

## Philosophy of Law

Instructor: Jeff Carroll

Course Time: Tu/Th 1:00-2:15pm

Email: [jcarro@bgsu.edu](mailto:jcarro@bgsu.edu)

Office Hours: Fr 2:30-3:30 pm, Shatzel 308  
(or by appointment or on Zoom)

Course Location: Maurer Center 103

### 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. The fifth concerns how to punish those who break the law. Finally, the sixth unit allows the class to decide with what topic to conclude the course.

### Assignments

- Participation: 20%
  - o The Participation grade is *not* “free” points. Active participation is a crucial component of this course. If you are not inclined to participate, this is likely not the course for you. However, if you do participate regularly (i.e., contributing *something* to *each* class discussion), then you will get full points here.
- Class decided on the following grade breakdown.
- Discussion Posts: 40%
- Midterm: 20%                      On: **10/13**
- Final: 20%                              On: **12/08**

\*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?

Tu 08/23: Introduction

Th 08/25: Lon Fuller, “The Case of the Speluncean Explorers”

Tu 08/30: cont. Lon Fuller, “The Case of the Speluncean Explorers”

Th 09/01: H.L.A. Hart, “Positivism and the Separation of Law and Morals”

Tu 09/06: Lon Fuller, “Positivism and Fidelity to Law”

Th 09/08: Ronald Dworkin, “The Model of Rules I”

#### Unit 2: Do we have an obligation to follow the law?

- Tu 09/13: A. John Simmons, "Obligations" in *Political Philosophy*, Ch. 3, pp. 39-49
- Th 09/15: cont. A. John Simmons, "Obligations" in *Political Philosophy*, Ch. 3, pp. 39-49
- Tu 09/20: Christopher "Kit" Wellman, "Why I Am Not an Anarchist" from *Is There a Duty to Obey the Law?*
- Th 09/22: Jessica Flanigan, "Seat Belt Mandates and Paternalism"
- Tu 09/27: Sarah Conly, "Paternalism and the Limits of Liberty"
- Th 09/29: 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
- Tu 10/04: Start watching *Minority Report*
- Th 10/06: Finish watching *Minority Report*
- Tu 10/11: **NO CLASS! (FALL BREAK)**
- Th 10/13: **Midterm**

**Unit 3: Should we sometimes disobey the law?**

- Tu 10/18: Michael Huemer, "The Duty to Disregard the Law"
- Th 10/20: Martin Luther King, Jr., "Letter from a Birmingham Jail"
- Tu 10/25: John Rawls, "The Justification of Civil Disobedience"
- Th 10/27: Candice Delmas, "Civil Disobedience"
- Tu 11/01: Listen to Civil Disobedience podcast:  
<https://www.philosophytalk.org/blog/civil-disobedience>

**Unit 4: Why should we punish those who break the law?**

- Th 11/03: **NO CLASS!**
- Tu 11/08: Joel Feinberg, "The Expressive Function of Punishment"
- Th 11/10: Jean Hampton, "The Moral Education Theory of Punishment"
- Tu 11/15: David Lewis, "The Punishment that Leaves Something to Chance"

**Unit 5: How should we punish those who break the law?**

Th 11/17: Randy Barnett, "Restitution: A New Paradigm of Criminal Justice"

Tu 11/22: Jason Brennan, "Corporal Punishment as an Alternative to Incarceration"

**Unit 6: You Decide!**

Th 11/24: **NO CLASS! (Thanksgiving Break)**

Tu 11/29: YOU DECIDE!

Th 12/01: *Review for Final Exam*

**Final Exam: Thursday, Dec. 8<sup>th</sup>, 11:30a.m.-2:00p.m.**