UNIVERSITY OF WESTERN ONTARIO
DEPARTMENT OF PHILOSOPHY

MORAL, POLITICAL, AND LEGAL PHILOSOPHY COMPREHENSIVE EXAM

INSTRUCTIONS AND READING LIST

I. GENERAL OVERVIEW AND INSTRUCTIONS

(a) Content

The Moral, Political, and Legal Philosophy Comprehensive Exam (the "MPL Comp") is offered four times a year, in January, April, August, and October. Candidates are expected to demonstrate familiarity with historical and contemporary readings in moral, political, and legal philosophy, and with relevantly related matters. The MPL Comp is composed of four sections: Section (1) – History of Ethics; Section (2) – Normative Ethics; Section (3) – Political Philosophy; and Section (4) – Legal philosophy. The exam will offer a choice of questions pertaining to material included in those four sections.

(b) Requirements

Since the MPL Comp is designed to test comprehensive knowledge, candidates are expected to provide critical responses to questions that show that they understand what the questions are asking and what underlying issues are being raised. Candidates writing the MPL Comp will be required to answer four questions: **two** questions from Section (1): History of Ethics; and **two** additional questions from any other section(s) of the candidate's choice. So, for example, a candidate could pass the MPL Comp by successfully answering two questions from Section (1) – History of Ethics, one question from Section (2) – Normative Ethics, and one question from Section (3) – Political Philosophy. Alternatively, a candidate could pass the MPL Comp by successfully answering two questions from Section (1) – History of Ethics, and two questions from Section (4) – Legal Philosophy. Each section of the MPL Comp will contain four questions, for a total of 16 questions.

(c) Grading Procedure

Exams will be graded by all members of the MPL Area Committee. For a candidate to pass the exam, s/he must receive a passing grade on all four questions.

(d) Exam Writing Options

Candidates can satisfy the MPL Comp requirement in one of two ways.

1. By writing a four-hour sit-down exam. Candidates will be expected to write 1.5-2 single-spaced pages per question. The exam will be graded according to the procedure set out in I(c) above.

2. By writing a twenty-four hour take-home exam. This exam will be graded according to the procedure set out in I(c) above. The MPL Area Committee will then select a 3-member panel (the Chair of the MPL Area Committee plus two members chosen for their expertise relative to the questions answered by the candidate). The panel will meet with the candidate no more than 1 week after the written portion of the take-home exam has

been submitted and will ask the candidate questions about his/her written exam. This oral component, or *viva*, will be approximately 30 minutes in duration. The panel will have the authority to determine whether the exam, taken as a whole, constitutes a pass. A simple majority of the committee will be sufficient. The candidate will be informed of the decision of the committee at the conclusion of the *viva*.

(e)   Expectations
4 hour Sit-down Version
It is expected that students writing the 4 hour sit-down version of the MPL Comp will write 1.5 to 2 single-spaced pages per answer (approximately 750-1000 words). A good answer should have a thesis, an introduction, a main body, and a conclusion, and will clearly and directly address the question(s) asked. While there is no expectation that students will quote directly from either primary or secondary materials, students are expected to demonstrate familiarity with both.

24 hour Take-home Version
It is expected that students writing the 24 hour take-home version of the MPL Comp will write 3 to 4 single-spaced pages per answer (approximately 1500-2000 words). A good answer will have a thesis, an introduction, a main body, and a conclusion, and will clearly and directly address the question(s) asked. It is expected that the resulting answers will demonstrate substantial scholarly engagement with the primary sources on which the questions are based, and will reflect significant familiarity with relevant secondary materials. Students are strongly encouraged to support their arguments with direct quotes from primary sources, and to include quotes from and/or make direct references to secondary materials as well. Students are required to provide references for all sources in footnotes, endnotes, or a bibliography.

(f)   Time Line
Candidates should inform the Graduate Assistant and the Chair of the MPL field of their intention to write the Comp at least one month prior to their intended writing date, and should also indicate which version of the MPL Comp – the four-hour sit-down or twenty-four hour take-home – they intend to write. Any additional questions or concerns about the MPL Comp should be directed to the Graduate Assistant or the Chair of the MPL Field.

II.   MORAL, POLITICAL, AND LEGAL PHILOSOPHY REQUIRED READING LIST
(1)   History of Ethics
Plato, *Protagoras*, 309a-314c, 328d-333c, 349b-362a

Plato, *Republic*, Book I, 327a-354c; Book II, 357a-367e; Book IV 427d-445e; Book IX 576b-592b

Aristotle, *Nicomachean Ethics*, Books I, II, III (1-5), V, VII

Thomas Hobbes, *Leviathan,* Chapters 6, 10-21, 26-29

David Hume, *A Treatise of Human Nature,* 1.1.1-4; 1.3.1-2,14; Books II and III, especially

2.1.1-6; 2.3.1-4; 3.1.1-2; 3.2.1-6; 3.3.1

David Hume, *An Enquiry Concerning the Principles of Morals*

Immanuel Kant, *Groundwork for the Metaphysics of Morals*, Chapters 1 and 2.

Henry Sidgwick, *The Methods of Ethics*, Book I, Chapters i, iii, viii, and ix; Book II, Chapters i and v; Book III, Chapters i, xi, xiii, and xiv; Book IV, Chapters ii and iii; and Concluding chapter.

G.E. Moore, *Principia Ethica*, Chapter 1: "The Subject Matter of Ethics" and Chapter 3: "Hedonism."

A.J. Ayer, *Language, Truth, and Logic*, Chapter 6: "Critique of Ethics and Theology."

Charles Stevenson, "The Emotive Meaning of Ethical Terms" *Mind* 46 (1937): 14-31. Reprinted in his *Facts and Values* (Yale University Press, 1963).

J. L. Mackie, *Ethics: Inventing Right and Wrong*, Chapter 1: "The Subjectivity of Values."

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(2)   Normative Ethics
(i)   Virtue Ethics
Aristotle, *Nicomachean Ethics*, Books I, II, III (1-5), V, VII

G.E.M Anscombe, "Modern Moral Philosophy" *Philosophy* 33 (1958): 1-19. Reprinted in R. Crisp and M. Slote, eds., *Virtue Theory* (OUP, 1997).

Michael Stocker, "The Schizophrenia of Modern Ethical Theories" *Journal of Philosophy* 73 (1976): 453-66. Reprinted in R. Crisp and M. Slote, eds., *Virtue Theory* (OUP, 1997).

Rosalind Hursthouse, "Virtue Theory and Abortion" *Philosophy and Public Affairs* 20 (1991): 223-46. Reprinted in R. Crisp and M. Slote, eds., *Virtue Theory* (OUP, 1997).

(ii)   Consequentialism
Henry Sidgwick, *The Methods of Ethics*, Book III, Chapter xiii, Book IV Chapters ii-v.

Bernard Williams, "Persons, Character, and Morality" in his *Moral Luck* (CUP, 1982): 1-19.

Bernard Williams, "The Point of View of the Universe: Sidgwick and the Ambitions of Ethics" in his *Making Sense of Humanity* (CUP, 1995): 153-171.

(iii)   Deontology
Immanuel Kant, *Groundwork for the Metaphysics of Morals*, Chapters 1 and 2.

Ross, W.D., *The Right and the Good* (OUP, 2003), Chapter 2: "What Makes Right Acts

Right?"

Philippa Foot, "Morality as a System of Hypothetical Imperatives" *The Philosophical Review* 81 (1952): 305-16. Reprinted in her *Virtues and Vices* (University of California Press, 1978).

(iv) Contractarianism
David Gauthier, "Why Contractarianism?" in P. Vallentyne, ed., *Contractarianism and Rational Choice* (CUP, 1991). Reprinted in S. Darwall, ed., *Contractarianism/ Contractualism* (Blackwell, 2003).

T.M. Scanlon, *What we Owe to Each Other* (HUP, 1999), Chapter 1: "Reasons" and Chapter 5: "Contractualism."

Jean Hampton, "Two Faces of Contractarian Thought" in P. Vallentyne, ed., *Contractarianism and Rational Choice* (CUP, 1991).

(v) Feminist Ethics
Alison Jaggar, "Feminist Ethics: Projects, Problems, Prospects," in C. Card, ed., *Feminist Ethics* (Univ. Press of Kansas, 1991): 78-106.

Margaret Urban Walker, "Feminism, Ethics, and the Question of Theory" *Hypatia* 7:3 (1992): 23-38.

Annette Baier, "The Need for More than Justice" in V. Held, ed., *Justice and Care: Essential Readings in Feminist Ethics* (Westview, 1995).

Alison Jaggar, "Caring as a Feminist Practice of Moral Reason" in V. Held, ed., *Justice and Care: Essential Readings in Feminist Ethics* (Westview, 1995).

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(3) Political Philosophy
Karl Marx, excerpts from *Capital*, in D. McLennan, ed., *Karl Marx: Selected Writings* (OUP, 1987): 421-443, 451-470.

J.J. Rousseau, *The Social Contract*.

John Locke, *Second Treatise of Government* and *Letter Concerning Toleration*.

Immanuel Kant, "On the Common Saying: That May be Correct in Theory but it is Of No Use in Practice," Part II.

J.S. Mill, *On Liberty*

J.S. Mill, *The Subjection of Women*

John Rawls, *A Theory of Justice* (Harvard University Press, 1971), Part I

John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (1985): 223-251.

Robert Nozick, *Anarchy State and Utopia* (Basic Books, 1974), Chapters 1-3, 7 (especially section I), and 8.

Thomas Nagel, "Equality" in his *Mortal Questions* (CUP, 1979).

Elizabeth Anderson, "What Is the Point of Equality?" *Ethics* 109 (1999): 287-337.

Martha Nussbaum, "Women and Cultural Universals," *Sex and Social Justice* (OUP, 2000): 29-54.

Iris Marion Young, *Justice and the Politics of Difference* (Princeton University Press, 1990), Chapters 1 and 2.

Susan Moller Okin, "Justice and Gender," *Philosophy and Public Affairs* 16 (1987): 42-72.

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(4)   Legal Philosophy
(i)   General jurisprudence
(a)   Natural Law Theory
Brian Bix, "Natural law Theory" excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 8-19.

Lon Fuller, "Eight Ways to Fail to Make Law" Chapter 2 of *The Morality of Law* (Yale University Press, 1964). Excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 20-23.

(b)   Positivism
John Austin, "A Positivist Conception of Law" excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 24-35.

H.L.A. Hart, "A More Recent Positivist Conception of Law" from *The Concept of Law*. Excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 36-50.

H.L.A. Hart, "Positivism and the Separation of Law and Morals" excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 50-67.

Lon Fuller, "Positivism and Fidelity to Law—A Reply to Professor Hart" excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 67-82.

Ronald Dworkin, "The Model of Rules" excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 82-100.

Riggs v. Palmer, 22 N.E. 188 (1889, Court of Appeals of New York). Excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 100-105.

(c)   Legal Realism
O.W. Holmes, "The Path of the Law" excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 119-124.

Jerome Frank, "Legal Realism" excerpted in J. Feinberg and J. Coleman, eds., *Philosophy of Law*, 7th ed. (Thomson Wadsworth, 2004): 125-127.

(d)   Feminist Legal Theory
Denise Reaume, "What's Distinctive About Feminist Analysis of Law?" *Legal Theory* 2 (1996): 265-99.

(ii)   The rule of law
A.V. Dicey, "The Rule of Law: Its Nature and General Applications," *Introduction to the Study of the Law of the Constitution* 10th ed. (London: MacMillan, 1959), 183-205.

Frederich A. Hayek, "Planning and the Rule of Law," *The Road to Serfdom* (Chicago: University of Chicago Press, 1944), 72-87.

Joseph Raz, "The Rule of Law and its Virtue," *The Authority of Law* (Oxford: Clarendon Press, 1979), 210-229.

(iii)   The enforcement of morality
Patrick Devlin, *The Enforcement of Morals* (OUP, 1996), Chapter 1.

H.L.A. Hart, *Law, Liberty and Morality* (Stanford University Press, 1963).

(iv)   Punishment
Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, Chapter 13

H.L.A. Hart, *Punishment and Responsibility*, Chapters 1 and 2.

Herbert Morris, "Persons and Punishment," *The Monist* 52 (1968): 475-501.

Jean Hampton, "Correcting Harms Versus Righting Wrongs," *U.C.L.A. Law Review* 39 (1992): 1659-1702.