

PHILOSOPHY 339 – Theories of Justice

Class meets: Monday and Thursday 11:30 am- 12:50 pm, CLE C110

Instructor: Prof. Colin Macleod (he/him)

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Office Hours: Monday 1:30-3:30 pm and by appointment

Territorial Acknowledgement

I acknowledge and respect the Lək'wəṇən (Songhees and Esquimalt) Peoples on whose territory the university stands, and the Lək'wəṇən and W̱SÁNEĆ Peoples whose historical relationships with the land continue to this day.

Texts

Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, 2nd Edition (Oxford University Press 2002). Other readings will be available via Brightspace.

Course Outline and Objectives

This course explores some of the most important and influential theories about the nature of justice that have been developed in the tradition of Western political philosophy. Our focus will be on contemporary theories and issues, but we will discuss how these theories are related to the work of influential figures in the history of political philosophy such as Kant, Mill, Hobbes, Locke and Rousseau. We will place special emphasis on the nature and scope of distributive justice. but we will also consider problems about the nature of (human) rights, culture, community, freedom and gender. Throughout our discussions we will consider the implications of different views for the assessment of contemporary social and political arrangements. All the topics we examine could easily be the subject of entire courses and we will barely scratch the surface of some issues. Nonetheless, the course should provide students with a good basic for more advanced study in political philosophy. By the end of the course, students should have a good understanding of the following views: utilitarianism, liberal egalitarianism, libertarianism, Hobbesian contractarianism, Marxism, feminist perspectives on justice, communitarianism, multiculturalism, and theories of citizenship. Students should acquire an understanding of the justificatory basis of different views, important objections to different views, as well as the general methodology employed in contemporary theorizing about justice. The implications of different views of justice for the organization of social and political institutions will also be explored.

Formal Course Requirements

Written work for the course consists of 1 term paper (approximately 3,000 words in length), 1 midterm exam, 1 final exam and (as many as) 10 quote and comment assignments. The term paper is worth 40% of the course grade, the midterm is worth 20% of the course grade, the final exam is worth 30% of the course grade and the quote and comment assignment is worth 10% of the course grade.

Informal Course Expectations

Although no grade is assigned for participation in class discussion or attendance, 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 disagreements with or raise criticisms about the philosophical views presented by me or other members of the class. We can all learn a lot from lively exchanges of different points of view, so I encourage voice your views in an open and thoughtful manner. You should expect to challenge the views of others and to have your views challenged by me and other members of the class. 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.

Late Policy

Unless you qualify for an academic concession due to [unexpected and unavoidable circumstances, or conflicting responsibilities](#) I will not change the due date of assignments nor will I reschedule exams for you. I will accept, without grade penalty, **essays** that are submitted up to one week after the due date. However, essays that are submitted in this period will not receive detailed comments. After this **grace period** unexcused essays will not be accepted.

Course Materials on Brightspace

You can access the Brightspace page for this course by signing in with your netlink id. Various essential course materials will be posted there (e.g., powerpoint slides, some readings, assignments, etc.) **Please note** that all assignments for this course and all materials posted to Brightspace are the intellectual property of myself and the University of Victoria. Do not circulate this material or post it to note-sharing sites without my permission. Posting course materials to note-sharing sites or otherwise circulating course materials without the permission of your instructor violates the [Policy on Academic Integrity](#)

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 [Policy on Academic Integrity](#) . If you are unsure what constitutes plagiarism or academic misconduct, consult me before submitting an assignment

Use of Digital Tools

Please be advised that in this course you are not authorized to use any form of generative AI. In order to successfully complete course activities, generative AI is not required nor welcomed. Students should not make any use of generative AI tools such as ChatGPT that use AI for content generation.

Wellness and Counseling Resources

Many students experience challenges to their wellbeing during their studies. [Uvic Student Wellness](#) offers many resources to support student wellness. Assistance for matters

concerning physical, mental, and spiritual health is available. There is a designated [student counsellor for law students](#). Information about other resources and opportunities for law students is [available here](#).

Uvic Sexualized Violence Prevention and Response:

You can learn more about how Uvic defines sexualized violence and its approach to prevention by visiting www.uvic.ca/svp. If you or someone you know is impacted by sexualized violence and needs information, advice, and/or support, please contact the sexualized violence resource office in Equity and Human Rights (EQHR). Whether or not you have been directly impacted, if you want to take part in important prevention work on campus, you can reach out to: Sexualized Violence Resource Office in EQHR, Sedgewick C119; email: svpcoordinator@uvic.ca.

Important Dates

Term Paper: Due on or before **December 5** (Grace period ends **December 12**)

Quote and Comment Assignments: Throughout the term (maximum 1 per week)

Midterm Exam: **October 10**

Final Exam: **As Scheduled by the University**

Class Topics and Reading Schedule

Note: This is a provisional schedule. Adjustments may be made during the term. For most weeks I have identified some classic texts related to the material we are studying that week. The titles appear in square brackets. Readings that can be accessed via Brightspace are indicated via (BS).

Week of September 2 - Values, Justice and Methodology

Kymlicka Chapter 1

[John Rawls, 'Some Remarks about Moral Theory' in *A Theory of Justice*]

Week of September 9 - Utilitarianism

Kymlicka Chapter 2

[J.S Mill, *Utilitarianism*; and *On Liberty*; Henry Sidgwick, *The Methods of Ethics*]

Week of September 16 - Liberal Equality

Kymlicka Chapter 3

Colin Macleod 'Applying Justice as Fairness to Institutions' (BS)

[Kant, *Groundwork of the Metaphysics of Morals*; Rousseau, *The Social Contract*; John Rawls, *A Theory of Justice*; Ronald Dworkin, *Sovereign Virtue*]

Week of September 23 - Relational Egalitarianism and Cosmopolitanism

Elizabeth Anderson 'What is the Point of Equality?' (BS)

Gillian Brock 'Contemporary Cosmopolitanism: Some Current Issues' (BS)

[John Rawls, *The Law of Peoples*]

Week of September 30 - Colonialism, Race and Justice

NO CLASS on September 30 (National Day for Truth and Reconciliation)

Tommie Shelby, 'Justice, Deviance, and the Dark Ghetto' (BS)
[Fanon, *The Wretched of the Earth*]

Week of October 7- Justice and the Family

Colin Macleod, 'Liberal Equality and the Affective Family' (BS)

Colin Macleod, 'The Family' (BS)

[Susan Okin, *Justice, Gender and the Family*; Harry Brighouse and Adam Swift, *Family Values*]

MIDTERM – October 10

Week of October 14 – Justice and Individual Conduct

***** NO CLASS on Monday October 14 – Thanksgiving *****

Colin Macleod, 'If You're A Libertarian, How Come You're So Rich?' (BS)

[G.A. Cohen, *If You're An Egalitarian, How Come You're So Rich?*]

Week of October 21 - Libertarianism and Hobbesian Contractarianism

Kymlicka Chapter 4

[Hobbes, *Leviathan*; Locke, *Second Treatise on Government*, Robert Nozick *Anarchy State and Utopia*; David Gauthier, *Morals by Agreement*]

Week of October 28 - Marxism

Kymlicka Chapter 5

[Marx, *The Communist Manifesto*, G.A. Cohen, *Karl Marx's Theory of History: A Defense*]

Week of November 4 - Feminism

Kymlicka Chapter 9

[Mary Wollstonecraft, *Vindication of the Rights of Women*, J.S. Mill and Harriet Taylor, *On the Subjection of Women*, Catherine MacKinnon, *A Feminist Theory of the State*, Carol Gilligan, *In A Different Voice*]

Week of November 11 - Student Choice of a Topic and Reading

***** No Class on November 11 – Reading Break *****

Week of November 18 - Communitarianism

Kymlicka Chapter 6

[Aristotle, *Politics*, Michael Sandel, *Liberalism and the Limits of Justice*]

Week of November 25 - Citizenship Theory and Multiculturalism

Kymlicka Chapter 7 and 8

[T.H. Marshall, *Class, Citizenship, and Social Development*; Machiavelli, *Discourses of Livy*, Will Kymlicka, *Multicultural Citizenship*]

Week of December 2 - Unfinished Business and Review

OTHER INFORMATION

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. In order to receive marks for the quote, comment, and critique assignment you must submit your assignment to the Brightspace page during the week that reading is on the outline. **You must also attend the class at which the reading is discussed** in order to receive credit for a submission. 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. 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 – about the cited passage. Your remarks **should never exceed** a single, double-spaced piece of paper. Use 12 point font and regular margins. 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.

Your assignment **MUST** have the following elements:

Your Name & Student #

The date

Philosophy 335

Quote & Comment # (e.g., #1)

Quotation and source (this can be single-spaced)

Your concise comment (this must be double-spaced)

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); coeditor with David Archard of *The Moral and Political Status of Children* (OUP 2002) and co-editor with Alexander Bagattini of *The Well-being of Children: Theory and Practice* (Springer 2014). 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.

Grading System

Percentage	Letter Grade	Grade Point	Grade Definition
90 – 100	A+	9	An A+, A, or A- is earned by work which is technically superior , shows mastery of the subject matter, and in the case of an A+ offers original insight and/or goes beyond course expectations. Normally achieved by a minority of students.
85 – 89	A	8	
80 – 84	A-	7	
77 – 79	B+	6	A B+, B, or B- is earned by work that indicates a good comprehension of the course material, a good command of the skills needed to work with the course material, and the student's full engagement with the course requirements and activities. A B+ represents a more complex understanding and/or application of the course material. Normally achieved by the largest number of students.
73 – 76	B	5	
70 – 72	B-	4	
65 – 69	C+	3	A C+ or C is earned by work that indicates an adequate comprehension of the course material and the skills needed to work with the course material and that indicates the student has met the basic requirements for completing assigned work and/or participating in class activities.
60 – 64	C	2	
50 – 59	D	1	A D is earned by work that indicates minimal command of the course materials and/or minimal participation in class activities that is worthy of course credit toward the degree.
0 – 49	F	0	F is earned by work, which after the completion of course requirements, is inadequate and unworthy of course credit towards the degree.

Interpretation of these grade definitions is up to the discretion of the instructor. If you receive a grade during the course that you believe is unfair, please begin by discussing the matter with the instructor (or TA) in a respectful, open-minded manner. Rest assured that if you still believe the grade you received is unfair you can appeal the matter to the chair of the department.

For additional information regarding undergraduate grades, please consult the [Grading](#) section of the Uvic Undergraduate Calendar.

All evaluations of tests and assignments will be calculated according to percentage scores. Letter grades and grade point scores are listed purely for reference.

Final examinations are the property of Uvic and are not returned. They are available for viewing at the Records Office according to Uvic [Examinations](#) procedures and regulations.

Uvic is committed to providing a safe, supportive learning environment for all members. Further information regarding Uvic policies on human rights, equity, discrimination and harassment are located in the Uvic calendar [General University Policies](#), but if you have any particular concerns related to our course please do not hesitate to contact me.

Guide To Marginal Notations (used in marking papers)

? = the significance or relevance of a point is unclear or obscure

^ = missing word(s)

BX = be more explicit; develop the point you are making more fully

C = confusing passage;

CIT = incomplete or incorrect or missing citation

G = garbled; you have not effectively conveyed your point

I = incomplete analysis; you have not adequately explained your point

K = awkward or ungrammatical sentence construction

M = misleading

NA = needs argument; you have not developed your argument sufficiently

O = omit; you could have omitted this chunk of text

QL = quoted passage is unnecessarily long

RF = ambiguous or unclear referent

RS = run on sentence

SE = supporting evidence is needed to substantiate a claim

U = sentence or phrase does not clearly communicate your point

VA = vague

W = poor or incorrect choice of word