

PHIL 457 Harm in Morality and Law

Fall 2025

Location:	PAHB 456	Time	TTh 2:30-3:45
Instructor:	Blake Francis	Email	bfrancis@umbc.edu
Office:	PAHB 467	Student Hours:	MW 3-4 & by appt

University & Department Requirements Satisfied by this Course

Distribution Requirement: Arts and Humanities (AH)

Writing Intensive (WI)

Functional Competency: Critical Analysis and Reasoning

This course satisfies an elective for:

- the Philosophy Major
- the Philosophy Minor
- the Philosophy, Ethics, and Values Certificate
- the Philosophy, Law, and Politics Certificate

Course Description and Rationale

This course explores the nature of harm and what justifies legal and moral injunctions against harming and failing to prevent harm. Competing theories of harm must address a range of puzzling issues. We consider three issues this semester, including whether bringing a child with a serious congenital disease into existence can harm the child, whether the bad Samaritan does harm by failing to prevent harm, and whether an individual member of a group that together does harm is responsible even if she would not make a difference acting alone.

Learning Outcomes

By the end of this course, you should be able:

1. to do conceptual analysis of the sense of harm central to the liberal harm principle, including
 - distinguishing ordinary senses of harm from the legal definition of harm in the criminal and tort law
 - considering when acts of harm count as wrongful
 - evaluating alternative accounts of causation as it relates to harm
2. to compare and contrast competing conceptions of harm, including
 - the counterfactual account of harm
 - the objective list account of harm
 - the existence account of harming
3. to critically engage in puzzling cases in which it is controversial what counts as a harm under the liberal harm principle and in moral theory, including:
 - Wrongful Life Lawsuits
 - Bad Samaritan Laws
 - collective harms, including climate change
4. to practice the skills of philosophical inquiry, including
 - reconstructing arguments from passages into premise-conclusion form
 - evaluating arguments
 - engaging thoughtfully and charitably with the ideas of others in conversation and in writing
5. to read philosophical works critically and strategically by
 - skimming to identify the author's thesis and central argument
 - closely reading to understand and evaluate concepts and arguments
6. to write philosophical essays in which you
 - enter the existing philosophical conversation on your topic and clearly explicate the views of others
 - defend your own focused line of argument
 - seriously consider strong objections against your thesis and defend against them
 - structure your writing according to the conventions of philosophical writing

Course Requirements

Books & Readings:

All readings are available on Blackboard (Course Materials folder). There is one text for this class that must be purchased:

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

This text is available through UMBC's CMI program. Access is through Blackboard (Course Materials/My Textbook), and it is billed through the student account (\$25.44). Students are able to opt out of CMI access by clicking the "Opt Out" button in the "My Textbooks" tool in Blackboard by the opt-out deadline. Questions should be directed to textbook@umbc.edu.

CMI OPT OUT DEADLINE: Wednesday, September 10th

Methods of Evaluation:

Assessment in this course will be based on an Essay Portfolio, philosophy practices, and participation.

Essay Portfolios

A minimum of 3,500 words of finished writing is due over the course of the semester to be submitted in a Google Document that will serve as a portfolio to showcase students' writing process. The portfolio will contain brainstorming and drafts for each essay. Early in the semester, you will fill in a contract outlining your writing plan for the semester, indicating what you plan on including in your Portfolio. These plans are subject to change as the semester progresses.

Portfolio Contents

By the end of the semester, your Portfolio should contain:

A 500-word Short Argument Essay

And your choice of:

One long essay (3,000 words) OR

- * This option is recommended for advanced students or students interested in a deep dive into one topic.

Two long essays (1,500 words) OR

Three long essays (1,000) words

- * This option is good for students new to writing or for those wishing to write on more topics.

Portfolio Contents: At Two Drafts per Essay

Initial drafts (what Anne Lamott calls "sh*tty first drafts") will be composed during proctored in-class writing sessions using a locked browser. These drafts will be submitted to me at the end of the proctored session as part of your overall grade for the essay. Four proctored writing sessions are offered over the course of the semester. The proctored writing session for the Short Essay is mandatory for all students (9/16). Three proctored writing sessions will be offered for the Long Essays (10/9; 11/6; 12/9). Students electing to write three Long Essays must attend all three proctored writing sessions [one essay per session]. Students electing to write two long essays may attend two proctored sessions of their choice. All students are welcome to attend all three, if only to have a quiet place to write.

2nd Drafts: You will then develop your sh*tty first draft from the proctored writing sessions into your **second draft**. There is no set deadline for long essay second drafts. However, I recommend completing them soon after your proctored in-class writing session so that they stay fresh in your mind. **In order to submit your second draft for grading, you must complete a proctored first draft.** If no second draft is received by the end of the semester, your final grade for the essay will be based on your sh*tty first draft.

Portfolio Contents: Revision (Third Draft) of One Essay with Revision Report

Academic writing expert Wendy Belcher says that the best writing comes from revising. At least one of your **2nd draft long essays must be revised according to my comments** and resubmitted for grading according to the rubric for revisions. Revisions should be included in your Portfolio. You must use "suggestion mode" in Google Docs to make your changes and include comments on why you made the change. Revisions must be accompanied by a **short "revision" report** detailing how you responded to my feedback. See directions on Blackboard. **The last day for submitting essays you wish to revise is 11/23.**

Essay Topics: You may choose to write your Long Essays on any prompt or topic throughout the semester. Prompts will be listed on Blackboard and updated throughout the semester to reflect our discussions in class.

A note on planning: You will create a contract with me in which you lay out your writing plan for the semester with all due dates..

Re-dos: *Any Essay or Revision assignment submitted in this class may be redone for a chance at an improved grade. Make sure that your redo includes substantial changes in response to my feedback. If you wish to re-do an assignment (especially if you received a "C" or lower), come meet with me to set yourself up for success on your next try! Redos cannot double-count as a revision and a replacement grade for an initial submission. (Does not apply to PHILPRACS.)*

Philosophy Practices

A Philosophy Practice (PHILPRAC) will be due most Thursday mornings. These assignments guide you in **practicing** a new skill related to reading, writing, or argumentation. They

help you prepare for discussion on Thursdays by drawing your attention to relevant parts of the reading so that you can think about it a bit before coming to class. Your total score at the end of the semester will be based on your **8 highest scores**. PHILPRACs are graded based on effort. Please see Blackboard for more information about how PHILPRACs are assessed. **Always remember, PHILPRACs are for practice.**

Participation and Discussion

Your participation and discussion grade includes attendance, engagement, and preparation.

Attendance in this course is required.

- Each student may miss up to 3 classes without penalty or permission.
- If you miss a class, ask another student for notes, and you are always encouraged to discuss course materials with me.

Engagement: I will do my best to provide lots of ways for students to engage in lectures, discussion, group work, and conversation in pairs. Please let me know how I can improve your experience in class.

Preparation: 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.**

Grading:

Grades in this course will be out of 1,000 points, distributed as follows:

Discussion and Participation:	100 points
Philosophy Practices:	200 points
Essay Portfolios:	
Short Argument Essay:	100 points
Long Essays & Revision:	600 points
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Total	1,000 points

Note: Long essays and revisions have the same weight: On the 2 Long Essay option, your essays will be worth 200 points each, and your Revision Assignment will be worth 200 points. On the 3 Long Essay option, each assignment is worth 150 points.

Sample Essay and Revision Assignment Schedules

2- 1500 Word Essays Option

Essay/Revision	Due (Suggested)	
Short Essay–(Sh*tty) 1st Draft	September 16	in class
Short Essay–2nd Draft	September 21	take home
Long Essay 1–(Sh*tty) 1st Draft	(October 9)	in class
Long Essay 1–2nd Draft	(October 12)	take home
Work on Revision	(November 6)	in class
Revision of Long Essay 1	(November 9)	take home
Long Essay 2–(Sh*tty) 1st Draft	(December 11)	in class
Long Essay 2–2nd Draft	(December 17)	take home

3- 1000 Word Essays Option

Essay/Revision	Due (Suggested)	
Short Essay–(Sh*tty) 1st Draft	September 16	in class
Short Essay–2nd Draft	September 21	take home
Long Essay 1–(Sh*tty) 1st Draft	October 9	in class
Long Essay 1–2nd Draft	(October 12)	take home
Revision of Long Essay 2	(October 26)	take home
Long Essay 2–(Sh*tty) 1st Draft	November 6	in class
Long Essay 2–2nd Draft	(November 9)	take home
Long Essay 3–(Sh*tty) 1st Draft	December 11	in class
Long Essay 3–2nd Draft	(December 17)	take home

Course Policies and Expectations:

Classroom Culture

My aim is for us to create an atmosphere in our classroom where diverse perspectives can be expressed. It is especially important that we foster a positive environment in this course, which focuses on issues 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 and in writing. Learning how to do philosophy is just learning how to engage openly, respectfully, reasonably, and critically with ideas that challenge. The range of views we hold and the experiences we bring into the classroom will make our learning experiences much more interesting and enriching.

Late Policy

If you must miss a proctored writing session and you have a good reason, please make arrangements to schedule a make-up session with me. **The second draft of the Short Essay needs to be submitted on time.** A slight penalty (-3 points per day) will be imposed for submitting it late. All other essay assignments and revisions have suggested deadlines only. **There is no penalty for missing a suggested due date.** It is your responsibility to complete your in-class proctored initial drafts and to submit assignments in a timely manner so that there is time for me to give comments required for you to complete the revision. I need at least one week to return your paper with comments.

PHILPRACs will not be accepted late except for under very exceptional circumstances.

Email

I welcome emails raising any questions you may have about the lectures, the reading, writing assignments, or course logistics. However, please note that substantive questions may be more appropriate for student hours. I will do my best to respond to emails within 24 hours, Monday through Friday.

Student Hours

I encourage all students to come to student hours to discuss any aspect of this course. I hold student hours in-person twice a week on Mondays and Wednesdays from 3-4 pm. **Please stop by during student 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.

Technology Policy

Laptops, Phones, and Headphones

If you choose to use a laptop or tablet because doing so supports your learning, I expect you to use it responsibly. No multitasking! Please be considerate of others. Viewing distracting, unrelated content during class also impacts others' ability to learn.

I encourage you to stow your laptop during class. Research shows that students learn more and retain what they learn by taking notes by hand. Please experiment by taking notes by hand in this class. I provide handouts for all lectures, and slides will be made available on Blackboard.

All cellphones, headphones, gadgets, and gizmos not essential to learning should be stowed during this class period. In case of an emergency, let me know if you are expecting a call or a text, and please excuse yourself to use your phone.

Audio Recording

Lectures in this class will be audio-recorded. Recordings will be posted in the class's Box account for student use only.

Generative AI

The use of Generative AI (e.g.s, Chat-GPT, Gemma) for writing, reading, and note-taking is not consistent with the learning goals of this class. Doing philosophy, writing, revising, and reading requires your engagement at every step. At each step, you are expected and encouraged to think for yourself, to develop your own point of view, and to speak and write in your own voice. This requires time, practice, sh*tty first drafts, mistakes, and effort. Take the opportunity in this class to develop your thinking, writing, and reading skills by practicing each step and engaging in the process on your own and with [human] others.

It is important to me that in our course, we engage with the material and in the writing process together. Philosophy and writing are both social enterprises. For my part, I promise you that all lectures, course materials, assignments, feedback, and grading will be done by me without the use of AI. I implore you also not to use AI. If, for some reason, you do, I expect the AI model you use to be cited in your sources and/or acknowledged in your essays. **The use of AI to compose or revise your essay by copy and pasting an LLM's output is considered cheating and will be treated according to UMBC's honor code.**

There is a lot of confusion about the role of AI in education. I want to be completely honest with you about my position. In my view, the use of AI does not have a place in a humanities education. I understand it as part of my professional duty as a philosophy

professor to teach you the knowledge and skills you need to be a flourishing human being, an active citizen, and a professional who cannot be [replaced in the workforce by AI](#).

Here are some reasons a consortium of academics oppose AI. You can make your own assessment:

- “LLM outputs, simulations of training data found on the internet, are inaccurate and often biased.”
- “This technology, heavily promoted by big money, relies on stolen property and exploited laborers, and exacts significant environmental costs.”
- Evidence is also starting to show that AI tools are bad for brain functioning.
- AI does not write in a human’s voice, let alone your voice. “Using LLMs makes your work bland, vague, and wrong, and impedes the development of skills.”

citations: www.against-a-i.com

Further reading: Patrick Lin, [“How to Justify an AI Ban in your Classroom”](#)

Course Schedule

All readings are available on Blackboard.

- Required text, Feinberg's *Harm To Others*: Course Materials/My Textbook
 - Note: Page numbers listed below for Feinberg's *Harm To Others* refer to the hard copy. The digital edition provided through CMI has different pagination.
- Articles: Course Materials/Digital Library Reserves

Schedule is subject to change.

I. HARM AND THE LIBERAL HARM PRINCIPLE

Day	Topic	Readings
Th 8/28	Introduction	No Readings
T 9/2	1. What is the Harm Principle?	J.S. Mill, (1859). <i>On Liberty</i> . Ch 1, Introductory, pp. 1-27 [9 regular pages] Feinberg, <i>Harm to Others</i> , General Introduction §§1-4; pp. 1-13
Th 9/4	2. What is a harm?	Feinberg, <i>Harm to Others</i> , Ch 1 Harms as Setbacks to Interest §1; pp. 31-36 Due: PHILPRAC 1
T 9/9	3. What are setbacks to interests?	Feinberg, <i>Harm to Others</i> , Ch 1 Harms as Setbacks to Interest §2, §§4-5, §7; pp. 36-37, 50-55, 61-63
Th 9/11	4. What is wronging?	Feinberg, <i>Harm to Others</i> , Ch 3 Harming as Wronging §1-4, §7, pp. 105-113, 118-125 Due: PHILPRAC 2
T 9/16	Proctored In Class Writing	Attendance Required

HARD DEADLINE: Short Essay Due 9/21/25

II. WRONGFUL LIFE & THE NON-IDENTITY PROBLEM

Th 9/18	5. Can bringing someone into existence harm them?	Joel Feinberg (1992) Wrongful life and the counterfactual element in harming. in <i>Freedom and fulfillment: Philosophical essays.</i> : pp. 2-5; 26-36 (and optionally pp. 11-23) Note: This is a stand alone article; not found in <i>Harm to Others</i> .
T 9/23	6. Is harm comparative?	Seana Shiffrin (1999) Wrongful Life, Procreative Responsibility, and the Significance of Harm. <i>Legal Theory</i> , 5(2) pp. 117–125.
Th 9/25	7. Do the benefits of existence offset minor harm?	Shiffrin, cont. pp. 125-135 Due: PHILPRAC 3
T 9/30	8. Is harm non-comparative?	Molly Gardner (2015) A Harm-Based Solution to the Non-Identity Problem . <i>Ergo</i> 2(17), pp. 427-433. (LR)
Th 10/2	9. Can the non-identity problem be solved?	Gardner, cont. pp. 433-442. (LR) Due: PHILPRAC 4
T 10/7	Writing Skills Lab	
Th 10/9	Proctored In Class Writing	

III. BAD SAMARITAN LAWS, DUTIES TO RESCUE, & NEW HARMS

T 10/14	10. What is a Bad Samaritan Law? & The Enforced Benevolence Argument	Feinberg, <i>Harm to Others</i> , Ch. 4 Failures to Prevent Harm, §§1-2, pp. 126-150
Th 10/16	11. The Line-drawing Argument	Feinberg, <i>Harm to Others</i> , Ch. 4 cont. §3-4 pp. 150-163 Due: PHILPRAC 5
T 10/21	12. The Argument from Undue Interference	Feinberg, <i>Harm to Others</i> , Ch. 4 cont. §5 pp. 163-166
Th 10/23	13. The Argument from Causation: The Moral Significance Claim	Feinberg, <i>Harm to Others</i> , Ch. 4 cont. §6 pp. 166-171 Due: PHILPRAC 6
T 10/28	14. The Argument from Causation: The Restricted Causation Claim	Feinberg, <i>Harm to Others</i> , Ch. 4 §§7, 9, pp. 171-181; 185-186
Th 10/30	15. What are the new harms?	Judith Lichtenberg (2010) Negative Duties, Positive Duties, and the “New Harms” <i>Ethics</i> Vol. 120, No. 3, pp. 557-578 Due: PHILPRAC 7
T 11/4	Writing & Revision Skills Lab	
Th 11/6	Proctored In Class Writing	

 IV. COLLECTIVE HARM

T 11/11	16. What are public harms?	Feinberg, <i>Harm to Others</i> , Ch. 6 Fairly Imputing Harms, §§1-2, pp.220-225.
Th 11/13	17. Accumulative Harms and the Case of Pollution	Feinberg, <i>Harm to Others</i> , Ch. 6 Fairly Imputing Harms, §§3-4, pp.225-232; §6: Read #13 and #14 p.244.
		Due: PHILPRAC 8
T 11/18	18. Do I make a difference?	Julia Nefsky (2019) Collective Harm and the Inefficacy Problem. <i>Philosophy Compass</i> 14(4). 1-5
Th 11/20	19. <i>Don't</i> I make a difference?	Julia Nefsky (cont.) 5-11
		Due PHILPRAC 9
T 11/25	Writing & Revision Skills Lab	
Th 11/27	No Class	THANKSGIVING BREAK
T 12/2	20. Should the US compensate for climate change harms?	Daniel Farber (2008) The Case for Climate Compensation: Justice for Climate Change Victims in a Complex World. <i>Utah Law Review</i> , pp. 387–400.
Th 12/4	21. Are legal compensation schemes for collective harms possible?	Farber (cont.) pp. 400-413
		Due: PHILPRAC 10
T 12/9	Conclusions & Writing Skills Lab	No New Readings
Th 12/11	Proctored Writing Session	Final Exam Session 1pm-3pm

Submit all essays, revisions, re-dos, and extra credit by December 17.

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. To read the full Student Academic Conduct Policy, consult the [UMBC Student Handbook](#), or the [Academic Integrity Website](#).

Accessibility and Disability Accommodations, Guidance and Resources

Accommodations for students with disabilities are provided for all students with a qualified disability under the Americans with Disabilities Act (ADA & ADAAA) 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 creates equal access for students when barriers to participation exist in University courses, programs, or activities.

If you have a documented disability and need to request academic accommodations in your courses, please refer to the SDS website at sds.umbc.edu for registration information and office procedures.

SDS email: disAbility@umbc.edu

SDS phone: 410-455-2459

If you will be using SDS-approved accommodations in this class, please contact the instructor to discuss implementation of the accommodations. During remote instruction requirements due to COVID, communication and flexibility will be essential for success.

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

[UMBC Policy](#) in addition to federal and state law (to include 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 related retaliation should contact the University's Title IX Coordinator to make a report and/or access support and resources. The Title IX Coordinator can be reached at titleixcoordinator@umbc.edu or 410-455-1717.

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 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 and Teaching Assistants are Responsible Employees with Mandatory Reporting Obligations. All faculty members and teaching assistants are considered Responsible Employees, per UMBC's Policy on [Sexual Misconduct, Sexual Harassment, and Gender Discrimination](#). Faculty and teaching assistants are therefore required to report all known information regarding alleged conduct that may be a violation 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 want to 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 harassment, sexual assault, domestic and dating 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.; For After-Hours Support, Call 988.

[Center for Counseling and Well-Being](#) (Shady Grove Campus): 301-738-6273; Monday-Thursday 10:00 a.m. – 7:00 p.m. and Friday 10:00 a.m. – 2:00 p.m. (virtual) [Online Appointment Request Form](#)

Pastoral Counseling via [The Gathering Space for Spiritual Well-Being](#): 410-455-6795; i3b@umbc.edu; Monday – Friday 8:00 a.m. – 10:00 p.m.

Other Resources

[Women's Center](#) (open to students of all genders): 410-455-2714; womenscenter@umbc.edu; Monday – Thursday 9:30 a.m. – 5:00 p.m. and Friday 10:00 a.m. – 4 p.m.

[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.

Pregnant & Parenting Students

UMBC's [Policy on Sexual Misconduct, Sexual Harassment and Gender Discrimination](#) expressly prohibits all forms of discrimination and harassment on the basis of sex, including pregnancy. Resources for pregnant, parenting, and breastfeeding students are available through the University's Office of [Equity and Civil Rights](#). Pregnant and parenting students are encouraged to contact the Title IX Coordinator to discuss plans and ensure ongoing access to their academic program with respect to a leave of absence – returning following leave, or any other accommodation that may be needed related to pregnancy, childbirth, adoption, breastfeeding, and/or the early months of parenting.

In addition, students who are pregnant and have an impairment related to their pregnancy that qualifies as disability under the ADA may be entitled to accommodations through the [Office of Student Disability Services](#).

Religious Observances & Accommodations

UMBC [Policy](#) provides that students should not be penalized because of observances of their religious beliefs, and that students shall be given an opportunity, whenever feasible, to make up within a reasonable time any academic assignment that is missed due to individual participation in religious observances. It is the responsibility of the student to inform the instructor of any intended absences or requested modifications for religious observances in advance, and as early as possible. For questions or guidance regarding religious observances and accommodations, please contact the Office of Equity and Civil Rights at ecr@umbc.edu.

Hate, Bias, Discrimination & Harassment

UMBC values safety, cultural and ethnic diversity, social responsibility, lifelong learning, equity, and civic engagement.

Consistent with these principles, [UMBC Policy](#) prohibits discrimination and harassment in its educational programs and activities or with respect to employment terms and conditions based on race, creed, color, religion, sex, gender, pregnancy, ancestry, age, gender identity or expression, national origin, veterans status, marital status, sexual orientation, physical or mental disability, or genetic information.

Students (and faculty and staff) who experience discrimination, harassment, hate, or bias based upon a protected status or who have such matters reported to them should use the [online reporting / referral form](#) to report discrimination, hate, or bias incidents. You may report incidents that happen to you anonymously. Please note that, if you report anonymously, the University's ability to respond may be limited.