

Justice Seminar - Law 343

Class Times: Monday 3:30-6:20, CLE B 315

Professor: Dr. Colin Macleod

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Office Hours: Thursday 1:00pm-3:00 pm and by appointment

Course Description:

In this course we will explore fundamental issues about the nature of justice, value, truth and objectivity by studying *Justice for Hedgehogs* by Ronald Dworkin. This new book brings together many of the influential ideas about equality, justice, and politics that Dworkin has defended in previous work and attempts to defend an interesting but controversial thesis about the unity of value. We will consider critical responses to Dworkin's arguments and rival views. Work for the course consists of brief quote and comment assignments, participation in seminar discussion and a term paper.

About Colin Macleod

Colin Macleod B.A. (Queens), M.A. (Dalhousie), Ph.D. (Cornell) is an Associate Professor of Philosophy and Law. He joined the Philosophy department at the University of Victoria in 1998. His research focuses on issues in contemporary moral, political and legal theory with a special focus on the following topics: (1) distributive justice and equality (2) children, families and justice and (3) democratic ethics. He is the author of *Liberalism, Justice, and Markets: A Critique of Liberal Equality* (OUP 1998) and coeditor with David Archard of *The Moral and Political Status of Children* (OUP 2002). His articles have appeared in journals such as *The Chicago-Kent Law Review*, *Theory and Research in Education*, *Politics and Society*, *The Canadian Journal of Philosophy*, *The Canadian Journal for Law and Jurisprudence*, *Law and Philosophy*, and *Dialogue*. He is an associate editor of the *Canadian Journal of Philosophy*. When he is not engaged in philosophical discussion and argument, he enjoys playing hockey and tennis and strumming his guitar while jamming with his musical friends.

Course Texts:

Ronald Dworkin, *Justice for Hedgehogs* (Harvard University Press 2011).

Boston Law Review, Volume 90, Number 2, 2010 - available online at:

<http://www.bu.edu/law/central/jd/organizations/journals/bulr/volume90n2/index.html>

There are also video versions of the presentations and discussions that form the basis of the symposium in the Boston Law Review on Dworkin's book. The videos are available here:

<http://www.bu.edu/law/events/audio-video/hedgehogs.shtml>

Formal Course Requirements:

Work for the course consists a research paper, a research paper proposal, and regular class participation. The research paper is worth 70% of the final grade. The approximate length of the term paper is 4,000 words. (Graduate students may write longer papers.) The research proposal is worth 15% of the final grade. 15% of the final grade will be based on participation in class discussion. The evaluation of the class participation grade will be based on the presentation and submission of up to 10 very brief written quote, comment and critique assignments (no more than 1 double-spaced page) that take up an issue raised in one of the assigned readings (10%) and completion of 1 discussion initiation assignment (5%).

Informal Course Expectations

I expect students to attend class regularly and to participate actively in class discussion. You should feel free to pose questions and raise philosophical issues related to the material we are studying. I expect students to be attentive to and respectful of the perspectives of others in the class but this does not mean you should not voice disagreement with or criticisms of the philosophical views presented by members of the class. We can all learn a lot from lively exchanges of different points of view so I encourage you to express your views in an open and thoughtful manner. You should expect to challenge the views of others and to have your views challenged. If there is material in the course that you find puzzling or difficult to understand please ask me about at an appropriate juncture in class or discuss your questions with me during my office hours.

Grading:

All assignments will be marked on a percentage basis, with the percentile mark for the course being converted to a letter grade on the following basis:

Percentage Grade

90 – 100 A+
85 – 89 A
80 – 84 A-
75 – 79 B+
70 – 74 B
65 – 69 B-
60 – 64 C+
55- 59 C
50 – 54 D
Below 50 F

Late assignments/missed tests and Grace Period Policy

Unless you provide me with a written note that provides a compelling reason (e.g., documented medical problem) for granting an extension or for missing an exam, I will

not change the due date of assignments nor will I reschedule exams for you. I will accept, without grade penalty, essays (but no other assignments) that are submitted up to one week after the due date. However, essays that are submitted in this period may not receive any comments. After this grace period unexcused essays will not be accepted. For other information with regards to missing deadlines, etc. please see the UVic University Calendar. Information regarding Religious Observance can be located in the posted Departmental Policies.

Due Dates for Assignments:

Quote and Comment Exercise (10%): throughout the term
Discussion Initiation Assignment (5%): throughout the term
Research Paper Proposal (15%): February 14
Research paper (70%) due: April 7 (grace period ends April 14).

Reading Schedule (Note: This is a provisional reading schedule. Adjustments may be made during the term.)

JH = *Justice for Hedgehogs*

BLR = *Boston Law Review*

January 10 – Chapter 1 of JH; Dworkin, ‘Keynote Address’, BLR

January 17 – Chapters 2 and 3 of JH; Russ-Shaffer Landau, ‘The Possibility of Metaethics’, BLR

January 24 – Chapters 4 and 5 of JH; Michael Smith, Dworkin on ‘External Skepticism’, BLR

January 31 – Chapters 6 and 7 of JH; David Lyons, ‘Moral Limits of Dworkin’s Theory of Law and Legal Interpretation’, BLR

February 7 – Chapters 8 and 9 of JH; Christine Jolls. ‘Dworkin’s Living Well and the Well Being Revolution’ BLR

February 14 - Chapter 10 of JH, T.M. Scanlon, ‘Varieties of Responsibility’ BLR, Amartya Sen, Dworkin on Ethics and Freewill: Questions and Comments’ BLR; Robert Kane, ‘Responsibility and Free Will in Dworkin’s *Justice for Hedgehogs*’, BLR

Week of February 21 READING WEEK

February 28 – Chapters 11 and 12 of JH; Kwame Anthony Appiah, ‘Dignity and Global Aid, BLR

March 7 – Chapters 13 and 14 of JH; F.M. Kamm, ‘What Ethical Responsibility Cannot Justify: A Discussion of Ronald Dworkin’s Justice for Hedgehogs’ BLR

March 14 – Chapters 15 and 16 of JH; Samuel Freeman, ‘Equality of Resources, Market Luck and the Justification of Market Adjusted Distributions’ BLR

March 21 – Chapters 17,18, 19 and Epilogue of JH

March 28 – Robin West, Rights, Harms and Duties: A Response to *Justice for Hedgehogs*, BLR; Martha Minow & Joseph William Singer, ‘In Favour of Foxes’, BLR

Quote and Comment Assignment Instructions

Over the course of the term, you may complete as many as 10 quote and comment assignments. However, you may only submit **ONE** quote and comment in any given week of term. Your task is to identify an interesting passage in the assigned readings for the week and offer a clear, concise and thoughtful comment on the passage. Make sure you clearly identify the author and source of the passage you quote. (YOU MUST CITE AN ACTUAL PASSAGE IN THE TEXT.) In your remarks, provide a brief explanation of the issue raised in the cited passage and then provide a brief response – e.g., a criticism or comment or constructive question – to point as issue in cited passage. Your remarks should never exceed a single, double-spaced piece of paper. The date, your name, student number and the course number should be clearly indicated at the top left hand side of the page. I will assign full marks to any assignment that reflects a good faith effort to engage the material in a thoughtful way. To receive credit for a quote and comment assignment you must submit your assignment in class. **PLEASE DO NOT ASK TO SUBMIT ASSIGNMENTS LATE OR FOR CLASSES YOU DID NOT ATTEND.**

Discussion Initiation Assignment

To earn credit for this assignment you must take the lead in initiating class discussion of one assigned reading in the course. This involves: (1) making some brief remarks (about 5 minutes) to the class about an assigned reading that identify core themes and issues in the reading (2) articulating a brief critical response to the reading and (3) posing one or two questions that provide an impetus for class discussion and debate. The brief critical remark and question(s) must be typed up and submitted to me during the class at which they are presented. Students will sign up for this assignment at the beginning of term.

Research Paper Proposal Assignment

The general challenge here is to identify and respond to one or more themes or arguments in Dworkin’s *Justice for Hedgehogs*. Your proposal should briefly (one paragraph) outline an issue that you will explore, it should indicate how you plan to tackle the issue and it should provide a preliminary list of the resources (e.g., books or articles) that you plan to draw upon in writing your paper.

Appropriate Academic Conduct

Students are expected to understand and abide by the University regulations concerning academic misconduct - e.g., plagiarism, cheating etc. For further information about these matters students can consult the University Calendar. If you are unsure what constitutes plagiarism consult me before submitting an assignment.