

PHL370H1S: Issues in Philosophy of Law

Pluralism

Instructor

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Lecture

HS106: Tuesdays 6-9, Thursdays 6-9

Course description

Modern states contain a huge diversity of communities and of moral and religious beliefs. A central argument for liberalism is that it can best accommodate such difference. But just how much pluralism can or should the law allow? Can such accommodation conflict with other important commitments the law has – to equality or personal autonomy? This course considers a range of ways these questions come up both in philosophy of law and in recent legal cases. Along the way, we will engage with debates about how the law should regulate behaviour, religion and family life, and how the law should deal with groups that claim authority over their members.

Evaluation

First paper (600 words)	20%	Due Friday July 13 at midnight
Second paper (1200 words)	30%	Due Friday July 27 at midnight
Third paper (1800 words)	35%	Due Monday August 13 at midnight
Participation and reading responses	15%	

Major writing assignments

The first paper will ask you to clearly explain one of the arguments discussed so far in the readings and to develop an objection to the argument. The second and third papers will ask you to draw on the material we've covered in the course to make a substantive philosophical argument.

Reading responses

There will be four short reading responses, due before class on day 3, 6, 9 and 11. I will post questions on Blackboard concerning the reading for each of these classes. The questions will ask you to explain or reflect on some aspect of the reading. Each reading response will be worth 2% of your participation grade. They will be graded for completion, as long as you show that you have read the text and thought about it. Reading responses submitted after 6 pm on the day of the class in question will not receive credit, and there will be no extensions.

Participation

As a participant in the course, you are expected to do the readings in advance of class and come prepared to discuss them. This doesn't mean you have to understand everything! But you should try to articulate what you find confusing. In class, I expect you to listen to what others have to say and to take part in discussion. I'm aware that many people are uncomfortable speaking in group

settings, so in-class participation will also include several informal writing exercises and an essay workshop for the second paper.

Assignment submission

Reading responses and the three writing assignments must all be submitted on the course Blackboard page.

Late policy

If you have a reasonable need for an extension on an assignment, ask me over email, in advance of the day the essay is due. Without an extension, late assignments will lose 5% per day.

Contact

If you have questions about course business (assignment details, etc.), check this syllabus first and then ask me by email. I won't discuss substantive philosophical questions over email, but am happy to discuss them during office hours.

Office hours

My office hours are on Wednesdays, 4 – 5:30 pm and Thursdays, 4 – 5 pm, in the Conversation Lab on the 4th floor of JHB. Feel free to come by (you don't need an appointment) with any questions about the course material, or if you'd simply like to discuss the ideas further.

Readings

All readings will be available on Blackboard.

Writing resources

This course includes several philosophical writing assignments. If you have difficulties with academic writing, or would simply like to improve further, I'd encourage you to seek out advice and feedback from the College Writing Centres (<http://writing.utoronto.ca/writing-centres/arts-and-science/>) or the English Language Learning centre (<http://www.artsci.utoronto.ca/current/advising/ell>). I'm also happy to discuss particular writing-related issues during office hours.

Accommodations

Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability/health consideration that may require accommodations, please feel free to approach me and/or Accessibility Services at (416) 978 8060 or accessibility.utoronto.ca.

Academic integrity

Academic misconduct will be taken very seriously. As a participant in this course, you're expected to know what constitutes misconduct and to ensure that your work follows the university's rules. If you have any questions about what is or is not permitted in this course, please do not hesitate to contact me. All suspected cases of academic dishonesty will be investigated following the procedures outlined in the *Code of Behaviour on Academic Matters*.

Reading schedule

Class	Topic	Reading
1	Introduction and class expectations	<i>LSBC v. TWU</i> Case in Brief John Locke, 'A Letter Concerning Toleration' (excerpt)
2	Value pluralism and autonomy	Isaiah Berlin, 'Two Concepts of Liberty' Joseph Raz, 'Autonomy, Toleration and the Harm Principle'
3	Equality and neutrality <i>Reading response due</i>	John Rawls, <i>Political Liberalism</i> , Lecture II John Rawls, 'The Idea of Public Reason Revisited'
4	Family law and equality	<i>Reference re Section 293 of the Criminal Code of Canada</i> ['The Polygamy Reference'] (excerpts) CBC Radio interview with Gillian Calder: ' <u>A Case for Decriminalizing Polygamy</u> ' (listen to the audio version)

First paper due Friday, July 13 at midnight

5	Liberal multiculturalism	Will Kymlicka, <i>Multicultural Citizenship</i> , chapter 5 Iris Marion Young, 'Polity and Group Difference'
6	Critics of multiculturalism <i>Reading response due</i>	Brian Barry, <i>Culture and Equality</i> , chapter 2 Kwame Anthony Appiah, <i>The Ethics of Identity</i> , chapter 4
7	Limits of accommodation	Bhikhu Parekh, 'Cultural Defence and the Criminal Law' Ayelet Shachar, 'The Puzzle of Interlocking Power Hierarchies', Part I, IIA <i>E.T. v. Hamilton-Wentworth District School Board</i> (excerpt)
8	Religion in the public sphere <i>Essay workshop</i>	Bouchard-Taylor Report: Secularism (excerpt) Quebec National Assembly, Bill 62 Elif Batuman, ' <u>The Head Scarf, Modern Turkey, and Me</u> '

Second paper due Friday, July 27 at midnight

9	Freedom of association and group authority <i>Reading response due</i>	Chandran Kukathas, <i>The Liberal Archipelago</i> , chapters 3, 4
10	Limits to group authority	<i>Hofer v. Hofer</i> Jacob Levy, <i>Rationalism, Pluralism and Freedom</i> , chapter 3

11	Plural sources of law <i>Reading response due</i>	Val Napoleon, ‘Thinking About Indigenous Legal Orders’ Lon Fuller, ‘Human Interaction and the Law’
12	Relations among legal orders. Wrap-up	Charles Taylor, <i>Reconciling the Solitudes</i> , chapter 8 Aaron Mills, ‘What is a Treaty? On Contract and Mutual Aid’

Third paper due Monday, August 13 at midnight