

** updates & revisions in blue (9/27/2017)

PHILOSOPHY 324: LAW AND MORALITY (*online*)

(FALL SEMESTER, 2017)

Course description: Law characteristically claims the authority to regulate our conduct and to do so by the use of coercive force. It regulates, among other things, who may drive and how, when and whom we can marry, how we may conduct our business affairs, how our homes must be built, who may be licensed to practice certain professions, what substances we may ingest, and what will happen to us in the event that we disobey the law. In this class, we will examine a number of fascinating philosophical questions at the intersection of law and morality. When can the State justifiably interfere with the liberty of individuals? When can the State justifiably limit free speech? What justification might be given for State-imposed punishment? Is there a moral obligation to obey the law? Is civil disobedience ever justified? We will consider along the way a number of concrete moral and public policy issues including whether and when the State may prohibit physician-assisted suicide, regulate free speech, and impose the death penalty.

Topics covered in the course include:

- The Harm Principle
- Compulsory Voting
- The Principle of Legal Paternalism
- Kidney Sales
- Physician-Assisted Suicide
- Legal Moralism
- Freedom of Speech
- Hate Speech
- Legal Punishment
- Obligation to Obey the Law
- Civil Disobedience

Objectives and learning outcomes: After completing the course, you should be able to explain and apply competing theories and views regarding various complex and difficult issues and questions at the intersection of law and morality, particular the one related to the authority of law and legitimate lawmaking, critically assess and discuss these theories and views and write a well-structured argumentative essay. You will know and understand key concepts and theories discussed in the course. The course is also structured in a way that aims to promote the advancement of critical reasoning and argumentative skills.

Instructor: Vojko Strahovnik (visiting lecturer at UA; Assistant Professor and Research Associate at the University of Ljubljana)

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Office hours: every Tuesday, from 4:00pm to 5:45pm, in Social Sciences, office 218. I am also available by email and I will try my best to reply to all emails within 48 hours. Feel free to email me about anything related to the course, but please acquaint yourself carefully with the instructions and clarifications in this syllabus before asking questions related to the course structure or requirements.

Reading materials/required text: John Stuart Mill, *On Liberty* (Hackett Edition), available at the University Bookstore and the Library (links to freely accessible online versions of Mill's book will also be provided). All other readings are available on D2L course site.

Meeting time: This is an online course and will be conducted and coordinated through D2L. The course site can be found at: <https://d2l.arizona.edu/d2l/home/614746>. The online lectures part of the course is delivered by Professor Connie Rosati, who developed an earlier version of the course. However, I am the primary instructor for the overall online course and should be contacted regarding anything in relation to the course. Please do not email Professor Rosati.

Requirements and assignments:

The course is organized in 15 thematic modules with one or two units. Each module contains readings, lectures, discussions, and short quizzes.

Readings and lectures: you must complete the assigned readings and watch the lectures as you progress through the online course. The readings and lectures are the basis for quizzes, discussion activities and essays.

Quizzes: each unit (reading and lecture) is accompanied by a multiple-choice quiz based on material from the relevant reading(s) or lecture.

Discussions: each student is required to take part in the discussion on the topics included in the readings and lectures. This means that each student must post one discussion post and one reply/response post for each course unit. These posts have no required length, but should be intelligently constructed. Some of the questions for discussion are included in each lecture or reading, but your posts can include anything related to the topics covered in the reading or lecture. Quizzes and discussions will provide you an immediate feedback on your learning process and progress.

Essays: each student must write and submit three essays (first short essays (1400-1800 words), ****second short essay (1000-1250 words)** and a final essay (****1500-2000 words**)). More detailed instructions will be provided before each due date. Please submit all essays via the Assignment tab on D2L.

Due times/dates: each quiz and discussion assignment is due at 11:59pm on Wednesday and Friday respectively. All readings and lectures are continuously accessible on the course site, but quizzes and discussion boards are available only one minute after the previous assignment of this type was due. Due dates for essays: Essay 1 (September 22, 11:59pm), Essay 2 (October 27, 11:59pm), Final essay (December 4, 11:59pm)

Late work policy: As a rule, late work will not be accepted except in cases of documented emergency or illness. You may petition me using e-mail for an exception, if you believe that you have a compelling reason for turning the assignment in late. Please do so before the deadline for turning it in. The interim schedule for the assignments is at the end of this syllabus.

Assessment and the structure of the grade

Your grade will be determined as follows:

- Quizzes: 20% (each quiz is worth 1%; four of your lowest grades will be dropped)
- Discussions: 20% (each discussion activity related to each reading/lecture is worth 1%; four of your lowest grades will be dropped)
- Essays: 60% (Short essay 1 - 15%; Short essay 2 - 15%, Final essay - 30%)

Grading scale: A: 90 – 100%, B: 80 – 89%, C: 70 – 79 %, D: 60 – 69 %, E: > 60 %

Grading criteria: clear and precise reasoning; effective and persuasive writing; good understanding of concepts, arguments, theories, views discussed and readings; critical assessment of these; thoughtful, insightful and original discussion.

Other relevant information, policies and rules**Student Code of Academic Integrity, Academic Honesty and Plagiarism**

Students are encouraged to share intellectual views and discuss freely the principles and applications of course materials. However, graded work/exercises must be the product of independent intellectual efforts unless otherwise instructed. Plagiarism is the attempt to present someone else's ideas or writing as one's own. Examples include submitting someone else's paper or a professional article for a grade, copying phrases, sentences, or paragraphs from a book, article, or online source and

incorporating them into one's paper without quotation marks and proper attribution, using someone else's ideas or arguments without attributing them to that person, quoting a source without using quotation marks, even if the source is attributed to its author. These cases vary in degree of seriousness and university penalties vary, but academic dishonesty of any form will be cause for failure and will be reported. All submitted assignments will be checked for plagiarism with the anti-plagiarism TurnItIn software.

UA's Code of Academic Integrity

- <http://deanofstudents.arizona.edu/codeofacademicintegrity>

Student Code of Conduct

- <https://public.azregents.edu/Policy%20Manual/5-308-Student%20Code%20of%20Conduct.pdf>

Grading policy

- <http://catalog.arizona.edu/policy/grades-and-grading-system>

Attendance policy:

- <http://catalog.arizona.edu/policy/class-attendance-participation-and-administrative-drop>

UA Non-discrimination and Anti-harassment policy

- <http://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy> (other policies: <http://policy.arizona.edu/>)

As part of this course you are expected to be respectful toward your fellow students and toward myself. This course covers some controversial and emotionally charged issues. If you are not comfortable rationally discussing them in a thoughtful and respectful way and be ready to possibly have some of your views be subject to critical examination, you should consider not taking the course.

If you anticipate or experience physical or academic barriers based on disability, please let me know and we can discuss the available options so that all accommodations can be made. You can also contact UA Disability Resources (520 621 3268; drc-info@email.arizona.edu) or visit <http://drc.arizona.edu> for further information.

COURSE SCHEDULE AND ASSIGNMENTS WITH DUE DATES

INTRODUCTION TO THE COURSE: Law and Morality – What are the Limits of Legitimate Lawmaking?		
August 23 (Wed)	Syllabus Lecture 1.1 (<i>see Module 1 for lectures and assignments</i>)	Quiz 1 Discussion 1
PART I: Freedom of Choice and Action		
MODULE 1: THE HARM PRINCIPLE		
August 25 (Fri)	Mill, <i>On Liberty</i> , Chapter 1 Lecture 1.2	Quiz 2 Discussion 2
August 30 (Wed)	Mill, <i>On Liberty</i> , Chapter 3 (Recommended: <i>On Liberty</i> , Chapter 4-5) Lecture 1.3	Quiz 3 Discussion 3
MODULE 2: THE PATERNALISM PRINCIPLE		
September 1 (Fri)	Dworkin, "Paternalism"& "Paternalism: Some Second Thoughts" Lecture 2.1	Quiz 4 Discussion 4
September 6 (Wed)	Thaler and Sunstein, <i>Nudge</i> , excerpts Lecture 2.2	Quiz 5 Discussion 5
MODULE 3: A MARKET IN KIDNEYS?		

September 8 (Fri)	Kristof, "Psst! Sell Your Kidney?"; Finkel, "Complications/This Little Kidney Went to Market"; Smith, "On Death Row, China's Source of Transplants" Lecture 3	Quiz 6 Discussion 6
MODULE 4: ARGUMENTS AGAINST PHYSICIAN-ASSISTED SUICIDE		
September 13 (Wed)	<i>Washington v. Glucksberg</i> Lecture 4.1	Quiz 7 Discussion 7
September 15 (Fri)	Kamisar, from "Euthanasia Legislation: Some Non-Religious Objections" Lecture 4.2	Quiz 8 Discussion 8
MODULE 5: ARGUMENTS FOR PHYSICIAN-ASSISTED SUICIDE		
September 20 (Wed)	Dworkin et al., "Assisted Suicide: The Philosophers' Brief"; Sections from Oregon's Death with Dignity Act Lecture 5	Quiz 9 Discussion 9
September 22 (Fri)	no assignment; due date for Essay 1	Essay 1
MODULE 6: LEGAL MORALISM		
September 27 (Fri)	Devlin, "Morals and the Criminal Law" Lecture 6.1,	Quiz 10 Discussion 10
September 29 (Fri)	Hart, "Social Solidarity and the Enforcement of Morality," 248-251 & 256-262 Lecture 6.2	Quiz 11 Discussion 11
PART II: Freedom of Expression		
MODULE 7: BASICS OF THE LAW OF FREEDOM OF SPEECH		
October 4 (Wed)	<i>U.S. v. Progressive</i> ; <i>Brandenburg v. Ohio</i> Lecture 7	Quiz 12 Discussion 12
MODULE 8: THEORIES OF FREEDOM OF SPEECH		
October 6 (Fri)	Mill, <i>On Liberty</i> , Chapter 2; Guttenplan, "Is a Holocaust Skeptic Fit to be a Historian?" Lecture 8.1	Quiz 13 Discussion 13
October 11 (Wed)	Meicklejohn, Political Freedom, excerpts; Redish, "The Value of Free Speech"; Emerson, "Toward a General Theory of the First Amendment" Lecture 8.2	Quiz 14 Discussion 14
MODULE 9: HATE SPEECH		
October 13 (Fri)	<i>Collin v. Smith</i> ; <i>R.A.V. v. City of St. Paul</i> Lecture 9.1	Quiz 15 Discussion 15
October 18 (Wed)	Waldron, The Harm in Hate Speech, Ch. 4; Stevens, "Should Hate Speech be Outlawed?" Lecture 9.2	Quiz 16 Discussion 16
PART III: Punishment		
MODULE 10: THE JUSTIFICATION OF LEGAL PUNISHMENT		
October 20 (Fri)	Pincoffs, "Classical Retributivism" Lecture 10.1	Quiz 17 Discussion 17
October 25 (Wed)	Brandt, "The Utilitarian Theory of Criminal Punishment" (Recommended: Rawls, "Two Concepts of Rules", 4-13) Lecture 10.2	Quiz 18 Discussion 18
October 27 (Fri)	no assignment; due date for Essay 2	Essay 2
MODULE 11: DEATH PENALTY LAW		
November 1 (Wed)	<i>Gregg v. Georgia</i> ; <i>McCleskey v. Kemp</i> Lecture 11	Quiz 19 Discussion 19
MODULE 12: ARGUMENTS FOR THE DEATH PENALTY		

November 3 (Fri)	van den Haag, "In Defense of the Death Penalty: A Practical and Moral Analysis" Lecture 12	Quiz 20 Discussion 20
MODULE 13: ARGUMENTS AGAINST THE DEATH PENALTY		
November 8 (Wed)	Bedau, "Capital Punishment, Retributive Justice, and Social Defense"; Death Penalty Information Center, Fact Sheet (Recommended: Grann, "Death by Fire") Lecture 13	Quiz 21 Discussion 21
November 10 (Fri)	Veterans Day	
PART IV: Obedience and Civil Disobedience		
MODULE 14: IS THERE AN OBLIGATION TO OBEY THE LAW?		
November 15 (Wed)	Rawls, "Legal Obligation and the Duty of Fair Play" Lecture 14.1	Quiz 22 Discussion 22
November 17 (Fri)	Smith, "Is there a Prima Facie Obligation to Obey the Law?" Lecture 14.2	Quiz 23 Discussion 23
November 22 (Wed)	no assignment	
November 24 (Fri)	Thanksgiving recess	
MODULE 15: IS CIVIL DISOBEDIENCE EVER JUSTIFIABLE?		
November 29 (Wed)	King, "Letter from a Birmingham Jail"; Rawls, "Civil Disobedience" Lecture 15	Quiz 24 Discussion 24
December 1 (Fri)	no assignment	
December 4 (Mon)	**Final essay due date	Final essay
December 6 (Wed)	End of the course	

* **Notice:** Information contained in the course syllabus, other than the grade and absence policy, may be subject to change with advance notice, if necessary and deemed appropriate by the instructor.