

**Philosophy of Law  
Phil 4110**

**University of West Georgia  
Spring 2012**

Meeting Time/Location: MWF 10:00-10:52 in Pafford 109

Instructor: Dr. Riker

Office hours: MWF 9:00-9:50, MW 3:30-5:00, and by appointment  
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All email communication will be conducted from your official UWG email account. Check your email account on a regular basis and make sure that your mailbox does not become too full to accept messages.

Course Description:

This course introduces students to some current and important problems in the fields of philosophy of law and legal theory. It covers some problems associated with understanding the nature of law, the interpretation or application of law, and the law's normative force. It also covers problems associated with traditional doctrinal areas of law, such as criminal law, tort, contract, and property.

Course Learning Outcomes: by the end of the semester, students will be able to identify and analyze

- Influential positions in analytic jurisprudence (i.e., theories of the nature of law, or what law is)
- Influential positions in normative jurisprudence (i.e., theories of the law's purpose or ultimate goal)
- Important problems that plague traditional doctrinal areas of law, such as criminal law, tort, contract, and property
- Questions raised by civil disobedience
- Different approaches to legal reasoning

These course-specific learning outcomes contribute to the departmental learning outcomes of the Philosophy Program by enabling students better to

- incorporate a philosophical position in oral and written communications;
- critically outline and analyze philosophical issues;
- exhibit critical thinking skills.

## Course Requirements:

1. Paper 1	20%
2. Paper 2	30%
3. "Leading Questions"	30%
4. Final Exam	20%
5. Participation	+/-
6. Attendance	Special

Final Grade Scale: A (90% or above); B (80 to 89%); C (70 to 79%); D (60 to 69%); F (59 or below)

1-2. Two Papers. 6-8 pages each. Assignment sheet with instructions and topics to be passed out later. Paper 1 due February 20. Paper 2 due April 9.

3. "Leading Questions." A set of 3-5 questions will be posted about the reading for each class day. These questions are meant to provide some guidance through the reading, by highlighting key issues or questions. In some cases you will be asked to briefly identify or describe an idea or position. In other cases you will be asked for your opinion on some issue.

You must bring written answers to these questions with you to class each day. Turn this in at the start of class. Bring a second copy for yourself if you want to refer to or correct your answers during class.

Around 40 sets of Leading Questions will be posted. You can earn up to 1 point for each question set. You can earn up to 30 points total for this part of the course. You will get full credit on a question set if (a) you make a good faith effort to complete all of the questions, and (b) your answers mostly correct and/or thoughtful. Late question sets will not be accepted.

4. Comprehensive Final Exam. Some combination of short answer and essay. Short answer questions may come straight from the Leading Questions.

5. Participation. Come to class prepared (e.g., read assigned material before class starts, bring something to take notes with, and so on). Contribute thoughtful comments and questions from time to time. Use the discussion board. Exemplary participation can raise a student's final grade. Poor participation can lower a student's final grade.

6. Attendance. You are expected to attend all scheduled classes. However, you can miss six classes without penalty. Every absence after that will reduce your final course grade by 3%. Please be on time. Three late arrivals counts as one absence. I will make exceptions only in extraordinary situations. I will make exceptions for required UWG-sponsored events, only if all of your absences can be accounted for in this way.

### Honors Conversions:

Any student wishing to receive honors credit for this course must get the approval of the professor and complete all the necessary paperwork within the first two weeks of class. Honors forms will not be signed after this point. Possible honors conversion projects: presenting course paper to class; leading class through (part of) one day's reading assignment; submitting course paper to a conference; "fieldwork" (e.g., attend a professional meeting, interview a legal professional).

### Cheating and Plagiarism:

The Department of English and Philosophy defines plagiarism as "taking personal credit for the words and ideas of others as they are expressed in electronic, print, and verbal sources." The Department expects that students will accurately credit sources in all assignments. It is equally dishonest to make up sources or facts. You may not turn in work for credit in this class that you have or will turn in for credit in another class. Cheating (including plagiarism) is grounds for failing an assignment and sometimes the course.

### Emergencies, Impairments, and Disabilities:

Students who have a disability that requires course adaptations or accommodations should make an appointment with the Office of Disability Services to discuss their specific needs and schedule an appointment with me during office hours.

### Course Texts:

- Larry May and Jeff Brown, eds. *Philosophy of Law: Classic and Contemporary Readings*. Wiley-Blackwell, 2010.
- Readings available on Course Den.

### Course Schedule:

Jan 9: Introductions

Jan 11: King, Letter from Birmingham Jail (CD); Peart "Why is the NYPD After Me?" (CD)

Jan 13: Waldman, Reply to King (CD)

Jan 16: MLK Day

Jan 18: Taylor, Observations (CD)

Jan 20: Cohen, Defending Civil Disobedience (CD)

Jan 23: Fuller, Speluncean Explorers (CD)

Jan 25: Fuller, Speluncean Explorers (CD)

Jan 27: Levi, Intro to Legal Reasoning (1)

Jan 30: Llewellyn, Remarks... (2)

Feb 1: Schauer, Formalism (3)

Feb 3: Sunstein, Incompleteness (4)

Feb 6: Kennedy, Adjudication and Legislation (11)

Feb 8: Crenshaw et al., Critical Race Theory (12)

Feb 10: Discussion/Catch up

Feb 13: Smith, Feminist Legal Critics (13)

Feb 15: Buchanan, Legitimacy of Intervention (19)

Feb 17: May, Intervention (20)

Feb 20: Wilkins, Doubts about Intervention (21); **Paper 1 due**

Feb 22: Locke, Property (23)

Feb 24: Nozick, Locke on Property (24)

Feb 27: Honore, Property, Title, Redistribution (25)

Feb 29: Epstein, Implications (26)

Mar 2: Philosophy Conference; *Last day to withdraw with grade of "W"*

Mar 5: Rosen and Usui, Japanese Intellectual Property (27)

Mar 7: Hart and Honore, Causation (30)

Mar 9: Discussion/Catch up

Mar 12: Feinberg, Sua Culpa (31)

Mar 14: Fletcher Fairness and Utility (32)

Mar 16: Coleman, Limits (33)

Mar 19-23: Spring Break

Mar 26: Epstein, Strict Liability (34)

Mar 28: McInnes, Duty to Rescue (35)

Mar 30: Mill, On Liberty (37)

Apr 2: Devlin, Enforcement of Morals (38)

Apr 4: Aja, Crime, Punishment, Africa (39)

Apr 6: Kenny, Mind and Deed (40)

Apr 9: Discussion/Catch up; **Paper 2 due**

Apr 11: Hobbes, First and Second Laws (45)

Apr 13: Atiyah, Practice of Promising (46)

Apr 16: Fried, Contract as Promise (47)

Apr 18: Bayles, Enforceable Commitments (48)

Apr 20: Wertheimer, Unconscionability (49)

Apr 23: Conclusions

Apr 25: Final Exam, 8:00-10:30