

PHL370: Issues in Philosophy of Law

Course Description

In this course, we will consider two questions about our relationship to the law. First, do we have a duty to obey the law, simply because it is the law? After clarifying the nature of this alleged duty, we will consider some proposals that attempt to establish the existence of such a duty to obey the law, including consent, instrumentalist, and fair play theories. Second, is civil disobedience ever permissible? After examining several theories of civil disobedience, we will conclude the course by discussing two topics that are closely related to civil disobedience: whistleblowing and jury nullification.

Teaching Team

Instructor: Steve Coyne (steven.coyne@mail.utoronto.ca)

Zoom Office Hours: Wednesday 12-2PM (bookable), Wednesday 2-3PM (drop-in). See the Quercus website for the link.

E-mail: For written communication, please contact me via e-mail (and not Quercus, which I don't regularly check.) Make sure to identify the course (PHL370) in the title of your e-mail. I make every attempt to respond to administrative questions (e.g. about course registration, groupwork, etc) within 24 hours, as well as quick questions about course content. I'm also happy to answer quick, specific questions about course content by e-mail, though I will ask you to see me in office hours about more complicated questions.

Teaching Assistant: Felix Lambrecht (felix.lambrecht@mail.utoronto.ca)

Course Flow

This is an in-person course. We meet on Mondays from 6-7PM and Wednesdays from 6-8PM.

Readings

All readings will be directly accessible through Quercus.

Evaluation

Course Component	Percentage of Grade	Date(s) due
Essay 1	30%	October 17 (11:59PM)
Essay 2	30%	December 6 (11:59PM)
Test	30%	November 10 (in-class)
Participation	10%	Throughout the course

Note that all assignments should be submitted through Quercus through the corresponding links under 'Assignments'. Please submit all assignments in .doc, .docx, or .pdf.

Essays: You will complete two essays on assigned topics, each about 1200-1500 words in length.

Test: During week 9 there will be a test that covers the material considered so far in the course.

Participation: You are required to make some contributions to class discussion. Contributions will be translated into points in the following way:

Contributions	0	1	2	3	4	6	8	11	15
Percentage	0	20	35	50	60	70	75	80	85

You may contribute in one of two ways:

- 1) You can make a post on the message board making some critical point about one of the readings. Note that the threads for the week close at noon on Mondays. I may refer to your critical point during discussion.
- 2) You can make a verbal contribution in class.

A maximum of two verbal contributions per week and one post per week will count towards your grade. Quality also matters for the sake of awarding participation points: clearly low-effort or off-topic contributions may not receive any points, while very thoughtful contributions may receive additional points. Message board contributions should be a significant paragraph; a couple sentences are not sufficient. Grades above 85 will be awarded in cases of exceptionally active, highly thoughtful participation. I will make interim participation point totals available in the middle of October and middle of November.

Missed Tests and Late Assignments

If there are special considerations that cause you to miss an **assignment** or **test**, you should get in touch with the **department undergraduate advisor** (Jane Medeiros) to arrange an accommodation. See here for more information:

<https://philosophy.utoronto.ca/utm/utm-philosophy-undergraduate/special-consideration-requests/>

Without official accommodation, make-up tests will not be given; late assignments will receive 5% penalty a day, and no assignment submitted more than a week late will be accepted.

Accessibility

If you have a disability or health consideration that may require accommodation, please get in touch with me and Accessibility Services (<https://www.utm.utoronto.ca/accessibility/welcome-accessibility-services>)

Plagiarism and Course Conduct

Assignments: Aside from the course materials, the two essay assignments are designed so that there is no need to external resources like websites or articles to successfully complete them. (In fact, we would substantially prefer for you to *not* lean on external resources.) If you do use any external resources, you must provide both page number citations *and* a full bibliographical entry. Remember that any use of an external source (whether directly quoting it, paraphrasing it, or using an idea taken from it) must be credited, otherwise it is plagiarism. Please do not plagiarize. I am required by the code of conduct to report all instances of plagiarism to administration, who may impose a serious penalty on you.

“Normally, students will be required to submit their course essays to the University’s plagiarism detection tool for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the tool’s reference database, where they

will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of this tool are described on the Centre for Teaching Support & Innovation web site (<https://uoft.me/pdt-faq>).”

Anonymous Feedback

I've set up a google poll for you to send me anonymous feedback during the course. Please make use of it if there's anything I can do to better facilitate your learning in the course.

Course Schedule

(Readings subject to change.)

Unit 1:	
Week 1 (September 8) <i>Introduction</i>	<ul style="list-style-type: none"> • Martin Luther King, “Letter from a Birmingham Jail”
Week 2 (September 13 and September 15) <i>Authority and Anarchism</i>	<ul style="list-style-type: none"> • Robert Paul Wolff, “The Conflict between Authority and Autonomy” • Leslie Green, <i>The Authority of the State</i>, chapter 8
Week 3 (September 20 and September 22) <i>Instrumentalist Theories</i>	<ul style="list-style-type: none"> • Joseph Raz, <i>The Morality of Freedom</i>, chapter 3, 4.1 • Scott Hershovitz, “The Role of Authority”
Week 4 (September 27 and September 29) <i>Consent and Fair Play Theories</i>	<ul style="list-style-type: none"> • A.J. Simmons, <i>Moral Principles and Political Obligations</i>, 57-74 • A.J. Simmons, “The Principle of Fair Play”
Week 5 (October 4 and October 6) <i>Democratic Theories</i>	<ul style="list-style-type: none"> • Daniel Viehoff, “Democratic Equality and Political Authority”
<i>Reading Week</i>	
October 17	<ul style="list-style-type: none"> • Essay 1 due
Week 6 (October 18 and October 20) <i>The Liberal View of Civil Disobedience</i>	<ul style="list-style-type: none"> • John Rawls, ‘The Justification of Civil Disobedience’ • Ronald Dworkin, <i>A Matter of Principle</i> (excerpt)
Week 7 (October 25 and October 27) <i>Punishment and Civil Disobedience</i>	<ul style="list-style-type: none"> • Piero Moraro, ‘On [not] accepting the punishment for civil disobedience’ • Kimberley Brownlee, Chapter 1, <i>Conscience and Conviction</i>
Week 8 (November 1 and November 3) <i>Civil Disobedience and Personal Integrity</i>	<ul style="list-style-type: none"> • Kimberley Brownlee, Chapter 2, <i>Conscience and Conviction</i> • Akeel Bilgrami, ‘Gandhi’s integrity: the philosophy behind the politics’
Week 9 (November 8)	<ul style="list-style-type: none"> • TBD

Week 9 (November 10)	<ul style="list-style-type: none"> • In-Class Test
Week 10 (November 15 and November 17) <i>Democracy and Civil Disobedience</i>	<ul style="list-style-type: none"> • Daniel Markovits, 'Democratic Disobedience'
Week 11 (November 22 and November 24) <i>Whistleblowing</i>	<ul style="list-style-type: none"> • William E. Scheuerman, 'Whistleblowing as civil disobedience: The Case of Edward Snowden' • Kimberley Brownlee, 'The civil disobedience of Edward Snowden: A reply to William Scheuerman'
Week 12 (November 29 and December 1) <i>Jury Nullification</i>	<ul style="list-style-type: none"> • Paul Butler, 'Racially Based Jury Nullification: Black Power in the Criminal Justice System'
Week 13 (December 6)	<ul style="list-style-type: none"> • Butler continued (if time needed) • Essay 2 due