

Philosophy of Law

PHIL 360, Fall 2010

Professor Allyson Mount
Keene State College
amount@keene.edu
Parker 308; 358-2388

Office Hours:
Mondays 2-3pm
Tuesdays 8:45-9:45am
Thursdays 12-1pm
and by appointment

This course examines questions in the philosophy of law including discussions of the appropriate roles of liberty, justice, and responsibility in a society that reconciles a respect for the individual with the need for legitimate governmental authority.

Meeting Time: Mondays from 10:00-1:30 in Morrison 203

Course Goals: As a result of this course, students should be able to

- Identify major issues, schools of thought, and problems in the philosophy of law
- Analyze arguments and critically evaluate controversial legal decisions
- Apply an understanding of readings and other course materials to formulate your own assessment of various topics in the philosophy of law

Readings:

- Our primary text will be *Philosophy of Law*, Eighth Edition, Ed. Joel Feinberg and Jules Coleman (Thomson/Wadsworth, 2008).
- Weekly readings will be assigned from this book. Please bring this book with you to every class. It is essential that you have the text with you, as we will frequently do close analysis of the readings in class.
- Supplemental readings will be posted on Blackboard or put on library reserve as needed.

Blackboard: The course syllabus and assignments will be posted on Blackboard, and you will submit most assignments via Blackboard. You can access the site through your MyKSC page. Once logged in, click on the appropriate course link. You should check the course site regularly for announcements and updates. Any changes to the syllabus also will be posted here.

Course Requirements:

- Regular attendance and active class participation.
- Readings for each class, as stated on the syllabus. Note that *all* of the readings listed for each day are required. Since the class only meets once per week, the reading load is correspondingly heavier.
- Weekly reading responses and/or discussion board postings. The assignments will generally be posted by Wednesday evening the week before they're due.
- One essay of 5-7 pages, due in November.
- One in-class presentation.
- Midterm exam, in class.
- Final exam, during the regular examination period in December.

Attendance and Class Participation:

- Active class participation is an essential part of this course. You should read the assignments thoroughly and arrive at class prepared to participate. Each student is expected to participate in every class.
- Since this class only meets once per week, attendance is crucial to your success in the course. You are permitted two absences with no penalty. These absences are intended to be used in case of illness. I do not make a distinction between "excused" and "unexcused" absences – if you miss class for ANY reason, you are considered absent.
- Each absence beyond the permitted two will be penalized by deducting 10 points from your class participation grade. If you need to miss more than two classes because of religious observances or college-sanctioned scheduled events, you must provide me with a written list of the dates and reason the absences are necessary by the end of the second week of classes.
- If you do miss a class, you are responsible for finding out what you missed and getting copies of materials and assignments. Missing class does not excuse you from assignments due that day.
- Repeated tardiness will adversely affect your course grade. If you arrive more than 30 minutes late, or leave class early, this will count as half of an absence.

Grading: Your course grade will be calculated out of a total of 1000 points, distributed as follows:

- 50 points for class participation, attentiveness, and effort
- 50 points for your presentation
- 250 points for reading responses (5 x 50 points each)
- 150 points for discussion board postings(6 x 25 points each)
- 150 points for the essay
- 175 points for the midterm exam
- 175 points for the final exam

Overall Course Grade Scale

Numerical Grade	Letter Grade
940-1000	A
880-939	AB
830-879	B
780-829	BC
730-779	C
680-729	CD
600-679	D
Below 600	F

Late Assignments:

- Reading responses: Reading responses will generally be due via Blackboard by 9:30am on Mondays. Late reading responses will automatically lose 10 points for any lateness, even if they are turned in later that day. They will only serve their purpose of preparing you for class discussion if done *before* class. Reading responses will be accepted up to a week after they are due, so it is still better to turn them in late than not at all. However, the substantial 10-point penalty will be strictly enforced, since writing the responses after discussing the topic in class provides an unfair advantage. No responses will be accepted more than a week late.
- Discussion board: Discussion board postings will generally be due on Sunday evenings. Postings that are done late but still before class time will automatically lose 5 points. Postings that are done after the start of class time will receive no credit, since they no longer serve the desired purpose.
- Essay: Late essays will automatically lose 10 points *per day* late, beginning at the time due.
- You should always print and save the Blackboard submission confirmation notice whenever you submit assignments. While I will not routinely collect these, I will request to see the notice for verification if there is ever a discrepancy regarding when or whether files were submitted.
- Since assignments will generally be posted at least five days before they're due, computer or printer problems and minor illness are not valid reasons for an extension. You should begin well in advance of the due date to avoid last-minute difficulties. Plan ahead!
- There will be no make-up sessions for the exams. You must take these tests at the scheduled time to get credit for them. Exceptions will only be made in emergencies (documentation from a doctor and/or your advisor or dean will be required).

Etiquette: Class will be most rewarding if you are respectful of each other and of the instructor. To help ensure a productive and friendly class environment, please follow these guidelines:

- Please silence cell phones before class begins.
- Please do not send text messages, sleep in class, read magazines, or engage in other activities unrelated to course material.
- Please arrive promptly to all class sessions, and return from the mid-class break by the appointed time. If unavoidable circumstances delay your arrival, come in quietly and take your seat without disrupting the class. The mid-class break will be eliminated if late returns become frequent.
- Please treat your classmates and the instructor respectfully in class discussions. We may debate issues that you may have strong feelings about. Be aware of the manner in which you present your views: thoughtful, well-reasoned opinions are welcome, but personal attacks are not. Our discussions should focus on the merits of the ideas, not on characteristics of the speaker.
- Please do not begin packing your books before class is over.

Inclement Weather: In case of inclement weather, you should call my office voicemail after 8:00am to see whether class will be held that day. If it is cancelled, a dated cancellation message will replace my regular greeting. If there is no cancellation message, you should assume that class will take place as scheduled.

Students with disabilities: If you have a disability that may impact your work for this course, please come talk to me about it as soon as possible, so that we can arrange any necessary accommodations.

Emergency Operations: In the event that the College closes for a major disaster, all students are responsible for regularly checking their e-mail, voicemail, and Blackboard for information on alternative course delivery procedures and course work submission. Alternative delivery methods are subject to change depending on the nature of the emergency. Students will be responsible for completing their assignments and ensuring that they have completed all of the core requirements for their courses before they will receive a final grade for the course.

Academic Integrity: I encourage you to discuss course material with your classmates, and we will often engage in collaborative work in class and on discussion boards. Sharing ideas in this manner is an important part of the class. However, you must complete all written work on your own, unless you are specifically instructed to work together on a particular assignment.

You are responsible for being familiar with Keene State's Policy on Academic Honesty (<http://www.keene.edu/policy/academichonesty.cfm>), and for following that policy. This includes giving proper credit for the ideas or words of others that you use in your own writing, or in oral presentations. ***Evidence of plagiarism will be taken very seriously and will result in disciplinary action.*** If you have any questions about what kind of collaboration is or is not allowed, please ask.

You are NOT allowed to do any of the following:

- Copy reading responses, discussion board postings, or other written work from another student
- Allow your written work to be copied
- Share “answers” to reading response questions. While you’re welcome to work together at understanding the readings, when it comes time to actually write out your detailed response to specific assignment questions you must do this on your own. If you’re unsure whether you’re sharing too much information, err on the side of caution and work independently.
- Present someone else’s work as if it were your own, either in writing or in oral presentations
- Use a direct quotation or close paraphrase from the text or any other source (including internet sources) without proper citation
- Give or receive help on in-class exams
- Engage in other actions that violate the Keene State College Policy on Academic Honesty

You ARE allowed to do the following:

- Discuss readings and other course materials with your classmates
- Attend office hours for help understanding assignments, readings, and lectures
- Discuss the *general* concepts behind reading response and essay assignments with your classmates, without sharing specific “answers” to questions on the assignment
- Quote from readings or other sources with proper citation
- Copy class notes from another student who was in class on a day you missed, or lend your notes to a classmate
- Study for exams together

Philosophy of Law

Syllabus: August - October

PHIL 360, Fall 2010
Prof. Allyson Mount

All of the readings listed for each day are required.
You must do the assigned readings *before* the class session for which they are listed.

Date	Topic	Readings	Written Assignments
Monday, August 30	Introduction; Purposes of Law		
Monday, September 6	LABOR DAY – No class		
Monday, September 13	Liberty; The Harm Principle; Paternalism	Ripstein, “Beyond the Harm Principle” (263-281) Dworkin, “Paternalism” (281-291)	Reading Response 1 due
Monday, September 20	Equality; Egalitarian Theories	Raz, “Equality” Sections 6-8 (314-322) Scheppelle, “The Reasonable Woman” (322-327) <i>State v. Kelly</i> (331-336)	Discussion Board A posting due
Monday, September 27	Rights; Affirmative Action	Feinberg, “The Nature and Value of Rights” (347-357) <i>Grutter v. Bollinger</i> (336-346)	Reading Response 2 due
Monday, October 4	Natural Law Theories; Extraordinary Circumstances; Autonomy and Sexuality	Aquinas, from <i>On Law, Morality, and Politics</i> (8-13) Fuller, “The Case of the Speluncean Explorers” (37-54) <i>Lawrence v. Texas</i> (401-408)	Discussion Board B posting due
Monday, October 11	Legal Positivism; Freedom of Expression	Hart, “Law as the Union of Primary and Secondary Rules” (68-84)	Reading Response 3 due

		<i>Village of Skokie v. National Socialist Part of America</i> (430-434)	
Monday, October 18	Freedom of Expression, con't.	Feinberg, "Offensive Nuisances" sect. 3-5 (438-455) Dworkin, "The Right to Ridicule" (photocopy)	Discussion Board C posting due
Monday, October 25	Legal Realism; Terrorism and Torture	Holmes, "The Path of the Law" (120-126) Dershowitz, "Should the Ticking Bomb Terrorist Be Tortured?" (497-506)	Discussion Board D posting due

Philosophy of Law Syllabus – 2nd half

All of the readings listed for each day are required.

You must do the assigned readings *before* the class session for which they are listed.

Date	Topic	Readings	Written Assignments
Monday, November 1	Midterm exam	<i>(No readings. See exam info on Blackboard.)</i>	In-class exam
Monday, November 8	Wrongful Life; Liability	Shiffrin, "Wrongful Life, Procreative Responsibility, and the Significance of Harm" (745-767) <i>Becker v. Schwartz</i> (799-808)	Reading Response 4 due
Monday, November 15	Causation and Intentions	Hart & Honoré, "Causation and Responsibility" (545-557) Kadish & Schulhofer, "The Case of Lady Eldon's French Lace" (590-594)	Reading Response 5 due
Monday, November 22	Purpose of Punishment; Mistaken Beliefs	Feinberg, "The Classic Debate" (624-629) <i>People v. Young</i> (615-618)	Essay due

Monday, November 29	Capital Punishment	Nathanson, "Should We Execute Those Who Deserve to Die?" (665-673) <i>Furman v. Georgia</i> (674-682)	Discussion Board E posting
Monday, December 6	Contracts; Civil Disobedience and Obligations to Obey Law	"In RE Baby M" (892-895) Plato, "Crito" (206-214) King, "Letter from Birmingham Jail" (231-240)	Discussion Board F posting

The final exam will take place during the regular examination period in December.