

Demanding Dismissal with Justification

Instructions

When doing the reading for this class, there are the two basic kinds of information you need to understand:

1. What are the main points or conclusions that an author accepts with respect to a particular issue?
2. What are the reasons, important considerations, and evidence that lead the author to accept that conclusion?

For our purposes, it is *information of the second sort that will be our primary concern* since our most basic task is to *evaluate the reasons and evidence* that are offered to support accepting one possible position on an issue, rather than another.

Reading

McCall, J. J. (2003, April). A Defense of Just Cause Dismissal Rules. *Business Ethics Quarterly*, 13(2), 151-175.

Questions

As you read, keep these questions in mind:

1. What is the just cause approach to dismissal? How is this different from employment at will (EAW)?
2. Recall that Richard Epstein claims that EAW is intrinsically valuable because of the autonomy associated with the freedom of contract.
Why does John McCall believe that this argument is not compelling enough for preferring EAW over just cause dismissal rules?
3. Furthermore, Richard Epstein claims that EAW is intrinsically fair by bestowing the reciprocal power for either party to unilaterally end the employer-employee relationship.
Why does John McCall believe that this argument is not compelling enough for preferring EAW over just cause dismissal rules?
4. Epstein also provides a series of instrumental arguments about the mutual benefits of EAW for both employers and employees.
Why does McCall believe that these various “consequentialist” arguments are not compelling enough for preferring EAW over just cause dismissal rules?

To answer these questions you will have to reflect critically on what you have read and possibly re-read important passages.

Although I strongly suggest that you write out brief answers to these questions, you do not have to turn in written responses. You do, however, need to be prepared to speak intelligently about these issues at our next class meeting.