

YORK UNIVERSITY
GRADUATE PROGRAM IN PHILOSOPHY
PHILOSOPHY 6800: First-Year Seminar
Concepts, Categories, and Kinds
Fall 2015

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A. Course Description

This course is required of all first-year PhD students. Others may audit at the discretion of the Course Directors.

This seminar will explore philosophical issues arising from the determination and use of concepts, categories, and kinds across several philosophical areas as well as at the intersections between philosophy and the natural and social sciences. We will ask the following set of core questions, among others: What are natural kinds and why do we need to posit them? Are there social or human kinds in the social domain, just as there are natural kinds in the natural domain? Do all scientific categories correspond to natural kinds? And do categories in the social sciences correspond generally to social kinds? Are all or some social kinds significantly different from natural kinds, since they are supposed to be evaluative, normative, interactive, and/or subjective? The first half of the seminar will be devoted to abstract, theoretical debates about concepts, categories, and kinds, while the second half will turn to investigation of such debates as they appear in the special context of the philosophy of law.

B. Requirements and Evaluation

Evaluation will be based entirely on weekly writing assignments and class participation. Students will be required to submit a 1200-1500 word paper each week and will often be called upon to briefly present and defend their papers in class. Students must submit eight papers in all, four in each half of the course (four in Weeks 2-6, and four in Weeks 7-11). Papers are due 24 hours before the seminar (11:30 am on Thursday) and should be submitted electronically (as an email attachment) to both course directors. Evaluation will be based entirely on the papers and on class participation (including presenting and defending papers in class). Late papers will not be accepted. Evaluation will be as follows:

Eight short papers: 80%
Class participation: 20%

C. Reading Schedule

Starred readings (*) are required and will form the basis of class discussion, while unstarred readings are recommended. All readings will be posted on the course Moodle site.

Week 1 (Sept 11): Introduction

Week 2 (Sept 18): Background on Natural Kinds

- *Bird, Alexander (2009), "Essences and Natural Kinds." In Robin Le Poidevin (ed.), *The Routledge Companion to Metaphysics*. Routledge 497-506.
- *Khalidi, Muhammad Ali (2015), "Natural Kinds," *Oxford Handbook of the Philosophy of Science*, Oxford: Oxford University Press.

Tobin, Emma & Bird, Alexander (2009). "Natural kinds," *Stanford Encyclopedia of Philosophy*.
 Ellis, Brian (2008), Natural Kinds. In Martin Curd & Stathis Psillos (eds.), *The Routledge Companion to Philosophy of Science*, Routledge 139-148.
 Dupré, John (2000). "Natural kinds." *A Companion to the Philosophy of Science*. Blackwell, Oxford: 311-319.

Week 3 (Sept 25): Categories and Kinds

- *Boyd, Richard (1989), "What Realism Implies and What It Does Not," *Dialectica* 43, 5-29.
- *Dupré, John (2002), "Is 'Natural Kind' a Natural Kind Term?" *The Monist* 85, 29-49.
- *Millikan, Ruth (2007), "Thoughts of Real Kinds," *The Oxford Handbook of Philosophy of Psychology* (Oxford: Oxford University Press).

Boyd, Richard (1991), "Realism, Anti-Foundationalism, and the Enthusiasm for Natural Kinds," *Philosophical Studies* 61, 127-148.
 Kornblith, Hilary (1999), "Natural Kinds," in R. Wilson and F. Keil, eds., *The MIT Encyclopedia of the Cognitive Sciences*, MIT Press, 584-585.
 Hacking, Ian (2007), "Natural Kinds: Rosy Dawn, Scholastic Twilight," *Royal Institute of Philosophy Supplement* 61 (2007): 203-239.

Week 4 (Oct 2): Socially Constructed and Mind-Dependent Kinds

- *Searle, John (1995), *Construction of Social Reality* (New York: Free Press), Chaps. 1 and 2.
- *Haslanger, Sally (1995), "Ontology and Social Construction," *Philosophical Topics* 23, 95-125.
- *Thomasson, Amie (2003), "Realism and Human Kinds," *Philosophy and Phenomenological Research* 67, 580-609.

Mallon, Ron (2006), "A Field Guide to Social Construction," *Philosophy Compass* 2(1): 93-108.
 Searle, John (2009), *Making the Social World* (Oxford: Oxford University Press). (excerpts)

Week 5 (Oct 9): Interactive and Looping Kinds

- *Hacking, Ian (1995), "The Looping Effects of Human Kinds," in D. Sperber, D. Premack, and A.J. Premack (eds.), *Causal Cognition: A Multi-Disciplinary Debate* (Oxford: Oxford

University Press).

*Cooper, Rachel (2004), "Why Hacking Is Wrong about Human Kinds," *British Journal for the Philosophy of Science* 55, 73-85.

Tsou, Jonathan Y. (2007), "Hacking on the looping effects of psychiatric classifications: What is an interactive and indifferent kind?" *International Studies in the Philosophy of Science*, 329-344.

Khalidi, Muhammad Ali (2010), "Interactive Kinds," *British Journal for the Philosophy of Science* 61, 335-360.

Week 6 (Oct 16): Value-Laden and Normative Kinds

*Hacking, Ian (1991), "The Making and Molding of Child Abuse," *Critical Inquiry* 17 (1991), 253-288.

*Griffiths, Paul E. (2004), "Emotions as Natural and Normative Kinds," *Philosophy of Science* 71, 901-911.

*Haslanger, Sally (2005), "What Are We Talking About? The Semantics and Politics of Social Kinds," *Hypatia* 20, 10-26.

Mallon, Ron (2006), "'Race': Normative, Not Metaphysical or Semantic," *Ethics* 116, 525-551.

Mallon, Ron (2007). "Human Categories Beyond Non-Essentialism," *Journal of Political Philosophy* 15, 146-168.

Week 7 (Oct 23): Legal Positivism and the Rule of Law

*Fuller, Lon (1964) "The Morality that Makes Law Possible", in L. Fuller, *The Morality of Law*, rev edn. (Yale University Press) 33-94.

*Hart, HLA (2012) "Laws and Morals", in HLA Hart, *The Concept of Law* (3rd edition, Oxford University Press) 185-212.

Green, Leslie (2008) "Positivism and the Inseparability of Law and Morals", 83 *New York University Law Review*, 1035-1058.

Raz, Joseph (2009) "The Rule of Law and Its Virtue", in J. Raz, *The Authority of Law*, 2nd edn (Oxford University Press) 210-229.

FALL READING DAYS: Oct 29-Nov 1

Week 8 (Nov 6): Moralized Concepts of Law

*Dworkin, Ronald (1986) "What is Law?", in R. Dworkin, *Law's Empire* (Harvard University Press), 1-44.

*Finnis, John (2003) "Law and What I Truly Should Decide", 48 *American Journal of Jurisprudence* 107-129.

Dworkin, Ronald (2006) "Introduction" in Dworkin, R., *Justice in Robes* (Harvard University Press) 1-35.

Finnis, John (1980) *Natural Law and Natural Rights* (Oxford University Press) chapters 1 and 2.

Week 9 (Nov 13): Necessity

*Raz, Joseph (2009), "Can There be a Theory of Law?" in *Between Authority and Interpretation* (Oxford University Press) 17-46.

*Leiter, Brian (2011) "The Demarcation Problem in Jurisprudence: A New Case for Scepticism", *31 Oxford Journal of Legal Studies*, 663-677.

Bix, Brian (2003) "Raz on Necessity" *22 Law and Philosophy* 537-559.

Giudice, Michael (2015) "Analytical Jurisprudence and Necessity", in Giudice, M., *Understanding the Nature of Law* (Edward Elgar Press) 90-109.

Priel, Dan (2007) "Jurisprudence and Necessity", *20 Canadian Journal of Law and Jurisprudence*, 173.

Week 10 (Nov 20): Constructing Concepts of Law

*Murphy, Liam (2008) "Better to See Law This Way", *83 New York University Law Review*, 1088-1108.

*Stoljar, Natalie (2013) 'What Do We Want Law to Be? Philosophical Analysis and the Concept of Law' in Sciaraffa, S, and Waluchow, W (eds) *Philosophical Foundations of the Nature of Law* (Oxford University Press) 230-253.

Galligan, Denis (2007) "Setting the Bounds of Law-and-Society", in Galligan, D., *Law in Modern Society* (Oxford University Press) 4-26.

Lyons, David (1984) "Law as Social Fact", in Lyons, D., *Ethics and the Rule of Law* (Cambridge University Press) 36-60.

Week 11 (Nov 27): Legal Realism

*Leiter, Brian (1997) 'Rethinking Legal Realism: Toward a Naturalized Jurisprudence' *76 Texas Law Review* 267-315.

*Green, Leslie "Law and the Causes of Judicial Decision", available on SSRN.

Dagan, Hanoch (2007) "The Realist Conception of Law" *57 University of Toronto Law Journal*, 607-660.

Leiter, Brian (2007) *Naturalized Jurisprudence* (Oxford University Press) excerpts.

Week 12 (Dec 4): Wrap-Up