Course Objectives:

In general, philosophy requires one to apply principles of reasoning to different philosophical issues. Accordingly, one of my goals in this course is to help you improve your critical reasoning skills. These skills are useful not only with respect to this class, but to other philosophy and law classes as well. A second goal of mine is to teach you some of the fundamental philosophical ideas behind much of that which we call law. We will examine theories which attempt to provide answers to such questions as: What is a law? What makes a law valid or binding? Does one always have a moral obligation to obey the law? What gives society the right to punish people whose actions are harmful only to the individual, him/herself (paternalism)? Does society have the right to harm those who break the law (criminal punishment)? Should attempted crimes be punished less severely than completed crimes? We will not spend much time discussing specific public policy issues such as: Whether raising the drinking age saves lives, whether smoking marijuana is a victimless crime (whether it harms others), or whether the death penalty is a deterrent. We will not discuss what the law is; instead, we will discuss what the law ought to be.

Evaluated Activities:

Grades will be based on the following scale:

A = 360 and above
B = 320-359
C = 280-319
D = 240-279
F = 239 and below

Four primary factors will go into determining your grade:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quizzes</td>
<td>100</td>
</tr>
<tr>
<td>Paper</td>
<td>100</td>
</tr>
<tr>
<td>Examination One</td>
<td>100</td>
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<tr>
<td>Final Examination</td>
<td>100</td>
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Total ..... 400 points

Quizzes

At the beginning of most class sessions, I will present the class with a quiz. Quizzes will be based on the assigned readings and/or the discussion from the previous class. Each quiz is worth six points (maximum), and I will give a total of nineteen quizzes. I will drop the two lowest scored quizzes. Since I include in your total-quiz-grade seventeen quizzes at six points per quiz, the total points possible on quizzes is 102. If you should earn more than one-hundred points on quizzes, all additional points count as extra credit. Finally, since I give quizzes at the beginning of class, arriving to class on time is essential. I will not repeat the quiz question(s) after the first person has turned in her/his quiz. If you arrive late or are absent, you receive a zero for the quiz. I do give partial credit for quizzes, and just putting your name on the top is worth two points.
You will need to bring one three-by-five inch index card to each class period during which there is a quiz.

**Paper**

You are required to write one paper, which must be type-written, double-spaced, and eight to ten pages in length. Approximately four to six weeks before the paper is due, I will upload to D2L a number of essays, and each student must choose ONE to which s/he will respond. If you wish to write a paper on a topic other than one of those suggested by me, you must clear it with me. You must NOT use outside sources for this essay.

The papers you write are not opinion papers. It is standard practice among philosophers to view mere opinion to be worth less than the energy used to express it. What is worthwhile is a reasoned defense of one's opinion. Your paper should be written so as to present rational argument for the position which you hold.

Your paper should consist of two parts. The first part (4 to 5 pages) should be a short explication of the essay you have chosen. This part should contain a statement of the author’s position, a statement of your own position (tell me whether you agree or disagree with the author) and an explanation of the author’s supporting arguments. The second half of the paper should consist of your own evaluation or critique of the essay. In this part of the paper you should tell me WHY you agree or disagree with the author. If you agree with the author you should tell me what argument(s) are convincing. Then tell me what argument(s) might be proffered by one who disagrees with the author and how the author might respond. If you disagree with the author, you should provide criticism of the author’s essay and attempt to explain how the author might respond to the criticism. Hence, whether you agree or disagree with the author, you should provide arguments against the author and responses thereto. Finally, you should explain why you believe your position is the best position. You must NOT use outside sources for this essay.

Late-Policy: Your paper must be turned in by the end of class on the date that it is due. Five points will be deducted for every twenty-four hour period that a paper is late. Thus, if a paper is turned in at 8:00 p.m. on the date that it is due, five points will be deducted. If a paper is turned in at 8:00 p.m. on the day following the day that it is due, ten points will be deducted. This policy is in effect so that diligent students are not penalized.

Due date for paper: All papers must be turned in by the end of class on Thursday, April 19th.

**Examinations**

The scheduled examinations will cover lectures, discussions and readings covered during the classes that precede it. You are responsible for assigned readings without regard to whether they were covered in class. The final examinations will cover the lectures, discussions and readings from the whole term, but will concentrate on those topics covered subsequent to the midterm examination.

I generally do not give make-up examinations. I believe that doing so penalizes those who diligently prepare for class. There are several conditions, however, under which I will consider a make-up: 1) A student is sick during the exam, calls me before the exam, and provides me with a doctor’s note certifying that s/he was sick; 2) A major tragedy, like a death in the student’s family, which somehow denies the student the opportunity to prepare for or attend the examination; 3) The student has a conflicting university obligation (s/he should know about this well in advance of the examination and provide me with documentation); or 4) Some other reason, which I deem to be a justifiable cause for non-attendance.

**Academic Dishonesty and Misconduct**

Academic dishonesty and/or misconduct will not be condoned or tolerated. Any evidence of such will be dealt with by a severe penalty, including (where possible) a grade of F for the course and/or suspension or expulsion. See [Oklahoma State University Catalog](https://catalog.okstate.edu/) for a general statement of university policy on academic misconduct and dishonesty.
Special Accommodations for Students
If any member of this class feels that s/he has a qualified disability and needs special accommodations, s/he should notify me and request verification of eligibility for accommodations from the Office of Student Disability Services. Please advise me of such disability and the desired accommodations at some point before, during, or immediately after the first scheduled class period.

Make sure to familiarize yourself with the Syllabus Attachment, which contains important dates and policies. You can find the Syllabus Attachment at:
https://academicaffairs.okstate.edu/sites/default/files/Spring%202018%20Syllabus%20Attachment.pdf

*****CLASS PARTICIPATION: I do not intend to lecture. Rather, I expect a constructive interaction between the class and me in order to foster an enlightening discussion.*****

Required Text

Syllabus (Subject to Modification)

CLASS DISCUSSION SCHEDULE:

Tuesday, January 15. Introduction to Philosophy of Law and Organization of Class
Thursday, January 17. Fuller, "The Case of the Spelunkean Explorers" (Handout – D2L)
Tuesday, January 22. Kretzmann, “Lex Inuista Non Est Lex: Laws on Trial” (Handout – D2L)
Tuesday, January 29. Bentham (Continued)
Thursday, January 31. Hart, “Law as the Union of Primary and Secondary Rules” (120)
Tuesday, February 5. Hart, (Continued)
Tuesday, February 12. Dworkin, “Integrity in Law” (169)
Thursday, February 14. Holmes, “The Path of the Law” (197); Frank, “Legal Realism” (205);
Tuesday, February 19. Critical Legal Studies (Handout – D2L)
Thursday, February 21. Plato, Crito, (Handout – D2L)
Tuesday, February 26. Crito, (Continued)
Thursday, February 28. Wrap-up Part 1

Tuesday, March 5. Examination 1

Thursday, March 7. Hart, “Postscript: Responsibility and Retribution” (317)
Tuesday, March 12. Duff, “Choice, Character, and Action” (328)
Thursday, March 14. Parker, “Blame, Punishment and the Role of Result” (Handout – D2L)
Tuesday, March 19. Spring Break
Tuesday, March 26. Self Defense (Handout – D2L)
Thursday, March 28. Self Defense (Continued)
Tuesday, April 2. Excuse, Justification, Subjective/Objective Liability (Handout – D2L)
Tuesday, April 9. Dworkin, “Paternalism” (271); Griswold v. Connecticut (summary on www)
Thursday, April 11. Devlin, “Morals and the Criminal Law” (283)
Tuesday, April 16. “The Moral Significance of Terrorism” (Handout – D2L)
Thursday, April 18 Dershowitz, “Should the Ticking Bomb Terrorist be Tortured” (Paper Due at End of Class)

Tuesday, April 23. Bork, “The Original Understanding” (Handout – D2L)
Thursday, April 25. Bork (Continued)
Tuesday, April 30. TBD – Student Input Requested
Thursday, May 2. Wrap-Up and Review

Final Examination: Thursday, May 9th, 10:00 – 11:50

Note: This schedule is LIKELY to change throughout the semester. It is your responsibility to keep up with the changes.