

CORE PRACTICAL PHILOSOPHY I (PHIL 4802/5802 3.0)

YORK GRADUATE PROGRAM IN PHILOSOPHY

Fall 2014: 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%)

Each member of the class will present a seminar devoted to critical analysis of some portion of our reading for each week. The purpose of 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 well-organized outline (**one page maximum**) of the arguments you intend to discuss. 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 (**your opening comments should last no more than 5 to 10 minutes**) 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 which make this argument a distinctive contribution. (5) The seminar will also be assessed with respect to its evaluation of the merit of

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the argument. Each criterion will be given equal weight in assignment of a grade.

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 November 7, 10am

The topic must be on ethical theory or metaethics

Second Short Essay (30%), due December 12, 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 site) and the *Stanford Encyclopedia of Philosophy* (available online at <http://plato.stanford.edu>). For a reliable short dictionary, see Simon Blackburn, ed., *Oxford Dictionary of Philosophy*.

1. (SEPT 12): INTRODUCTORY CLASS

2. (SEPT 19): REALISM, EXPRESSIVISM AND RELATIVISM

4802/5802 readings:

Railton, P. (1986). 'Moral Realism.' *Philosophical Review* 95, 163-207.

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

5803 readings:

D'Arms, J. and D. Jacobson (2000). "Sentiment and Value." *Ethics* 110:4, 722-748.

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Further Recommended Readings:

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

3. (SEPT 26): PARTICULARISM 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 University Press, pp. 55-106.

5803 readings:

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

Further Recommended Readings:

- Anscombe, E. (1958) "Modern Moral Philosophy", *Philosophy* 33: 124, pp. 1-19.
 Dancy, J. (1993). *Moral Reasons*. Blackwell.
 Dancy, J. (2004) *Ethics Without Principles*. 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 University Press.
 McDowell, J. (1998). *Mind, Value, Reality*. Harvard University Press.
 McNaughton, D. (1988). *Moral Vision*. Blackwell.
 Walker, M. U. (2007). *Moral Understandings: A Feminist Study in Ethics* 2nd ed. Oxford University Press.

4. (OCT 3): UTILITARIANISM AND CONSEQUENTIALISM

4802/5802 readings:

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

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Murphy, L. (2000). *Moral Demands in Nonideal Theory*. Oxford University Press.
 Myers, R. (1999). *Self-Governance and Cooperation*. Oxford University Press.
 Nagel, T. (1986). *The View from Nowhere*. Oxford University Press, Ch. 8-10.
 Scheffler, S. (1982). *The Rejection of Consequentialism*. Clarendon Press.

5. (OCT 10): ETHICS OF KILLING [Seth Lazar to guest teach]

4802/5802 readings:

Jackson, F., and Smith, M. (2006) 'Absolutist Moral Theories and Uncertainty', *Journal of Philosophy* 103, no. 6, 267-83.
 Aboodi, R. Borer, A., and Enoch, D. (2008) 'Deontology, Individualism, and Uncertainty: A Reply to Jackson and Smith', *The Journal of Philosophy* 105, no. 2, 259-72.

5803 readings:

Lazar, S. 'In Dubious Battle: The Ethics of Killing Under Uncertainty' (unpublished manuscript).

Further Recommended Readings:

Nagel, T. (1972). 'War and Massacre' *Philosophy and Public Affairs* 1, 123-144.
 McMahan, J. (2004) 'The Ethics of Killing in War', *Ethics* 114, 693-733.
 Lazar, S. (2010) 'The Responsibility Dilemma for Killing in War', *Philosophy and Public Affairs* 38, 180-213.
 Benbaji, Y. (2008) 'A Defense of the Traditional War-Convention', *Ethics* 118, 464-495

6. (OCT 17): CONTRACTARIANISM AND CONTRACTUALISM

4802/5802 readings:

Gauthier, D. (1991). 'Why Contractarianism?' In *Contractarianism and Rational Choice*, ed. P. Vallentyne. Cambridge University Press.
 Scanlon, T.M. (1982). 'Contractualism and Utilitarianism.' In *Utilitarianism and Beyond*, ed. A. Sen and B. Williams. 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*. 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*. Harvard University Press.
 Stratton-Lake P., ed. (2004). *On What We Owe to Each Other*. Blackwell Publishing.

7. (OCT 24): EQUALITY

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4802/5802 readings:

Frankfurt, H (1987), 'Equality as a Moral Ideal,' *Ethics* 98, 21-42
 Cohen, G.A. (1989) 'On the currency of egalitarian justice', *Ethics* 99, 906-44.

5803 readings:

Anderson, E.S. (1999) 'What is the Point of Equality?', *Ethics* 109, 287-337.

Further Recommended Readings:

Dworkin, R. (1981) 'What is equality? part 1: equality of welfare', *Philosophy and Public Affairs* 10, 185-246. (rep. as ch. 1 of *Sovereign Virtue*, Harvard University Press, 2000).
 Dworkin, R. (1981) 'What is equality? part 2: equality of resources', *Philosophy and Public Affairs* 10, 283-345. (rep. as ch. 2 of *Sovereign Virtue*, Harvard University Press, 2000).
 Rawls, J. (1971) *A Theory of Justice*. Belknap Press. Ch. 2
 Sen, A. (1980) 'Equality of what?' *The Tanner Lectures on Human Values I*, reprinted as Ch. 16 of *Choice, Welfare and Measurement*, 1982.

8. (NOV 7): AUTHORITY [Stefan Sciaraffa to guest teach]

4802/5802 readings:

Raz, J. (1986) *The Morality of Freedom* (Oxford University Press), pp. 23-28, 38-62, 70-80.
 Buchanan, Allen (2002) 'Political Legitimacy and Democracy', 112 *Ethics*, 689-719.

5803 readings:

Ladenson, R. (1980) 'In Defense of a Hobbesian Conception of Law', *Philosophy and Public Affairs* 9, 134-159.

Further Recommended Readings:

Green, L.(1990) *The Authority of the State*. Clarendon Press.
 Peters, R.S. (1958) 'Authority', *Proceedings of the Aristotelian Society*, also in *Political Philosophy* ed. A. Quinton 1967
 Raphael, D.D. (1970) *Problems of Political Philosophy*, 2nd ed. 1990, chapter on 'Sovereignty, power and authority'
 Raz, J. ed. (1990). *Authority*. Blackwell.
 Wolff, R.P. (1976) 'The Conflict Between Authority and Autonomy,' in Raz, ed. *Authority*.

9. (NOV 14): 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 University Press, pp.75-

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Further Recommended Readings:

- Dworkin, R.M. (1978) *Taking Rights Seriously*. 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*.)
 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*
 Waldron, J. ed., (1984) *Theories of Rights*. Oxford University Press

10. (NOV 21): JUSTICE

4802/5802 readings:

- Rawls, J. (1971). *A Theory of Justice*. Belknap Press, secs. 3, 4, 11, 24, 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*, Basic Books, 1975).
 Taylor, C. (1985). 'Atomism.' In *Philosophy and the Human Sciences: Philosophical Papers 2*. Cambridge University Press.
 Walzer, M. (1983). *Spheres of Justice*. Basic Books, chaps. 1, 3-4.

11. (NOV 28): 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. Westview.

Further Recommended Readings:

- Kittay, E. F. (1990). "Political Liberalism and Human Dependency," *Love's Labor: Essays on Women, Equality and Dependency*. Routledge.
 Mills, C. (1999). *The Racial Contract*. Cornell University Press.
 Okin, S. M. (1989). *Justice, Gender and the Family*. Basic Books.

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Pateman, Carol (1988). *The Sexual Contract*. 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 University Press.

12. (DEC 5): 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 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 University Press.

Duff, R. A. and Garland, d., eds. (1994). *A Reader on Punishment*. Oxford University Press.

Golash, D. (1994). 'The Retributive Paradox,' *Analysis* 54:72.

Hart, H.L.A. (1968). *Punishment and Responsibility: Essays in the Philosophy of Law*. Clarendon Press.

M. Moore, (1987). 'The Moral Value of Retribution,' *Responsibility, Character and the Emotions: New Essays in Moral Psychology*, F. Schoeman, ed. Cambridge University Press: pp.178-219.