

Philosophy of Law
Philosophy 430

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Office Hours: Tuesday 2:30 – 4:30 and Thursday 9:00-11:00.

I. Text:

Joel Feinberg and Jules Coleman, *Philosophy of Law*, 8th Edition (Wadsworth, 2008).

II. Class Goals:

We will cover a variety of issues in the philosophy of law including liberty, rights, privacy, equality, contracts, torts, property, responsibility, punishment and the nature of law. The goal of the class is to encourage philosophical reflection on these topics and to improve your ability to write and talk about them.

III. Grading:

Quizzes	40%
Term Paper	30%
Final Exam	30%

Daily Quizzes: You will have a quiz over each of your reading assignments. After we discuss the readings in class you will have 24 hours to log on to Moodle and take a quiz consisting of 5 true/false questions. You can review your notes and/or the readings before you take the quiz, but you should put all material away before you take the quiz. During the quiz you should consult no references other than your memory. This is an essential part of the course and your ability to learn the course material. You should take the quiz even if you miss class. Except for extraordinary circumstances, make up quizzes will not be given.

Final Exam: The final will be 50% essay and 50% true/false. The essay questions will be provided before the test to encourage you to focus your study on the central issues and to encourage you to study with other students. I encourage group studying because students often learn philosophical ideas best through dialogue. The true/false questions will be based on quiz questions from earlier in the term.

Term Paper: A requirement for this course is that you write a term paper on one of the questions addressed in your readings. The paper should be approximately five single spaced pages. The first step is email your paper topic to me. The second step is to prepare for a conference with me on your paper. The conference will take about 20 minutes in my office. Before you come to the conference you should be prepare the following: (1) your thesis, (2) a bibliography of the sources that you will discuss in your paper, (3) the basic argument that you will use to defend your thesis, and (4) a description of what you consider to be the strongest argument against your thesis. The conference will be a discussion where we can hopefully refine your thesis and argument, as well as consider whether there are any additional sources that your paper should address.

When I grade your final paper I will consider the following criteria:

A. Organization and Clarity:

Your paper should have one clear, precise sentence for your thesis.

Your thesis should be the last sentence of your first paragraph.

Your thesis should clearly limit the scope of your discussion.

Your thesis should defend a position.

Your thesis should be the organizing idea for your paper.

The introductory paragraph should provide a context making it easier for the reader/listener to understand the significance of your thesis.

The topic sentences of your supporting paragraphs should provide reasons why the reader/listener should accept your thesis.

The body of each supporting paragraph should provide reasons why the reader/listener should believe the topic sentence of that paragraph.

Avoid awkwardly phrased sentences.

Avoid spelling and grammatical errors.

B. Description of the Text:

References to the text should be accurate and not mislead.

You should strive to make the ideas in the text as easy to understand as possible.

You should not ignore sources relevant to the defense of your thesis.

C. Argument:

Your arguments should not assume the wrong audience.

Because the members of your audience are diverse, you should not presume that they hold specific religious or ideological views.

Give the reader a sense of why someone might disagree with your thesis and show the reader why these reasons are unpersuasive.

Late term papers are penalized as follows:

Up to 24 hours – half a letter grade

24 to 48 hours – one letter grade

48 to 72 hours – two letter grades

Assignments turned in after 72 hours receive a failing grade.

I will sometimes grant brief extensions, but you must request the extension at least two business days before the assignment is due.

Participation: You are expected to come to class and participate in classroom discussion. Excellent participation may raise your final grade and poor participation (including excessive absences and a failure to participate in discussion) may lower your final grade.

IV. Schedule:

Jan 7 – 11

Mon: First day of class

Wed: The Nature of Law and The Natural Law Tradition, pp. 1 – 54.

Fri: Legal Positivism, pp. 55 – 84.

Jan 14 – 18

Mon: Legal Positivism, pp. 84 – 116.

Wed: Legal Realism and Skepticism

Fri: Principles and Legal Interpretation

Jan 21 – 25

Mon: *MLK Day, no class*

Wed: Critical Theory

Fri: International Law

Jan 28 – Feb 1

Mon: Is There a Moral Obligation to Obey the Law?

Wed: Liberty

Fri: Equality

Feb 4 – 8

Mon: Rights

Wed: Privacy

Thurs: Email paper topics by 11:00 a.m.

Fri: Freedom of Expression

Feb 11 – 15

Mon: Terrorism and Torture, pp. 456 – 496.

Tues: Sign up for paper conferences by 4:30 p.m.

Wed: Terrorism and Torture, pp. 497 – 529.

Fri: *Midterm Reading Period*

Feb 18 – 22

Mon: *Paper Conferences – No class*

Wed: General Principles of Responsibility, pp. 545 – 589.

Fri: Punishment and Responsibility, pp. 590 – 615

Feb 25 – 29

Mon: Punishment and Responsibility, pp. 615 – 640

Wed: Punishment and Responsibility, pp. 641 – 684

Fri: Torts and Compensation, pp. 685 – 721

Mar 3 – 7

Mon: Torts and Compensation, pp. 722 – 767

Wed: Torts and Compensation, pp. 767 – 808

Fri: Contract, pp. 809 – 856

Mar 10 – 14

Mon: Contract, pp. 856 – 901

Tues: Term Paper Due in MH 415 at 4:30

Wed: Property, pp. 902 – 946

Fri: Property, pp. 946 – 968

Final Exam: 8:30 a.m. Tuesday, March 18