

## PHL271: Law and Morality

### Course Description

This course is an introduction to the philosophy of law, with a particular emphasis on the relationship between law and morality. We will examine civil disobedience, punishment, the nature of legal systems and legal interpretation, liberty and freedom of speech, and equality and discrimination. We will also emphasize the development of reading, writing, and verbal discussion skills in philosophy.

### Teaching Team

Instructor: Steve Coyne – he/him

*Drop-in Office Hour (in person):* Mondays 5-6pm in the seating area on the ground floor of PB, starting Jan 12. Please come and visit me with your questions about the course material or philosophy more generally. I'm happy to hang around for a few minutes after class, though it might not be possible to address longer questions in that window. If you have a concern about a sensitive topic (accommodations, etc) that you do not want to discuss in that space just e-mail me and we can schedule a Zoom appointment.

*E-mail:* [steven.coyne@mail.utoronto.ca](mailto:steven.coyne@mail.utoronto.ca) (Please contact me here, and not Quercus, which I don't regularly check.) I make every attempt to respond to administrative questions (e.g. about course registration, accommodations, etc) within one working day. Feel free to e-mail me again after two working days if I haven't responded to you – I get a lot of e-mail and occasionally things get lost. Due to the large number of students in the course, I cannot discuss course content with students over e-mail, but I love to see students at my office hours (see above).

Teaching Assistants:

Jule Koester	<a href="mailto:j.koester@mail.utoronto.ca">j.koester@mail.utoronto.ca</a>	Tutorials 5104, 5204, 5304
Colton Killoran	<a href="mailto:colton.killoran@mail.utoronto.ca">colton.killoran@mail.utoronto.ca</a>	Tutorials 5102, 5202, 5303
Noa Buckle	<a href="mailto:noah.buckle@mail.utoronto.ca">noah.buckle@mail.utoronto.ca</a>	Tutorials 5103, 5203, 5301
Victor Chung	<a href="mailto:vic.chung@mail.utoronto.ca">vic.chung@mail.utoronto.ca</a>	Tutorials 5101, 5201, 5302

### Course Flow

We meet for lecture on Monday evenings from 6:10-8PM in [PB B150](#). Our course is organized around four units and a bonus lecture on a topic of student choice.

The goal of lecture will be to: (i) give you general background about the topic of the unit, (ii) explain how the readings fit into that topic, and (iii) explain the argument of those readings. Questions are very welcome during lecture, and I will occasionally have short participation activities built into the lecture, but please leave longer comments or objections to your tutorials. To accommodate students who occasionally need to miss lecture, I will aim to post audio recordings of our lectures within 24 hours, though you should not habitually rely on this in case there are technical problems with the recording. I suggest you do the readings before lecture, both to improve your understanding of the lecture and to prepare yourself for the independent reading that will be required on the tests.

In most weeks (starting in week 2) you will have one hour of tutorial scheduled on Wednesday evening led by a graduate student TA. See the syllabus for days with no tutorials. Tutorial is mandatory. Your TA will assume that you have at least a minimum understanding of the unit and readings, which will be tested on the week's material with a short multiple-choice quiz at the beginning of tutorial. The goal of those

tutorials is different from lecture: for you and your classmates to critically evaluate the arguments of the readings.

### Readings

All readings will be accessible through Quercus or online library access. You may find the readings for this course to be dense and difficult, but don't worry - this is a normal experience, even for people with lots of experience studying philosophy. It is often a good idea to read a philosophical piece at least twice: once to get an overall sense of the thesis and structure of the arguments, and once to understand the finer details of those arguments.

### Student Success

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, discuss ideas about essays, and more generally talk with you about how your semester is going. Your TAs will also be available to assist you and I encourage you to take full advantage of their expertise.

### Assessment

<b>Course Component</b>	<b>Percentage of Grade</b>	<b>Date(s) due</b>
In-class reading quiz	8	January 19
In-class test 1	20	February 9
In-class test 2	25	March 9
Week 12 Quercus quiz	2	Last day
Final exam	35	Final exam period
Tutorial participation	10	Weekly in tutorials

*In-class reading quiz.* Early in the semester you will have a multiple-choice quiz during lecture about a short reading, designed as a low-stakes introduction to reading a piece of philosophy under test conditions.

*In-class tests.* You will have two in-class tests. For each test, you will read a new piece of philosophy (connected to the unit) and write an essay in response to it.

*Final exam.* There will be a registrar scheduled final exam during the final exam period. The test will be divided in the following way: 50% on an essay about a general topic about the course (choice of 2, bank of 4 possible questions announced at the final lecture), 50% on an essay about a new reading related to unit 4.

*Week 12 Quercus quiz.* You will have a multiple-choice quiz on the week 12 lecture due April 6. No late submissions will be accepted without documentation.

*Tutorial Participation:* 5% of your tutorial participation grade (out of 10%) can be earned by making five contributions to verbal discussion in tutorials, worth 1% each. 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. Your TA will be keeping track of your contributions. Note that you can only receive credit towards the 5% for a *maximum of one contribution per tutorial*, and you will only receive credit for that contribution if you are present for the whole tutorial in question (so don't make your point(s) and then leave right after, please). There will be no opportunity for alternative participation credit apart from very rare cases – e.g. verified multi-week absences and

documented accessibility considerations that prevent participation. (In these cases, please get in touch with me.) You are responsible for making sure that you contribute throughout the semester to give yourself a ‘buffer’ – you should aim to make at least one contribution a tutorial throughout the semester. In cases where tutorial sections are cancelled, we will give students in those sections an additional opportunity for participation credit.

The other 5% of your participation grade will reflect your demonstrated development in skills of philosophical discussion. Your TA will be looking for active listening, thoughtfulness of responses, leadership in discussion, and constructive engagement with your classmates’ points, among other things.

Please observe the usual norms of class etiquette. Be civil, keep the focus on arguments rather than persons, make sure you raise your hand before making a contribution, and wait for your TA to acknowledge you and give you the floor.

Your TA will do their best to hear from a variety of voices during tutorial, prioritizing students who have spoken less during the session and semester. Occasionally you might have a point that we do not have time to discuss, or another student gets to your point before you do – we 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!

We hope that this system for awarding participation credit will give you the right spark to have a lively, productive discussion about the readings.

### Assessment Policies

*What do I do if I miss one of the in-class tests because of illness, etc?*

You should e-mail me ([steven.coyne@mail.utoronto.ca](mailto:steven.coyne@mail.utoronto.ca)) for accommodation within seven days of the missed test. I will generally expect you to have completed a verification of illness form, registrar’s letter or declaration of absence on ACORN to be eligible for an accommodation.

Students who have an excused absence for the in-class quiz will have the weight of that quiz shifted to in-class test 1. Students who have an excused absence for in-class test 1 or in-class test 2 will be expected to rewrite it later.

*What do I do if I miss the final exam because of illness, etc?*

Missed final exams are outside of my control; they are handled by the Faculty of Arts and Science. You can petition them to write a deferred exam at a later date: <https://www.artsci.utoronto.ca/current/faculty-registrar/petitions/deferred-exams>.

*Regrade Policy:* There are three ‘levels’ of inquiries about test grades.

1. If you have general questions about how your test was graded or would like more feedback, please visit your TA at their office hours.
2. If you would like to formally contest your grade with your TA, you should return the test to them in tutorial with an attached written note that contains clear, specific points about the grading that refer to the grading rubric, and your TA will consider whether to change the grade in light of your points. Keep in mind that while your TA will have commented on the most important elements of your test that could be improved, they will not have commented on every issue relevant to the grade.
3. If you still disagree with your TA’s assessment of your test after they have considered your request and returned your test to you, you may petition me for a regrade from scratch. Please bring me the hard copy in lecture or e-mail me ([steven.coyne@mail.utoronto.ca](mailto:steven.coyne@mail.utoronto.ca)) a scan of your

test without TA comments. Please bear in mind that your grade may go up or down (and in some cases historically it has gone down).

*Note:* The ‘total’ column in the grades section on Quercus does not reflect your current or total grade in the course, it’s just a Quercus artifact.

### Accessibility

Students with diverse learning styles and needs are welcome in this course. If you have an acute or ongoing disability issue or accommodation need, you should register with Accessibility Services (AS) at the beginning of the academic year by visiting <https://studentlife.utoronto.ca/departments/accessibility-services/>. Without registration, you will not be able to verify your situation with your instructors, and instructors will not be advised about your accommodation needs. AS will assess your situation, develop an accommodation plan with you, and support you in requesting accommodation for your course work. Remember that the process of accommodation is private: AS will not share details of your needs or condition with any instructor, and your instructors will not reveal that you are registered with AS.

### Course Conduct and Academic Integrity

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) No aids are permitted on tests or quizzes.
- 2) You are expected to be the author of your own work. You must attribute any ideas that are not your own to their authors.
- 3) You are permitted and encouraged to use AI to help you to clarify lecture material or readings. However, all original philosophical work (e.g. coming up with objections to views) must be your own. You are also responsible for making sure that you have attributed proper credit to the original authors of ideas, and AI often makes this impossible.
- 4) Any word-for-word use of phrasing that is not your own (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)”).

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.

### Course Schedule and Readings

*(Readings subject to change.)*

UNIT 1: Introduction to Law and Morality	
Week 1 (January 5) <i>Civil Disobedience</i>	<ul style="list-style-type: none"><li>• Martin Luther King, “Letter from Birmingham Jail”</li></ul>
Week 2 (January 12) <i>Punishment</i>	<ul style="list-style-type: none"><li>• Joel Feinberg, “The Classic Debate”</li><li>• Tutorials begin</li></ul>
UNIT 2: Positivism and Interpretivism	

Week 3 (January 19) <i>In-class Quiz; Positivism</i>	<ul style="list-style-type: none"> <li>• Reading Quiz (50 minutes)</li> <li>• Ronald Dworkin, “Model of Rules I”, section 2</li> </ul>
Week 4 (January 26) <i>Positivism (continued); Interpretivism</i>	<ul style="list-style-type: none"> <li>• H.L.A. Hart, “Positivism and the Separation of Law and Morals” (excerpt)</li> <li>• Ronald Dworkin, “Model of Rules I”, sections 3-6</li> </ul>
Week 5 (February 2) <i>Positivism Revisited</i>	<ul style="list-style-type: none"> <li>• Antonin Scalia, “Common-Law Courts in a Civil Law System: The Role of United States Federal Courts in Interpreting the Constitution and Laws”</li> </ul>
Week 6 (February 9) <i>Test 1</i>	<ul style="list-style-type: none"> <li>• Test 1 (1hr45m)</li> <li>• No tutorials</li> </ul>
UNIT 3: Liberty and Freedom of Speech	
Week 7 (February 23) <i>The Harm Principle</i>	<ul style="list-style-type: none"> <li>• John Stuart Mill, <i>On Liberty</i>, chapter 1, chapter 2 (excerpt)</li> <li>• Make-up test 1</li> </ul>
Week 8 (March 2) <i>Challenges to the Harm Principle</i>	<ul style="list-style-type: none"> <li>• Catherine MacKinnon, <i>The Liberal State</i> (excerpts)</li> <li>• Rae Langton, “Speech Acts and Unspeakable Acts”</li> </ul>
Week 9 (March 9) <i>Test 2</i>	<ul style="list-style-type: none"> <li>• Test 2 (1hr45m)</li> <li>• No tutorials</li> </ul>
UNIT 4: Equality, Discrimination, and Affirmative Action	
Week 10 (March 16) <i>Formal Equality</i>	<ul style="list-style-type: none"> <li>• Benjamin Eidelson, “Treating People as Individuals” (excerpt)</li> </ul>
Week 11 (March 23) <i>Beyond Formal Equality</i>	<ul style="list-style-type: none"> <li>• Deborah Hellman, <i>When is Discrimination Wrong?</i> (excerpt)</li> <li>• Tarunabh Khaitan, <i>A Theory of Discrimination Law</i> (excerpt)</li> <li>• Make-up test 2</li> </ul>
STUDENT CHOICE LECTURE	
Week 12 (March 30) <i>Student choice + review</i>	<ul style="list-style-type: none"> <li>• Week 12 Quercus quiz due April 6.</li> </ul>