER SUBMISSION AND LATE PENALTIES

You MUST submit two copies of your formal papers: an electronic copy to turnitin.com, and a hard copy to me. Please staple the receipt from turnitin.com to the hard copy.

Late papers will only be accepted without penalty in the event of a documented emergency or prior permission. All other work will be penalized at a rate of 5% per day, up to a maximum of five days (25%). After that, the essay will not be accepted.

OTHER IMPORTANT INFORMATION

Information regarding the Ethics Review process, Access/Disability, Academic Honesty and Integrity, Student Conduct and Religious Observance Days is available online:

www.yorku.ca/secretariat/senate_cte_main_pages/ccas.htm

Last date to enroll without permission of the course director: Sept. 20

Last date to enroll with permission of the course director: Oct. 19

Last date to drop course without receiving a grade: Feb. 1

**PHIL 4900: CLASS SCHEDULE
FALL 2007**

- Sept. 7: **Introduction to Retribution and Reconciliation**
- Sept. 14: *Rosh Hashanah (no class)*
- Sept. 21: **Justice and the Retributive Sentiments**
 Solomon, "The Cultivation of Justice and the 'Negative'
 Emotions." (course kit)
 Bennett, "The Varieties of Retributive Experience." (online)
 Aristotle, "Gentleness" and "On Anger." (course kit/online)
- Sept. 28: **The Moral Function of Resentment (I)**
 Butler, "Upon Resentment." (course kit)
 Smith, "Of the Sense of Merit and Demerit." (course kit/online)
 Nietzsche, "Punishment and *Ressentiment*." (pp. 228-231,
 Solomon&Murphy)
- Oct. 5: **The Moral Function of Resentment (II)**
 Hampton, "Forgiveness, Resentment and Hatred." (pp. 35-87,
 Murphy&Hampton)
 Walker, "Resentment and Assurance." (course kit)
- Oct. 12: **Retribution and Revenge**
 Murphy, "Hatred: A Qualified Defense." (pp. 88-110,
 Murphy&Hampton)
 Nozick, "Revenge and Retribution." (pp. 212-215,
 Solomon&Murphy)
 Solomon, "Justice and the Passion for Vengeance." (pp.
 251-261, Solomon&Murphy)
- Oct. 19: **The Ethics of Revenge**
 Govier, "Revenge and Retribution." (course kit)
 French, excerpts from *The Virtues of Vengeance* (course kit)
 Murphy, "Two Cheers for Vindictiveness." (online)
- Oct. 26: **Retribution and Punishment**
 Hampton, "The Retributive Idea." (pp. 111-146 in
 Murphy&Hampton. **NOTE:** *not* entire chapter)
 Moore, "A Defense of the Retributivist View." (pp. 236-245 in
 Solomon&Murphy)

Nov. 2:

Mercy

Seneca, "On Mercy." (course kit)

Murphy, "Mercy and Legal Justice." (pp. 162-186, Murphy and Hampton)

Card, "On Mercy" (online)

****LIST OF PAPER TOPICS GIVEN IN CLASS/ONLINE**

Nov. 9:

Resentment and Forgiveness

Butler, "Upon Forgiveness of Injuries." (course kit)

Kolnai, "Forgiveness." (course kit)

Murphy, "Resentment and Forgiveness." (pp.14-34, Murphy&Hampton)

Nov. 16:

Theories of Forgiveness

Hughes, "What is Involved in Forgiving?" (online)

Boleyn-Fitzgerald, "What Should Forgiveness Mean?" (online)

Nov. 23:

Forgiveness, Justice and the Unforgivable (I)

Tara Smith, "Tolerance and Forgiveness: Virtues or Vices?" (online)

Responses to Wiesenthal's "The Sunflower." (course kit)

Nov. 30:

Forgiveness, Justice and the Unforgivable (II)

Derrida, "On Forgiveness." (in *On Cosmopolitanism and Forgiveness*)

Govier, "The Unforgivable." (course kit)

****FIRST PAPER DUE: DECEMBER 7, 5PM (EST)**

**PHIL 4900: CLASS SCHEDULE
WINTER 2008**

- Jan. 4: **Gender, Anger and Forgiveness**
 Boss, J. "Throwing Pearls Before Swine: Women, Forgiveness and
 The Unrepentant Abuser."
 Campbell, S. "Being Dismissed: The Politics of Emotional
 Expression."
 MacLachlan, A. "Practicing Forgiveness: A Feminist Approach."
- Jan. 11: **Collective Harms and Responsibility**
 May, L. "Metaphysical Guilt and Moral Taint."
 Winter, S. "On the Possibilities of Group Injury."
 "Collective Responsibility," Stanford Encyclopedia of Philosophy.
- Jan. 18: **The Politics of Reconciliation (I)**
 Philpott, D. "Beyond Politics as Usual: Is Reconciliation
 Compatible with Liberalism?"
 Dwyer, S. "Reconciliation for Realists."
- Jan. 25: **The Politics of Reconciliation (II)**
 Short selection from "Action," Arendt, H. *The Human Condition*.
 Bennett, C. "Is Amnesty a Collective Act of Forgiveness?"
 Schaap, A. "Political Grounds for Forgiveness."
 Slye, R. "Justice and Amnesty."
- Feb. 1: **Truth Commissions (I)**
 Gutmann, A. & Thompson, D. "The Moral Foundation of Truth
 Commissions."
 Kiss, E. "Moral Ambition Within and Beyond Political
 Constraints: Reflections on Restorative Justice."
 Villa-Vicencio, "Restorative Justice: Dealing with the past
 Differently."
- Feb. 8: **Truth Commissions (II)**
 Bhargava, R. "The Moral Justification of Truth
 Commissions."
 Moon, C. "Prelapsarian State: Forgiveness and Reconciliation in
 Transitional Justice."
 Eisikovits, N. "Rethinking the Legitimacy of Truth Commissions:
 'I am the enemy you killed, my friend.'"
- Feb. 15: *Reading Week (no class)*

- Feb. 22: **Moral and Political Apologies**
 Gill, K. "The Moral Functions of an Apology."
 Harvey, J. "The Emerging Practice of Institutional Apologies."
 Govier, T. and Verwoerd, W. "The Promises and Pitfalls of
 Apology."
- Feb. 29: **The Politics of Reparation (I)**
 Torpey, J. "An Anatomy of Reparation" in *Making Whole What
 Has Been Smashed*.
 Waldron, J. "Superceding Historical Injustice."
 Brooks, R. "The Atonement Model," in *Atonement and
 Forgiveness: A New Model for Black Reparations*.
- Mar. 7: **CLASS TBA (Prof. MacLachlan away)**
- Mar. 14 **The Politics of Reparation (II)**
 SGRP Symposium: Margaret Urban Walker's "Reparations and
 Restorative Justice" with commentaries (link available on
 Moodle).
- Mar. 21: *Good Friday (no classes)*
- Mar. 28: **Restorative and Criminal Justice**
 Braithwaite, J. "Repentance Rituals and Restorative Justice."
 Radzik, L. "Making Amends."
 Reading TBA
- Apr. 4: **Retribution and Reconciliation: Conclusions and Review**
 No Reading

IMPORTANT COURSE INFORMATION FOR STUDENTS

Academic Honesty and Integrity

York students are required to maintain high standards of academic integrity and are subject to the Senate Policy on Academic Honesty.

(<http://www.yorku.ca/secretariat/legislation/senate/acadhone.htm>).

There is also an academic integrity website with complete information about academic honesty. Students are expected to review the materials on the Academic Integrity website.

(<http://www.yorku.ca/academicintegrity>).

Access/Disability

York provides services for students with disabilities (including physical, medical, learning and psychiatric disabilities) needing accommodation related to teaching and evaluation methods/materials.

It is the student's responsibility to register with disability services as early as possible to ensure that appropriate academic accommodation can be provided with advance notice. You are encouraged to schedule a time early in the term to meet with each professor to discuss your accommodation needs. Failure to make these arrangements may jeopardize your opportunity to receive academic accommodations.

Additional information is available at www.yorku.ca/disabilityservices or from disability service providers:

- **Office for Persons with Disabilities:** N108 Ross, 416-736-5140, www.yorku.ca/opd
- **Learning and Psychiatric Disabilities Programs - Counselling & Development Centre:** 130 BSB, 416-736-5297, www.yorku.ca/cdc
- **Atkinson students - Atkinson Counselling & Supervision Centre:** 114 Atkinson, 416-736-5225, www.yorku.ca/atkcsc
- **Glendon students - Glendon Counselling & Career Centre:** Glendon Hall 111, 416-487-6709, www.glendon.yorku.ca/counselling

Ethics Review Process

York students are subject to the York University *Policy for the Ethics Review Process for Research*

Involving Human Participants. In particular, students proposing to undertake research involving human participants (e.g., interviewing the director of a company or government agency, having students complete a questionnaire, etc.) are required to submit an Application for Ethical Approval of Research Involving Human Participants at least one month before you plan to begin the research. If you are in doubt as to whether this requirement applies to you, contact your Course Director immediately

Religious Observance Accommodation

York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates specified in this syllabus for an in-class test or examination pose such a conflict for you, contact the Course Director within the first three weeks of class. Similarly, should an assignment to be completed in a lab, practicum placement, workshop, etc., scheduled later in the term pose such a conflict, contact the Course director immediately.