

The University of New Orleans  
Dept. of Philosophy

## PHIL 2207: Philosophy of Law (3 credits)

Section 476

Fall 2014

### Contact Information

**Instructor:** Dr. Surprenant  
**Office:** UNO: LA 387  
**Office Hours:** (office) M: 11-12pm, Th: 1-4pm (and by appointment)  
(Skype, csurprenant) Tues: 12-2pm (and by appointment)  
**Email:** csurpren@uno.edu  
**Course Webpages:** Accessed via Moodle.

### Required Text

[1] *Justice: A Reader*, edited by M. Sandel, Oxford, 2007. ISBN: 0195335120

### Course Description

**CATALOG DESCRIPTION:** A critical examination, at an introductory level, of questions concerning the nature and foundations of law, the relation of law and morality and law and society, and of key concepts such as responsibility and punishment.

**COURSE OVERVIEW:** This course will examine a number of the main figures, texts, and ideas in the history of Western political thought, paying particular attention to issues related to philosophy and the law. We will consider such topics as: the relationship between individual rights and democracy, the nature and extent of political obligations, and the value of freedom as compared to other potentially competing goods like community, progress, security, etc., as well as the role of political institutions in both perpetuating and overcoming race, gender, and economic oppression.

### Student Learning Outcomes

Upon successfully completing this course, students will be able to do the following:

- understand theories central to political philosophy and how these theories can be applied to contemporary problems
- work with philosophical concepts and methods, and to construct and evaluate arguments
- to participate in classroom discussion, developing and displaying an ability and readiness to defend one's own point of view while listening openly but carefully to others
- to demonstrate a willingness to entertain criticism, formulate and reply to reasonable objections, and represent opposing views both critically and sympathetically
- to read both primary and secondary texts, and analyze the arguments contained in them correctly

## Grading

**REQUIREMENTS:** This course has three graded components: A midterm exam, worth 30 points or 30% of the final course grade; a final exam, worth 40 points or 40% of the final course grade; and participation, worth 30 points or 30% of the final course grade.

**FINAL GRADES:** The grade scale for final grades is as follows:

A = 100 - 90 points, B = 89 - 80 points, C = 79 - 70 points, D = 69 - 60 points, F = below 60

Final grades may deviate from this scale based on class scores at the end of the semester. At worst, the median class grade will earn a B, even if that score is below the grade range for a B on the chart. So, for example, if the median class grade is a 71, a student who earns a 71 will earn a B for the course, and students earning above 71 will, at worst, earn a B for the course.

## Course Requirements

**ONLINE PARTICIPATION:** Our only means of interacting as a class is through the discussion forums on Moodle. Since interacting with each other and me is important, during each week you must post a "one-minute argument" that addresses the following issues: (1) Your thoughts as to the most important or interesting issue covered in the lecture and/or reading, and (2) why you thought this issue was the most interesting. Each student is required to post a response within a few DAYS of when the lecture should be completed. If you post your response a week after a lecture should have been completed, your response will be late. Consider your responses to be "one-minute arguments." What that means is you will need to make a claim, give some evidence in support of that claim, and it should take me about 1 minute to read it. Hence, you need to write a paragraph as a discussion response, not a single sentence. After posting your discussion response, you may then post a response to someone else's ... continuing the discussion. Your one-minute argument grade will be based on the quality, timeliness, and thoughtfulness of your replies. Overall, it is worth **30%** of your final grade.

**EXAMS:** There will be **2** exams, each covering about 1/2 of the course material each. Each exam will be completed online. ***You MAY use your text and notes but you may NOT collaborate.*** You will have exactly **1 attempt to complete an exam**, so load an exam only if you are prepared to finish it. **Each exam must be completed within 2 hours (120 minutes).** Regardless of when you begin an exam, **each exam must be submitted by 11:55 p.m. on the day of the exam.** Hence, if you load an exam after 10:25 p.m., you will have less than 90 minutes to submit it. After 11:56 p.m., it will impossible to submit your exam for a grade. Each exam will be composed of various short answer (T/F and MC) and short essay questions taken from the study questions for that exam (see Moodle). The exams are worth **70%** of your final grade, 30% for the first exam and 40% for the second exam. **Exam 1 must be completed by Sunday, October 19. Exam 2 must be completed by Sunday, December 7.**

**ACKNOWLEDGEMENT STATEMENT:** Each student must acknowledge knowing that each exam must be submitted by 11:55 p.m. CST on the days identified on the Game Plan. Each student must also acknowledge having read UNO's Academic Dishonesty Policy and pledge to abide by it in this course. This acknowledgement must be completed before you are able to take either Exam 1 or Exam 2.

**ACADEMIC DISHONESTY:** Academic integrity is fundamental to the process of learning and evaluating academic performance. Academic dishonesty will not be tolerated. Academic dishonesty includes, but is not limited to, the following: cheating, plagiarism, tampering with academic records and examinations, falsifying identity, and being an accessory to acts of academic dishonesty. Refer to the Student Code of Conduct for further information. The Code is available online at <http://www.studentaffairs.uno.edu>. Each student is required to pledge that all completed work will be submitting according to the principles of academic integrity as defined in the statement on Academic Dishonesty in the UNO Student Code of Conduct

**AUDITS:** Whether an audit is successful will depend only on your one minute argument performance.

**DISABILITY ACCOMODATIONS:** It is University policy to provide, on a flexible and individualized basis, reasonable accommodations to students who have disabilities that may affect their ability to participate in course activities or to meet course requirements. Students with disabilities should contact the Office of Disability Services as well as their instructors to discuss their individual needs for accommodations. For more information, please go to <http://www.ods.uno.edu>.

**INCOMPLETES:** Incompletes are STRONGLY discouraged. Should you need to take an incomplete, arrangements must be made with me well before the last class meeting.

**LATE STARTS:** There are no special dispensations for late-start students.

**LATE WORK:** For each day an assignment is late, you will be penalized 1/2 of a letter grade.

**MAKE UP EXAMS:** All exams will be available the first day of class. Each exam will disappear at **11:55 p.m.** the night it must be submitted. Each student must acknowledge understanding when each exam must be completed. Consequently, no make-up exam will be given to any student who did not attempt an exam before it disappears.

**PROCTERING:** To ensure academic integrity, all students enrolled in distance learning courses at the University of New Orleans may be required to participate in additional student identification procedures. At the discretion of the faculty member teaching the course, these measures may include on-campus proctored examinations, off-site or online proctored examinations, or other reasonable measures to ensure student identity. Authentication measures for this course are identified below and any fees associated are the responsibility of the student.

This class will deliver exams via Moodle and will use your Moodle password as the method of verification.

The University of New Orleans partners with Proctor U, a live, online proctoring service that allows students to complete exams from any location using a computer, webcam, and reliable internet connection.

**Course Schedule – PHIL 2207: Philosophy of Law**

*Reading should be completed before listening to the lecture. All page numbers refer to the required course text.*

Week 1 (8/20 – 8/23)	Course Introduction	
Week 2 (8/24 – 8/30)	Introduction to Philosophy of Law as a Branch of Social and Political Philosophy <a href="http://plato.stanford.edu/entries/lawphil-nature/">http://plato.stanford.edu/entries/lawphil-nature/</a>	link on Moodle
Week 3 (8/31 – 9/6)	Doing the Right Thing and Utilitarianism The Queen v. Dudley and Stephens (the lifeboat case) Jeremy Bintham, Principles of Morals and Legislation John Stuart Mill, Utilitarianism	pp. 3-48
Week 4 (9/7 – 9/13)	Locke: Property Rights John Locke, Second Treatise of Government	pp. 83-126
Week 5 (9/14 – 9/20)	Kant: Freedom as Autonomy Immanuel Kant, Groundwork of the Metaphysics of Morals Immanuel Kant, "On the Supposed Right to Lie"	pp. 158-202
Week 6 (9/21 – 9/27)	Rawls: Justice as Fairness John Rawls, A Theory of Justice	pp. 203-222
Week 7 (9/28 – 10/4)	Libertarianism Milton and Rose Friedman, Free to Choose; Robert Nozick, Anarchy, State and Utopia Friedrich Hayek, The Constitution of Liberty Supplemental Viewing: "The Welfare State," Roger Pilon and L. Michael Seidman	pp. 49-82
Week 8 (10/5 – 10/11)	Distributive Justice: Equality, Entitlement, and Merit John Rawls, A Theory of Justice Robert Nozick, Anarchy, State and Utopia	pp. 223-236
Week 9 (10/12 – 10/18)	Markets and Morals Guido Calabresi and Philip Bobbit, Tragic Choices James McPherson, Battle Cry of Freedom; James Traub, "All Go Down Together" In the Matter of Baby 'M'; Elizabeth Anderson, "Is Women's Labor a Commodity?" Supplemental Viewing: "The Morality of Capitalism," Bradley Hobbes and James Payne	pp. 127-157
<b>FIRST EXAM MUST BE COMPLETED BY 11:59PM ON SUNDAY, OCTOBER 19</b>		
Week 10 (10/19 – 10/25)	Law, Community, and the Good Life Ronald Dworkin, "What is the Good Life?," New York Review of Books Supplemental Viewing: "Religious Liberty and the Human Good," Robert George	link on Moodle
Week 11 (10/26 – 11/1)	Ability, Disability, and Discrimination Sue Anne Pressley, "A Safety Blitz: Texas Cheerleader Loses Status" Michael Sandel, "Honor and Resentment"; Bob Ryan, "Sorry, Free Rides Not Right" Tom Kite, "Keep the PGA on Foot"; PGA Tour Inc. v. Casey Martin Supplemental Viewing "An Amazing Year at the Supreme Court," Erwin Chemerinsky	pp. 301-314
Week 12 (11/2 – 11/8)	Aristotle: Justice and Virtue Aristotle, Nicomachean Ethics and Politics	pp. 264-300
Week 13 (11/9 – 11/15)	Justice, Community, and Membership Alasdair MacIntyre, "After Virtue"; Michael Sandel, "Democracy's Discontent" Michael Walzer, "Spheres of Justice"	pp. 315-342
Week 14 (11/16 – 11/22)	Moral Argument and Liberal Toleration John Rawls, Political Liberalism; Michael Sandel, "Political Liberalism"	pp. 343-378
Week 15 (11/23 – 11/29)	Morality and Law Goodridge v. Dept. of Public Health Michgael Kinsley, "Abolish Marriage" John Finnis, "Law, Morality, and 'Sexual Orientation'" Stephen Macedo, "Homosexuality and the Conservative Mind" Robin West, "Universalism, Liberal Theory, and the Problem of Gay Marriage"	pp. 379-410

**SECOND EXAM MUST BE COMPLETED BY 11:59PM ON SUNDAY, DECEMBER 7**