

Philosophy of Law

Instructor: Jeff Carroll

Course Time: Tu/Th 11:30-12:45pm

Email: jcarro@bgsu.edu

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

Course Location: Hayes 117

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.
- Quizzes: 35%
- Midterm: 15% On: **10/12**
- Final: 30% On: **12/05**

*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 08/22: Introduction

Th 08/24: Lon Fuller, “The Case of the Speluncean Explorers”

Tu 08/29: cont. Lon Fuller, “The Case of the Speluncean Explorers”

Th 08/31: H.L.A. Hart, “Positivism and the Separation of Law and Morals”

Tu 09/05: Lon Fuller, “Positivism and Fidelity to Law”

Th 09/07: Ronald Dworkin, “The Model of Rules I”

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

Tu 09/12: A. John Simmons, “Obligations” in *Political Philosophy*, Ch. 3, pp. 39-49

- Th 09/14: cont. A. John Simmons, “Obligations” in *Political Philosophy*, Ch. 3, pp. 39-49
- Tu 09/19: Christopher “Kit” Wellman, “Why I Am Not an Anarchist” from *Is There a Duty to Obey the Law?*
- Th 09/21: Jessica Flanigan, “Seat Belt Mandates and Paternalism”
- Tu 09/26: Sarah Conly, “Paternalism and the Limits of Liberty”
- Th 09/28: 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 10/03: Start watching *Minority Report*
- Th 10/05: Finish watching *Minority Report*
- Tu 10/10: **NO CLASS! (FALL BREAK)**
- Th 10/12: ***Midterm***

Unit 3: Should we sometimes disobey the law?

- Tu 10/17: Michael Huemer, “The Duty to Disregard the Law”
- Th 10/19: Martin Luther King, Jr., “Letter from a Birmingham Jail”
- Tu 10/24: John Rawls, “The Justification of Civil Disobedience”
- Th 10/26: Candice Delmas, “Civil Disobedience”
- Tu 10/31: Listen to Civil Disobedience podcast:
<https://www.philosophytalk.org/blog/civil-disobedience>

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

- Th 11/02: **NO CLASS!**
- Tu 11/07: Joel Feinberg, “The Expressive Function of Punishment”
- Th 11/09: Jean Hampton, “The Moral Education Theory of Punishment”
- Tu 11/14: David Lewis, “The Punishment that Leaves Something to Chance”

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

Th 11/16: Randy Barnett, “Restitution: A New Paradigm of Criminal Justice”

Tu 11/21: Jason Brennan, “Corporal Punishment as an Alternative to Incarceration”

Unit 6: You Decide!

Th 11/23: **NO CLASS! (Thanksgiving Break)**

Tu 11/28: YOU DECIDE!

Th 11/30: *Review for Final Exam*

Final Exam: Tuesday, Dec. 5th, 11:30a.m.-2:00p.m.

University Policy Statements:

Student Conduct

A community exists on the basis of shared values and principles. At BGSU, students, recognized student organizations, and student groups are expected to uphold and abide by certain standards of conduct. You should familiarize yourself with the Codes, which create a set of expectations for student conduct, ensure a fair process for determining responsibility when student behavior may have deviated from those expectations, and provide appropriate sanctions when a student and/or student organization has violated the Code(s).

- Students who violate faculty expectations as outlined in the syllabus may be subject to conduct action.
- If you have questions, please do not hesitate to contact the Office of the Dean of Students at 419-372-2843 or odos@bgsu.edu.
- View the [Student Handbook](#).
- Learn more about and view the [Code of Academic Conduct](#).
- Learn more about and view the [Code of Student Conduct](#).

Title IX

Bowling Green State University (BGSU) is committed to providing a safe learning environment for all students that is free of all forms of discrimination and harassment. Sexual misconduct and relationship violence in any form are antithetical to the university’s mission and core values, violate university policies, and may also violate federal and state law. Faculty members are

considered “Mandatory Reporters” and are required to report incidents of sexual misconduct and relationship violence to the Title IX Coordinator. If you or someone you know has been impacted by sexual harassment, sexual assault, dating or domestic violence, or stalking, please visit the [Title IX webpage](#) to access information about university support and resources.

Accessibility Services

[Accessibility Services](#) provides equal access and reasonable accommodations to students with disabilities attending BGSU. Students wishing to discuss their eligibility for such accommodations are encouraged to contact the office at phone: 419-372-8495, fax: 419-372-8496, or email: access@bgsu.edu.

Religious Accommodations

[Throughout the semester, if questions arise related to the application of the Religious Accommodations policy, please reach out to the Office of the Provost at Provost@bgsu.edu.]

In addition to participation/attendance/absence policies already listed, you may have up to three (3) excused absences each academic semester, without penalty, to take time off for reasons of faith or religious or spiritual belief system or to participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. You are required to notify me in writing of specific dates requested for excused absences and/or alternative accommodation no later than fourteen (14) calendar days after the first day of instruction for this course. After necessary notification, you should consult with me to determine an appropriate alternative opportunity that will be provided to help you complete your academic responsibilities for the course. These requests will remain confidential. The Office of Registration & Records maintains a list of [accommodated religious holidays](#). Please note that this list is not exhaustive of all holidays. For more information about the [Student Religious Accommodations policy](#), you may contact the Dean of Students at odos@bgsu.edu or 419-372-2843.

Freedom of Expression

Bowling Green State University, as a public institution, is committed to freedom of expression and the rights protected by the First Amendment. First Amendment rights have implications inside the classroom as well. Review the [Office of the Dean of Students page regarding Freedom of Expression](#) at Bowling Green State University for more information including the policy. To report concerns please visit the [See It. Hear It. Report It.](#) page.

Student Veteran-friendly Campus

BGSU educators recognize student veterans’ rights when entering and exiting the university system. If you are a student veteran, please communicate with your instructor so reasonable accommodations can be made for absence when drilling or being called to active duty. Refer to the [Veterans](#) page.

University Closure

In most cases, the University will not close for winter conditions unless the Sheriff’s Department from the county in which your campus is located declares a Level 3 emergency. Once the

decision is made to delay, cancel or close, individuals will be notified through AlertBG, email, the BGSU homepage, BGSU social media channels and the news media (see the [Emergency Cancellation Delay and Closing Policy and Procedures](#) document for a list of radio and television stations).

Non-Discrimination in Employment and Education

Bowling Green State University is committed to maintaining an employment and educational environment that is free from unlawful discrimination, harassment, and retaliation. The University prohibits discrimination and harassment on the basis of protected class. Retaliation against any person for asserting their legal rights to be free from discrimination or harassment, for reporting discrimination or harassment, or for participating in activities is strictly prohibited. You may review BGSU's Non-Discrimination in Employment and Education policy for more information. To report concerns, please visit the See It. Hear It. Report It. page.