



suits in which children who were born with painful or disabling illnesses sue their parents or doctors for bringing them into existence. Several alternatives to Feinberg's conception of harm have been offered to deal with puzzles regarding wrongful life and related problems. The search for the best theory of harm continues in Unit 3, "What is it to Suffer Harm? Death and Other Hard Cases." In this unit, we'll learn about a couple of more theories of harm and consider how they hold up to counterexamples, including the example of death. Finally, Unit 4, "Harms we Do together: Collective Harm," will consider the serious impacts of consumerism, globalization, climate change, and pollution, which accumulate from the acts of many individuals. Yet, taken individually, no one seems to make a difference. Can our familiar conceptions of harm and responsibility make sense of these collective harms?

## Learning Outcomes

By the end of this course you should be able:

- to engage in central debates about the nature of harm and its moral significance.
- to read philosophical works critically and strategically, including skimming to identify the author's main thesis and central argument and doing close reading.
- to exercise the skills of philosophical inquiry, including identifying the parts of an argument, making arguments, identifying invalid/unsound arguments, raising and responding to objections, and evaluating principles.
- to do conceptual analysis, including comparing alternative conceptions of harm and working with counter-examples.
- engage thoughtfully with the ideas of others in conversation and in writing.
- to write philosophical essays in which you develop a focused line of argument and consider possible objections.
- to anticipate objections to arguments you find convincing and develop lines of defense for arguments you find unconvincing.

## Course Requirements:

### Books and Readings:

There is one required text for this class:

- Joel Feinberg (1984). *Harm to Others: The Moral Limits of the Criminal Law Vol. 1* Oxford University Press.

All other readings will be available through blackboard in the Course Materials folder.

This course is enrolled in the Course Materials Initiative, which makes a digital book available to you through Blackboard. The cost of the book (about 45 dollars) was billed to your student account when you enrollment in the class. You have until **February 9th** to opt

out of the program for a full refund. See the Course Materials folder on Blackboard for more information and to access the required text.

Please come to class having read the assigned readings. We will focus on one chapter or article per week. I recommend reading the entire assignment for Monday to get the gist of the chapter or article's structure and main conclusions. For Wednesday, you'll need to do a close reading with an eye to considering particular arguments or questions. Make sure to give yourself time to reflect on the reading and reflect on the author's reasoning. Reading response prompts will help guide your reading for Wednesday (see below).

## **Methods of Assessment:**

Assessment in this class will be based on papers, reading responses, and participation.

### **Papers:**

There are 3 papers assigned for this class.

Paper 1 ( 1000 words)

Paper 2 (1500-1750 words)

Paper 3 (2000-2500 words)

The three paper assignments are designed to give you the opportunity to practice argumentation skills as well as to develop and defend your own position on an issue. For each essay, you will be given a list of prompts to choose from and asked to defend a thesis and to consider counterarguments to your thesis. We will spend time in class learning about philosophical writing to prepare for the paper assignments. Extensive feedback will be given on the first two papers with the aim of helping you to identify your strengths and weakness as a writer and to improve your writing as the semester progresses. Papers will be submitted over Blackboard.

### **Reading Response Papers:**

Short (350-500 words) reading response papers will (usually) be due Wednesday mornings by 9:00am. Response papers give you the opportunity to practice philosophical skills, engage in the reading material, to pose questions or criticisms, and to begin to develop your own view. Prompts for reading responses will be posted to Blackboard every Thursday. Reading response papers will be used as the basis for class discussions on Wednesdays and may be shared with the class. For full credit on your response papers, you must attend class on they day they are due. Please see handout on Reading Response Papers on Blackboard for instructions and more information on Reading Response papers. A total of 10 response papers will be assigned.

### **Participation and Discussion:**

Your participation and discussion grade includes both attendance and preparation. Attendance in this course is required. In order to be a full participant in our class, it is important that you attend class having read and reflected on the material assigned before each class meeting. Also, keep in mind that material will be presented in class that is not in the

readings. If you must miss a class, ask another student for notes, and you are always encouraged to discuss course materials with me.

## Grading:

Grades in this course will be weighted as follows:

Discussion and Participation	15%
Response Papers	25%
Paper 1 (1000-1500 words)	10%
Paper 2 (1500-1750 words)	20%
Paper 3 (2000-2500 words)	30%

Papers will be graded according to the following criteria:

- The paper clearly states a claim to be defended.
- The paper makes a reasoned defense of that claim and offers good supporting arguments.
- The paper is well organized. It has an obvious structure that guides the reader through the argument.
- The paper considers at least one objection or counterargument to its central claim.
- The paper engages with the ideas and viewpoints considered in the readings and class discussion.
- The paper is written in clear prose.
- The paper acknowledges the ideas and arguments of those we have read in class by using a consistent citation method (in-text citations or footnotes).

## Course Policies and Expectations:

**Classroom Culture:** A positive learning environment requires creating an atmosphere where diverse perspectives can be expressed. It is especially important that we foster a positive environment in this course, which focuses on issues of life and death that we are bound to strongly disagree about. Each of us is expected to respectfully engage with points of view that we strongly disagree with during in-class discussion. Learning how to do philosophy is just learning how to engage openly, respectfully, reasonably, and critically with ideas that challenge. The range of views you hold and the experiences you bring into the classroom will make our learning experiences much more interesting and enriching.

**Late Papers:** Unless you have a valid excuse (serious illness, death in the family, etc.) and you notify me before the assignment is due, late papers will be graded down 1/3 of a

letter grade for each day late. For example, if your work earns an A-, but you submit the paper 1 day late, you will receive a B+. In the event of illness or other serious circumstances, make-up exams can be arranged.

**Late Response papers:** The purpose of response papers is to facilitate discussion during our course meetings. This purpose cannot be met if you do not attend class or if response papers are not completed on time. Late response papers will not be accepted. To receive full credit on your response paper, you must attend class the day it is due. Exceptions will be made for illness and religious holidays.

**Email:** I welcome emails raising any questions you may have about the reading, writing assignments, or course logistics. However, please note some questions may be more appropriate for office hours. I will do my best to respond to emails within 24 hours Monday thru Friday.

**Office Hours:** I encourage all students to come to office hours to discuss any aspect of this course. I hold office hours in-person twice a week on Tuesdays and Thursdays from 2-3pm. **Please stop by during office hours! No appointment needed** You can also make an in-person or virtual appointment by emailing me. Find me on webex here: [bfrancis@umbc.webex.com](mailto:bfrancis@umbc.webex.com).

## Course Schedule

In the “Course Materials” folder on Blackboard you will find sub-folders for “Links,” “Library Reserves” (LR), and “My Textbooks and Course Resources” (T).

Date	Readings
Mon., Jan. 30	General Introduction Please read this syllabus.
<b>1. The Harm Principle and the Criminal Law</b>	
Wed., Feb. 1	Joel Feinberg. <i>Harm to Others: The Moral Limits of the Criminal Law Vol. 1</i> Oxford University Press. General Introduction §1-6; §8-9 (T)  Optional: <a href="#">J.S. Mill, (1859). Chapter 1 On Liberty. Cambridge.</a> (Link)
Mon., Feb. 6	Feinberg (1984) Chapter 1 Harms as Setbacks to Interest §1-5, §7 (T)  <b>Reading Response paper 1 due at 9am.</b>
Wed., Feb. 8	<b>No In Person Class Today.</b> (Student-led in-person discussion or asynchronous virtual discussion).
Mon., Feb. 13	Feinberg (1984) Chapter 2 Puzzling Cases §1-8 (T)
Wed., Feb. 15	Feinberg (1984) Chapter 2 (cont.)  <b>Reading Response paper 2 due at 9am.</b>
Mon., Feb. 20	Feinberg (1984) Chapter 4 Failures to Prevent Harm §1-9 (T)
Mon., Feb. 22	Feinberg (1984) Chapter 4 (cont.)  <b>Reading Response paper 3 due at 9am.</b>
Mon., Feb. 27	Feinberg (1984) Chapter 3 Harming as Wronging §1-4 (T)
Wed., Mar. 1	<b>Dr. Francis is out of town.</b> Student-led in-person discussion or asynchronous virtual discussion  No reading response due. Focus on writing Paper 1.

<b>Paper 1 Due midnight March 5, 2023</b>
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## 2. Harm and Benefit in Creating: Wrongful Life and The Nonidentity Problem

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Mon., Mar. 6 Seana Shiffrin (1999). Wrongful Life, Procreative Responsibility, and the Significance of Harm. *Legal Theory*, 5(2), 117–148 (esp. 117-135). (LR)

Optional: Joel Feinberg, 1988. Wrongful Life and the Counterfactual Element in Harming, in *Freedom and Fulfillment : Philosophical Essays*, Princeton. (LR)

Wed., Mar. 8 Shiffrin, Wrongful Life, Procreative Responsibility, and the Significance of Harm (cont.) (LR)

**Reading Response paper 4 due at 9am.**

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Mon., Mar. 13 Stephen Perry (2003) Harm, History, and Counterfactuals. *San Diego Law Review*, 40, 1283-1311. (LR) *CW: Reference to sexual assault.*

Optional: Joel Feinberg, 1988. Wrongful Life and the Counterfactual Element in Harming, in *Freedom and Fulfillment : Philosophical Essays*, Princeton. (LR)

Wed., Mar. 15 Perry, Harm, History, and Counterfactuals (cont.) (LR)

**Reading Response paper 5 due at 9am.**

Spring Break Mar. 19-26
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Mon., Mar. 27 Elizabeth Harman (2009) Harming as Causing Harm in *Harming Future Persons*, Melinda Roberts and David Wasserman, eds., Springer 137-154. (LR)

Optional: Melinda Roberts, [The Nonidentity Problem](#), Stanford Encyclopedia of Philosophy (Link)

Wed., Mar. 29 Harman, Harming as Causing Harm (cont.) (LR)

**Reading Response paper 6 due at 9am.**

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Mon., Apr. 3 Molly Gardner, (2015). [A Harm-Based Solution to the Non-Identity Problem](#). *Ergo* 2(17), 427-444. (LR)

Wed., Apr. 5 Gardner, (2015). [A Harm-Based Solution to the Non-Identity Problem](#). (LR)

**Reading Response paper 7 due at 9am.**

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### 3. What is to Suffer Harm? Death and Other Hard Cases

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Mon., Apr. 10 Matthew Hanser (2008). The Metaphysics of Harm. *Philosophy and Phenomenological Research*, 77(2), 421–450. (LR)

Wed., Apr. 12 Hanser (2008), The Metaphysics of Harm (cont.) (LR)

No reading response due. Focus on writing paper 2.

<p><b>Paper 2 Due midnight April 16, 2023</b></p>
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Mon., Apr. 17 Judith Thomson (2011). More on the Metaphysics of Harm. *Philosophy and Phenomenological Research*, 82(2), 436–458. (LR)

Wed., Apr. 19 Thomson, More on the Metaphysics of Harm (cont.) (LR)

Optional: Matthew Hanser (2011). Still More on the Metaphysics of Harm. *Philosophy and Phenomenological Research*, 82(2), 459–469. (LR)

No reading response due. Rest after completing paper 2.

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Mon., Apr. 24 Ben Bradley (2004). When Is Death Bad for the One Who Dies? *Noûs*, 28(1), 1–28. (LR)

Optional: Steven Luper, [Death](#), *Stanford Encyclopedia of Philosophy* (Link)

Wed., Apr. 26 Bradley (2004). When Is Death Bad for the One Who Dies? (cont.) (LR)

**Reading Response paper 8 due at 9am.**

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### 4. Harms we Do Together: Collective Harm

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Mon., May. 1 Judith Lichtenberg (2010), Negative Duties, Positive Duties, and the “New Harms” *Ethics* Vol. 120, No. 3, pp. 557–578 (LR)

Optional: Feinberg (1984) Chapter 6 Fairly Imputing Harms §2–4 (T)

Wed., May. 3 Lichtenberg, Negative Duties, Positive Duties, and the “New Harms” (cont.) (LR)

**Reading Response paper 9 due at 9am.**

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Mon., May. 8 Julia Nefsky (2019) Collective Harm and the Inefficacy Problem. *Philosophy Compass* 14(4). (LR)



Wed., May. 10 Nefsky (2019) Collective Harm and the Inefficacy Problem.(cont.) (LR)

**Reading Response paper 10 due at 9am.**

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Mon., May. 15 Conclusions

<p><b>Final Papers are due midnight May 22, 2023</b></p>
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## University Policies and Resources:

### UMBC Statement of Values for Academic Integrity

By enrolling in this course, each student assumes the responsibilities of an active participant in UMBC's scholarly community in which everyone's academic work and behavior are held to the highest standards of honesty. Cheating, fabrication, plagiarism, and helping others to commit these acts are all forms of academic dishonesty, and they are wrong. Academic misconduct could result in disciplinary action that may include but is not limited to, suspension or dismissal. For additional information, please see the [Academic Integrity website](#) or consult the UMBC Student Handbook, the Faculty Handbook, or the UMBC Policies section of the UMBC Directory.

### Sexual Assault, Sexual Harassment, and Gender-Based Violence and Discrimination

[UMBC Policy](#) and Federal law (Title IX) prohibits discrimination and harassment on the basis of sex, sexual orientation, and gender identity in University programs and activities. Any student who is impacted by sexual harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation, gender discrimination, pregnancy discrimination, gender-based harassment or retaliation should contact the University's Title IX Coordinator to make a report and/or access support and resources:

Jackie Moran, Title IX Coordinator and Interim Director  
410-455-1717, [jmoran5@umbc.edu](mailto:jmoran5@umbc.edu)

You can access support and resources even if you do not want to take any further action. You will not be forced to file a formal complaint or police report. Please be aware that the University may take action on its own if essential to protect the safety of the community.

If you are interested in or thinking about making a report, please use the [Online Reporting/Referral Form](#). Please note that if you report anonymously, the University's ability to respond will be limited.

### Notice that Faculty are Responsible Employees with Mandatory Reporting Obligations:

All faculty members are considered Responsible Employees, per [UMBC's Policy on Sexual Misconduct, Sexual Harassment, and Gender Discrimination](#). Faculty are therefore required to report any/all available information regarding conduct falling under the Policy and violations of the Policy to the Title IX Coordinator, even if a student discloses an experience that occurred before attending UMBC and/or an incident that only involves people not affiliated with UMBC. Reports are required regardless of the amount of detail provided and even in instances where support has already been offered or received.

While faculty members won't encourage you to share information related to your life experiences through discussion and written work, students should understand that faculty are required to report past and present sexual assault, domestic and interpersonal violence, stalking, and gender discrimination that is shared with them to the Title IX Coordinator so that the University can inform students of their [rights, resources, and support](#). While you are encouraged to do so, you are not obligated to respond to outreach conducted as a result of

a report to the Title IX Coordinator.

If you need to speak with someone in confidence, who does not have an obligation to report to the Title IX Coordinator, UMBC has a number of [Confidential Resources](#) available to support you:

- [Retriever Integrated Health](#) (Main Campus): 410-455-2472 [Monday – Friday; 8:30 a.m. – 5 p.m.] / After-Hours Support 410-455-3230
- [Center for Counseling and Consultation](#) (Shady Grove Campus): 301-738-6273 (Messages checked hourly) [Online Appointment Request Form](#)
- Pastoral Counseling via [Interfaith Center](#): 410-455-3657; interfaith@umbc.edu [7 days a week; Fall and Spring 7 a.m. – 11 p.m.; Summer and Winter 8 a.m. – 8 p.m.]

Other Resources:

- [Women’s Center](#) (for students of all genders): 410-455-2714; womenscenter@umbc.edu. [Monday – Thursday 10:00am-5:30pm and Friday 10:00am-4pm]
- [Shady Grove Student Resources](#), [Maryland Resources](#), [National Resources](#).

### **Child Abuse and Neglect:**

Please note that Maryland law and UMBC policy require that faculty report all disclosures or suspicions of child abuse or neglect to the Department of Social Services and/or the police even if the person who experienced the abuse or neglect is now over 18.

## **Student Disability Services (SDS)**

UMBC is committed to eliminating discriminatory obstacles that may disadvantage students based on disability. Services for students with disabilities are provided for all students qualified under the Americans with Disabilities Act (ADA) of 1990, the ADAAA of 2009, and Section 504 of the Rehabilitation Act who request and are eligible for accommodations. The Office of Student Disability Services (SDS) is the UMBC department designated to coordinate accommodations that would allow students to have equal access and inclusion in all courses, programs, and activities at the University.

If you have a documented disability and need to request academic accommodations, please refer to the SDS website at [sds.umbc.edu](http://sds.umbc.edu) for registration information and to begin the process, or alternatively you may visit the SDS office in the Math/Psychology Building, Room 212. For questions or concerns, you may contact us through email at [disAbility@umbc.edu](mailto:disAbility@umbc.edu) or phone (410) 455-2459.

If you require accommodations for this class, make an appointment to meet with me to discuss your SDS-approved accommodations. During remote instruction requirements due to COVID, communication and flexibility will be essential for success.