

Philosophy 311 – Philosophy of Law
Fall 2017

The Basics:

Instructor: Tom Wilk
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Office Location: TBD

Meeting Location: Nguyen 1110
Meeting Times: TR 3:00-4:15 PM
Office Hours: TR 1:30-2:30 PM
Website: Blackboard

What's this class about?

What is law? This question is deceptively simple. We want to say that law is, well, law. It's a system of rules that are binding on us as citizens of the state. What, though, gives the state the power to make laws and what gives them their binding force over us? Is the law whatever the sovereign decides or is there a higher moral law that limits what the sovereign can legislate? And what is the role of judges? Do they merely apply the law as it is legislated or is the role of adjudication more interpretative and harder to distinguish from legislation? When appellate courts interpret the law, how ought they go about doing this? Are they constrained by the written word and the intent of legislators or can they draw on other sources in their interpretation? And what constraints do we citizens face? Do we have a standing duty to obey the law or are there some cases in which its bindingness is forfeited for one reason or another? Is disobedience sometimes justifiable? In this course, we will explore these and other questions about the nature of law and its application. So, then, what is law?

What we'll be reading:

Larry May and Jeff Brown. *Philosophy of Law: Classic and Contemporary Readings*. (Wiley)
ISBN: 978-1-4051-8388-8

Additional readings will be posted to Blackboard or otherwise available online.

Learning Objectives

Upon completion of the course, successful students will:

- 1) understand the nature of law, including various schools of thought on the nature of law and the relation of law and morality;
- 2) understand the nature and substance of disagreements over constitutional issues in the law
- 3) demonstrate an ability to read and summarize analytical essays;
- 4) learn how to critically analyze issues and arguments that arise in disputes in philosophy of law; and
- 5) build confidence in their ability to publicly discuss moral and public policy issues.

Evaluation

Participation	10 %	Daily
Argument Summaries (400-600 words) (x5)	25 %	Up to you
Midterm Exam	30 %	October 12
Final Exam	35 %	December 14

Argument Summaries

You will complete **five (5)** Argument Summaries throughout the semester. These assignments must be submitted via Blackboard ***before the beginning of the class session in which we are discussing the reading assignment on which you are writing.***

Assignment specs for the Summaries can be found in *Appendix A*. These assignments will be graded Pass/Fail, and it will be up to you to ensure that you have *successfully* completed the required number of assignments by the end of the semester. **PLEASE PLAN ACCORDINGLY.**

Course Policies:

Reading and Preparedness: You're required to come to class having read the assignment for the day *in its entirety*, preferably twice. This is a discussion based seminar and you will be expected to carry your weight.

Schedule of Readings and Assignments: Reading assignments will be posted on Blackboard. Please check the online reading list on a regular basis to be sure that you're reading at the right pace. The assignment schedule is subject to amendment to reflect the natural pace of the course.

Discussion: Do your best to **be part of the discussion**. I know it's not always easy and it's not everyone's forte. Sometimes you might not have much to say and sometimes you might feel that the discussion has moved on before you've had time to fully formulate your thought. These are some hurdles we need to try to overcome this semester. Not every thought expressed is going to be groundbreaking, well-formed, and timely. That's OK; the important thing is that you say something in an effort to contribute to the discussion. **My job** is to draw out the relevancy of what you've said and connect it to the thoughts we're discussing. I'm here to help the discussion, not judge your contributions.

That being said, be prepared to **defend what you say**. Philosophy is sometimes thought of as combative. I think that's a bit strong, but it certainly requires debate and thoughtful discussion. Toward this end, I (and your colleagues) will often ask you to explain what you've said in greater detail, to clarify your position or your understanding of the position expressed in the reading, or to offer reasons in defense of a claim you've made. You should not take offense to being asked to defend your views. *I only ask you to do so because I think you're capable of doing so; it's a sign of respect and the heart of all reasonable discussion and debate.*

Finally, **be kind and courteous** to your colleagues. We're striving to create a *community of inquiry* in our classroom, in which everyone feels comfortable expressing his or her views and questioning those of others. We'll be discussing some sensitive topics on which some folks will have very strong opinions. A successful discussion will often require that we flirt with the borders of propriety in our discussions. The only way we can have discussions of this nature in a productive way is if we always strive to be courteous to each other. We will not cut each other off. Everyone will be heard, and we will *listen carefully* to the views of others and interpret them charitably.

Late Work Policy: Reflections and Summaries **will not** be accepted after the beginning of class on the day they are due. Final paper proposals, outlines, and final papers not submitted on time will be assessed a **1/3 letter grade penalty** for every day they are late. ***Of course, on occasion, life happens.*** If a circumstance arises that might interfere with the timely completion of your assignments, please notify me immediately and we will discuss options for amending the timetable. **DO NOT** wait until the night before the assignment is due to contact me. I understand that we all

face many time and resource constraints, and I aim to be as reasonable as possible in this regard. I ask that you do the same.

Additional (but IMPOPTANT) Course Policies:

- Please **turn off your phone, laptop, and tablet** in class. If you feel that you must use a laptop or tablet for note taking, you need to talk to me about it in office hours before you will be permitted to do so.
- Please do not send **text messages, emails, tweets, Facebook messages, etc.**, during class.
- If you feel the need to **appeal the grade** you have earned on an assignment, you must submit your appeal to me *in writing* within two days of the grade being posted. The written appeal must explain in detail why you believe the grade on your assignment is in error and must present evidence to support your argument.
- **CITATIONS:** Sloppy or inconsistent citation of sources (including your textbook) is a form of plagiarism. I will expect that **all of your assignments**, including your response papers, will properly cite the materials used in writing them. Any citation style (MLA, APA, Chicago) will suffice; just be consistent. **If you have questions about proper citation practices, ask me at the beginning of the semester.** Resources explaining various citation styles and practices are available online from JHU Libraries: <http://guides.library.jhu.edu/citing>. I'd also encourage you to check out the Purdue OWL site: <http://owl.english.purdue.edu/owl/>. Finally, there are some browser plug-ins available that will manage citations and bibliographies for you. These are great little time-saving tools, and I strongly encourage you to download one. **Zotero** is my favorite tool for maintaining a database of everything I've read and might cite and for managing in-text citations and bibliographies. It's available free to anyone at: <http://www.zotero.org>.
- **Disabilities Support Services:** Students who may be in need of support services should contact Homewood Student Affairs to establish eligibility and to arrange appropriate accommodations: <http://ds.gmu.edu/>
- **Counseling Services:** Should you need counseling services or just need someone to listen, please know that the Counseling and Psychological Services office is here to provide emotional support and assistance for your mental health needs as you make your way through your time at Mason. Call: (703) 993-2380 or visit <https://caps.gmu.edu/>
- **Security:** In the event of an emergency, shelter in place unless our location is effected, in which case follow the evacuation procedures for the building. After evacuation, seek shelter.
- ***This syllabus can be amended at any time by the instructor.*** Amendments will be posted to the course website.

Appendix A

- 1) **Argument Summaries:** A successful argument summary summarizes the *main argument* of the text in the student's own words, in paragraph (not bullet) form focusing on the most central parts of the argument. You should indicate the conclusion (i.e., the thesis of the essay), the main premises of the argument, and the support the author provides for those premises. If the author of the text is responding to another author, it also briefly summarizes that author's position. Because of the restricted length, you will not be able to include every possibly relevant detail; you need to make tactical decisions about which information is necessary to making the author's point clear.

It should answer the following questions:

- a. What is the thesis of the essay (what is the conclusion of the argument)?
- b. What are the main premises supporting the thesis?
- c. What evidence supports those premises? (One need not spell out this evidence in detail; it is sufficient to *tell us* how the author supports her argument rather than to reconstruct the argument in full.)

In order to be successful, a reading reflection *must*:

- a. Be 400-600 words.
- b. Be on one of the readings assigned for the day it is submitted.
- c. Be *free* (or nearly so) of grammatical, spelling, and syntactical errors.
- d. Be clear, concise, and easily readable.
- e. Include appropriate citations for *all quoted material* including the selected passage.
- f. Clearly reconstruct the argument presented in assigned reading.