

PHL370: Issues in Philosophy of Law

Citizens and the Law

Course Description

In this course, we will consider two sets of questions about our relationship as citizens 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 potential duty, we will consider some proposals that attempt to establish its existence, including consent and fair play theories. We will then consider the relationship between the duty to obey the law and legal authority and consider some theories of the latter. Our second set of questions concerns civil disobedience. How is it different from ordinary law-breaking? Which aspects of civility, if any, are required to make it permissible? After examining liberal and democratic theories of civil disobedience in detail, we will conclude the course by discussing two topics that are closely related to legal obligation and civil disobedience: vigilantism and jury nullification.

Teaching Team

Instructor: Steve Coyne (steven.coyne@mail.utoronto.ca / www.stevecoyne.ca) – he/him

Drop-in Hour: Mondays from 4:30-5:30pm in JHB 420. Most days, I'm also happy to hang out for a few minutes after class. If neither of these times work, send me an e-mail and we can arrange to meet at some other time.

E-mail: For written communication, please contact me via the above e-mail. Make sure to identify the course (PHL370) in the title of your e-mail since I teach more than one class. I make every attempt to respond to administrative questions (e.g. about course registration, etc) within one working day. I'm also happy to answer quick, specific questions about course content by e-mail but it may take me a little longer to get back to you.

Teaching Assistant: Michael Law-Smith (michael.lawsmith@mail.utoronto.ca)

Course Flow

This is an in-person course. We meet on Mondays from 6:10-9PM in UC 163. After each lecture, I will post an audio recording of the lecture. I will also post a short summary of our discussion.

The lectures, tests and essay will be focused on the readings. In lecture, I will give necessary background to understanding to the readings, describe the ideas and arguments in the readings, and get you started on evaluating them critically (usually with some groupwork). Everything in the readings is in principle testable.

This is also very much a discussion-based course. I use the blackboard a lot, too. It will be somewhat difficult to succeed in the course without regularly coming to class. I know it can be hard to convince yourself to get to class on a dark winter evening, but good news - we lucked out and got a classroom at historic University College!

Readings

All readings will be accessible through Quercus or online library access.

Student Success

Like all third-year philosophy courses, our course material is challenging and the standards on assignments and tests are high. You will likely find the readings more challenging than those in second-year philosophy courses. But I want you to profit from the course and to succeed in it. You are very welcome to come and chat with me after class or during my office hours. I'm happy to answer questions or repeat points made in lecture, and more generally talk with you about how your semester is going.

Evaluation

Course Component	Percentage of Grade	Date(s) due
Essay 1	28%	February 9
Test	35%	March 17
Essay 2	30%	April 4
Groupwork Participation	2%	Throughout the course
Individual Participation	5%	Throughout the course

Note that the essays should be submitted through Quercus through the corresponding links under 'Assignments'. Please submit all assignments in .doc, .docx, or .pdf – not pages or any other format.

Tests: You will complete a test consisting of short answer and essay questions. The test will be open-book (no digital aids – only paper). You are expected to come to the test with paper copies of your course notes and readings. I have made a donation on behalf of the class to the reforestation efforts of Forests Canada so you may print your course notes, readings, etc without feeling too guilty.

Essays: You will complete two essays, each about 1500 words.

Groupwork participation: You will earn 2% for your participation in groupwork when in class. As long as you come to a few classes and are always participating in groupwork when you do come to class, you will receive full credit.

Individual Participation: You are required to make verbal discussion contributions to at least five of our individual classes, worth 1% each (up to a maximum of 5%). Your contribution should show some engagement with the material we are discussing or (better yet) one of your classmates' prior points. This might take the form of a developed question, an objection, or so on. Requests to repeat material, repetitions of points by other students, or questions about class mechanics don't count for points. Please observe the usual norms of class etiquette. Be civil, make sure you raise your hand before making a contribution, and wait for me to acknowledge you and give you the floor.

I will be keeping track of your contributions. Note that you can only receive credit for a maximum of one contribution per class, and you will only receive credit for that contribution if you are present for the whole lecture in question (so don't make your point and then leave right after, please). I believe that this scheme is already very flexible, so there will be no opportunity for alternative participation credit apart from very rare cases – e.g. verified accessibility considerations that prevent participation. In particular, you are responsible for making sure that you contribute throughout the semester (e.g. if you don't participate at all in classes 1-7, contribute in classes 8-10, and then are absent from class 11-12 you will not receive an opportunity for more credit).

I will do my best to hear from a variety of voices during lecture. I try to give priority to students who have so far spoken less in the discussion. Nonetheless, occasionally you might have a point that we do not have time to discuss, or someone else gets to your point before you do – I know this can be frustrating, but unfortunately these are unavoidable limitations on discussions in a medium size class. Try to get in early and have back-up points planned!

Bonus Participation Marks: One or two bonus points to final grades may be awarded to students who contribute to class discussion in an exceptionally active, highly thoughtful manner.

Assignment Policies

Extensions: For an extension on an assignment, get in touch with me before the deadline. I am aware that students often run into unexpected difficulties, and as such, as long as you can provide a plausible reason for why you need an extension, the extension is of reasonable length, and you ask for it reasonably in far advance of the deadline, I will likely grant it. (Note, however, that I do not grant extensions *after* the deadline. At that point, it is a matter of accommodation, which has much stricter requirements. See below.)

Accommodations: If you require an accommodation for a test or written assignment that you have missed because of an illness, severe personal crisis, etc, please get in touch with me as soon as possible after the deadline. I may refer you to the department undergraduate advisor to assess your case for accommodation. I will generally expect you to have completed a verification of illness form or declaration of absence on ACORN in order to be eligible for an accommodation.

Late Penalties: Without an extension or an accommodation, late assignments will incur a 1% penalty for every day that they are late. Very late assignments may not receive comments. The last day to submit late assignments will be April 19.

Regrade Policy: If you do not understand why your test or assignment received the grade that it did, you can ask me about it at office hours within one week of having the assignment returned to you. Occasionally I do make mistakes in grading, and I am glad to correct them when I do.

Note: The ‘total’ column in the grades section on Quercus does not reflect your current or total grade in the course.

Accessibility

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

Course Conduct and Academic Integrity

I encourage you to work together in this course. You will profit more from the course if you study together, discuss your ideas for your essays with one another, and critique one another’s essays once you have written them. However, as a matter of academic integrity, you must follow these rules (as well as any others in our university’s academic integrity policy, available at <https://www.academicintegrity.utoronto.ca/>):

- 1) You are expected to be the author of your own work.
- 2) The use of translation software (apart from individual words or short phrases) or the use of large-scale language models (e.g. ChatGPT) is not permitted.
- 3) Any word-for-word use of another person’s phrasing (including my own) should be put in quotation marks or set out as a distinct quotation paragraph with a page number or lecture citation (e.g. “(Coyne, Lecture 5)”).

- 4) Any use of another person's phrasing or ideas, even if you do not use their exact words, should be given a page number citation. (e.g. "Friedman argues that the social responsibility of a firm is to increase its profits. (Friedman, 23)"). You should be particularly vigilant about this if you choose to use external sources apart from the course readings or lectures. If you use any external sources, you must provide a bibliography with enough information for the reader to find it.

If you have any questions about these rules, or other elements of the university academic integrity policy, please contact me by e-mail *before* you submit your assignment (steven.coyne@mail.utoronto.ca). I am more than happy to answer them.

Out of respect for your intellectual work and fairness to the class, I take academic integrity very seriously and make strenuous efforts to verify that my students are respecting it. I forward all suspected violations of academic integrity 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>). If you do not wish to submit your work to the tool, that is fine, but you will be required to meet with me to discuss and answer questions about your work.

Course Schedule

Some of the readings may change, subject to course flow and class interest.

Week 1 – January 6 <i>The Duty to Obey the Law</i>	<ul style="list-style-type: none"> M.L.E Smith, "Is there a Prima Facie Duty to Obey the Law?" (excerpt: gratitude theory, utilitarian theories)
Week 2 – January 13 <i>The Duty to Obey the Law: Consent and Fair Play Theories</i>	<ul style="list-style-type: none"> George Klosko, "Consent theory of political obligation" A.J. Simmons, "The Principle of Fair Play"
Week 3 – January 20 <i>From the Duty to Obey the Law to Legal Authority</i>	<ul style="list-style-type: none"> Robert Paul Wolff, "The Conflict between Authority and Autonomy" Joseph Raz, <i>The Morality of Freedom</i>, chapter 3, 4.1
Week 4 – January 27 <i>Democratic Theories of Legal Authority</i>	<ul style="list-style-type: none"> Daniel Viehoff, "Democratic Equality and Political Authority" (pages 351—375) Essay-writing discussion
Week 5 – February 3 <i>Second-Personal Theories of Legal Authority</i> <i>Intro to Civil Disobedience</i>	<ul style="list-style-type: none"> Stephen Darwall, "Authority and Reasons: Exclusionary and Second-Personal" Martin Luther King Jr, "Letter from Birmingham Jail" Essay 1 due Sunday, February 9
Week 6 – February 10 <i>The Liberal Theory 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)
	<ul style="list-style-type: none"> Reading Week: February 17-21

Week 7 – February 24 <i>Civil Disobedience and Personal Conscience</i>	<ul style="list-style-type: none"> • Kimberley Brownlee, Chapters 1 and 5, <i>Conscience and Conviction</i> • Akeel Bilgrami, “Gandhi’s integrity: the philosophy behind the politics” (excerpt)
Week 8 – March 3 <i>Critiques of the Liberal Theory</i>	<ul style="list-style-type: none"> • N..P. Adams, “Uncivil Disobedience: Political Commitment and Violence” • Piero Moraro, “On [not] accepting the punishment for civil disobedience”
Week 9 – March 10 <i>Democratic Disobedience</i>	<ul style="list-style-type: none"> • Daniel Markovits, “Democratic Disobedience”, sections 2, 4 • Niko Kolodny, <i>The Pecking Order</i>, chapters 27 and 29
Week 10 – March 17 <i>Vigilantism</i>	<ul style="list-style-type: none"> • Test (110 minutes) • Travis Dumsday, “On Cheering Charles Bronson: the Ethics of Vigilantism”
Week 11 – March 24 <i>Jury Nullification</i>	<ul style="list-style-type: none"> • Dumsday, continued • Paul Butler, ‘Racially Based Jury Nullification: Black Power in the Criminal Justice System’
Week 12 – March 31	<ul style="list-style-type: none"> • Steve paper draft (not testable) • Essay due Friday, April 4