

Philosophy of Law

Instructor: Jeff Carroll

Course Time: Mo/We/Fr 12:30-1:20pm

Email: jcarro@bgsu.edu

Office Hours: Fr 1:30-2:30 pm, Shatzel 308
(or by appointment or on Zoom)

Course Location: ED 207

Course Description

This course addresses philosophical issues in the law. There are five units. The first covers “what is law?” The second asks if we have an obligation to follow it. The third considers whether there are ever occasions to disobey it. The fourth regards whether there is reason to punish those who break it. Finally, the fifth unit allows the class to decide what topics to conclude the course with.

Assignments

- Participation: 20%
- Quizzes: 25% (Drop the 3 lowest)
- Midterm: 20% Due Date: **10/13**
- Paper: 20% Due Date: **TBA**
- Final: 15% Due Date: **12/16**
- **Students decide how to allocate the remaining 80% of the grade. It is stipulated that: (1) w, x, y, and z must *each* be equal to or greater than 5, and, (2) w, x, y, and z must sum to 80.

*No textbook is required for this course. Readings will be posted on Canvas.

Schedule: (Tentative and Subject to Revision as Needed)

Unit 1: What is law?

Fr 8/27: Introduction

Mo 8/30: Lon Fuller, “The Case of the Speluncean Explorers”

We 9/1: cont. Lon Fuller, “The Case of the Speluncean Explorers”

Fr 9/3: cont. Lon Fuller, “The Case of the Speluncean Explorers”

Mo 9/6: **NO CLASS! (Labor Day)**

We 9/8: H.L.A. Hart, “Positivism and the Separation of Law and Morals”

Fr 9/10: cont. H.L.A. Hart, “Positivism and the Separation of Law and Morals”

Mo 9/13: Lon Fuller, “Positivism and Fidelity to Law”

Sub-unit: What is/should be a Crime?

We 9/15: Chris Surprenant and Jason Brennan, “What Should Be a Crime? The Scope of Criminal Law and Government Power” in *Injustice for All*, Ch. 3, pp. 41-61

Fr 9/17: **NO CLASS! (Optional: Watch *Minority Report*)**

Unit 2: Do we have an obligation to follow it?

Mo 9/20: A. John Simmons, “Obligations” in *Political Philosophy*, Ch. 3, pp. 39-49

We 9/22: cont. A. John Simmons, “Obligations” in *Political Philosophy*, Ch. 3, pp. 39-49

Fr 9/24: cont. A. John Simmons, “Obligations” in *Political Philosophy*, Ch. 3, pp. 39-49

Mo 9/27: Robert Paul Wolff, “The Conflict Between Authority and Autonomy”

We 9/29: cont. Robert Paul Wolff, “The Conflict Between Authority and Autonomy”

Fr 10/1: Christopher “Kit” Wellman, “Why I Am Not an Anarchist” from *Is There a Duty to Obey the Law?*

Mo 10/4: Michael Huemer, “Consequentialism and Fairness” in *The Problem of Political Authority*, Ch. 5, pp. 81-100

We 10/6: cont. Michael Huemer, “Consequentialism and Fairness” in *The Problem of Political Authority*, Ch. 5, pp. 81-100

Fr 10/8: Joseph Raz, “The Obligation to Obey: Revision and Tradition”, pp. 139-155

Mo 10/11: Review for Midterm

We 10/13: **Midterm Exam**

Fr 10/15: **NO CLASS! (Fall Break)**

Unit 3: Should we sometimes disobey it?

Mo 10/18: Mid-course Reflections & Intro to Civil Disobedience

We 10/20: Martin Luther King, Jr., “Letter from a Birmingham Jail”

Fr 10/22: John Rawls, “The Justification of Civil Disobedience”

Mo 10/25: PAPER WRITING WORKSHOP

We 10/27: Michelle Alexander, selections from *The New Jim Crow*

- Fr 10/29: Doug Husak, “The Amount of Criminal Law” from *Overcriminalization*
- Mo 11/1: Michael Huemer, “The Duty to Disregard the Law”
- We 11/3: cont. Michael Huemer, “The Duty to Disregard the Law”
- Fr 11/5: Candice Delmas, “Civil Disobedience”

Unit 4: When should we punish those who break it?

- Mo 11/8: David Boonin, Ch. 1, Part 1 from *The Problem of Punishment*
- We 11/10: David Boonin, Ch. 1, Part 2 from *The Problem of Punishment*
- Fr 11/12: David Wood, “Punishment: Consequentialism”
- Mo 11/15: **NO CLASS! (Write Your Paper. Post Question & Thesis on Canvas)**
- We 11/17: David Wood, “Punishment: Nonconsequentialism”
- Fr 11/19: Joel Feinberg, “The Expressive Function of Punishment”
- Mo 11/22: Jean Hampton, “The Moral Education Theory of Punishment”
- We 11/24: **NO CLASS! (Thanksgiving Break)**
- Fr 11/26: **NO CLASS! (Thanksgiving Break)**
- Mo 11/29: David Lewis, “The Punishment that Leaves Something to Chance”

Unit 5: You Decide!

- We 12/1: Death Penalty – For: Ernest Van Den Haag, “The Collapse of the Case Against Capital Punishment”
- Fr 12/3: Death Penalty – Against: Hugo A. Bedau, “The Case Against the Death Penalty”
- Mo 12/6: Lawyer Ethics: Richard Wasserstrom, “Lawyers as Professionals: Some Moral Issues”
- We 12/8: Drinking Age: Clifton Perry, “Some Ethical Concerns with the Minimum Drinking Age Law”
- Fr 12/10: Review for Final Exam
- Final Exam: Thursday, Dec. 16th, 11:30a.m.-2:00p.m.**