

Philosophy 311 – Philosophy of Law *Fall 2019*

The Basics:

Instructor: Tom Wilk
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 Office Location: Robinson B443

Meeting Location: Robinson B360
 Meeting Times: TR 3-4:15 PM
 Office Hours: TR 1:30p-2:30p and by appt.
 Website: <http://tomwilk.net/phil-311-fall-2019/>

What's this class about?

What is law? This question is deceptively simple. We want to say that law is, well, law. It's a system of rules that are binding on us as citizens of the state. What, though, gives the state the power to make laws and what gives them their binding force over us? Is the law whatever the sovereign decides or is there a higher moral law that limits what the sovereign can legislate? And what is the role of judges? Do they merely apply the law as it is legislated or is the role of adjudication more interpretative and harder to distinguish from legislation? When appellate courts interpret the law, how ought they go about doing this? Are they constrained by the written word and the intent of legislators or can they draw on other sources in their interpretation? And what constraints do we citizens face? Do we have a standing duty to obey the law or are there some cases in which its bindingness is forfeited for one reason or another? Is disobedience sometimes justifiable? In this course, we will explore these and other questions about the nature of law and its application. So, then, what is law?

What we'll be reading:

All readings will be made available through the course website.

Learning Objectives

Upon completion of the course, successful students will:

- 1) **Recall, articulate, and discuss** some basic questions of legal philosophy;
- 2) **Interpret** basic legal-philosophical texts and **summarize** the arguments presented;
- 3) **Compare** and **contrast** legal-philosophical positions;
- 4) **Evaluate** and **criticize** arguments;
- 5) **Construct** simple arguments.
- 6) **Build confidence** in their ability to publicly discuss moral and public policy issues.

Evaluation

Attendance and Participation	10 %	Daily
Weekly Reading Quizzes (on Blackboard)	20 %	Up to you
Midterm Exam	35 %	March 8
Final Exam	35 %	May 10

Reading Quizzes will be posted to Blackboard prior to each Tuesday class meeting (there will be at least 12 of them). You are expected to complete the quiz each week prior to coming to class on Tuesday. Quizzes will be graded Pass/Fail. Quiz grades will be computed on the following scale:

If you pass **10** quizzes, then you receive a **100**.
 If you pass **9** quizzes, then you receive a **96**.
 If you pass **8** quizzes, then you receive a **91**.
 If you pass **7** quizzes, then you receive an **86**.
 If you pass **6** quizzes, then you receive an **81**.
 And so on...

Attendance & Participation

Attendance is required and will be taken daily. You are allowed to miss up to two class meetings without penalty. Each additional absence will be penalized 10 points off your Attendance and Participation grade.

Participation is graded globally. If you participate regularly in a way that benefits the class, you start at 100% (before any penalties for attendance); if you participate somewhat regularly, you start at 95%; if you participate sporadically, you start at 90%; if you participate a few times, you start at 85%; if you don't participate, you start at 80%. Participation does not consist only in speaking in class. You can also participate by speaking to me before or after class or during office hours, emailing me with questions or thoughts, or sharing interesting and relevant articles, essays, videos, or podcasts with the class.

Course Policies:

Reading and Preparedness. You're required to come to class having read the assignment for the day *in its entirety*, preferably twice. This is a discussion based seminar and you will be expected to carry your weight.

Schedule of Readings and Assignments. Reading assignments will be posted on Blackboard. Please check the online reading list on a regular basis to be sure that you're reading at the right pace. The assignment schedule is subject to amendment to reflect the natural pace of the course.

Discussion: Do your best to **be part of the discussion**. I know it's not always easy and it's not everyone's forte. Sometimes you might not have much to say and sometimes you might feel that the discussion has moved on before you've had time to fully formulate your thought. These are some hurdles we need to try to overcome this semester. Not every thought expressed is going to be groundbreaking, well-formed, and timely. That's OK; the important thing is that you say something in an effort to contribute to the discussion. **My job** is to draw out the relevancy of what you've said and connect it to the thoughts we're discussing. I'm here to help the discussion, not judge your contributions.

That being said, be prepared to **defend what you say**. Philosophy is sometimes thought of as combative. I think that's a bit strong, but it certainly requires debate and thoughtful discussion. Toward this end, I (and your colleagues) will often ask you to explain what you've said in greater detail, to clarify your position or your understanding of the position expressed in the reading, or to offer reasons in defense of a claim you've made. You should not take offense to being asked to defend your views. *I only ask you to do so because I think you're capable of doing so; it's a sign of respect and the heart of all reasonable discussion and debate.*

Finally, **be kind and courteous** to your colleagues. We're striving to create a *community of inquiry* in our classroom, in which everyone feels comfortable expressing his or her views and questioning those of others. We'll be discussing some sensitive topics on which some folks will have very strong opinions. A successful discussion will often require that we flirt with the borders of propriety in our discussions. The only way we can have discussions of this nature in a productive way is if we always strive to be courteous to each other. We will not cut each other off. Everyone will be heard, and we will *listen carefully* to the views of others and interpret them charitably.

Academic Integrity: The integrity of the University community is affected by the individual choices made by each of us. Mason has an Honor Code with clear guidelines regarding academic integrity. Three fundamental and rather simple principles to follow at all times are that: (1) all work submitted be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the ground rules on a particular assignment, ask for clarification. No grade is important enough to justify academic misconduct. Plagiarism means using the exact words, ideas, opinions, or factual information from another person without giving the person credit. Writers give credit through accepted documentation styles, such as parenthetical citation, footnotes, or endnotes. Paraphrased material must also be cited. A simple listing of books or articles is not sufficient. Plagiarism is the equivalent of intellectual robbery and cannot be tolerated in the academic setting. If you have any doubts about what constitutes plagiarism, please see me.

Late Work Policy: Quizzes **will not** be accepted after the beginning of class on the day they are due. There will be no make-up days offered for missed exams. **Of course, on occasion, life happens.** If a circumstance arises that might interfere with the timely completion of your assignments, please notify me immediately and we will discuss options for amending the timetable. **DO NOT** wait until the night before the assignment is due or the exam is scheduled to contact me. I understand that we all face many time and resource constraints, and I aim to be as reasonable as possible in this regard. I ask that you do the same.

Additional (but IMPOPTANT) Course Policies:

- Please consider **turning off your phone, laptop, and tablet** in class for the benefit of your own learning and that of your classmates.
- If you feel the need to **appeal the grade** you have earned on an assignment, you must submit your appeal to me *in writing* within two days of the grade being posted. The written appeal must explain in detail why you believe the grade on your assignment is in error and must present evidence to support your argument.
- **CITATIONS:** Sloppy or inconsistent citation of sources (including your textbook) is a form of plagiarism. I will expect that **all of your assignments** will properly cite the materials used in writing them. Any citation style (MLA, APA, Chicago) will suffice; just be consistent. **If you have questions about proper citation practices, ask me at the beginning of the semester.** Resources explaining various citation styles and practices are available online Purdue OWL site: <http://owl.english.purdue.edu/owl/>. Finally, there are some browser plug-ins available that will manage citations and bibliographies for you. These are great little time-saving tools, and I strongly encourage you to download one. I recommend <http://www.zotero.org>.
- **Disabilities Support Services:** Students who may be in need of support services should contact Homewood Student Affairs to establish eligibility and to arrange appropriate accommodations: <http://ds.gmu.edu/>
- **Counseling Services:** Should you need counseling services or just need someone to listen, please know that the Counseling and Psychological Services office is here to provide emotional support and assistance for your mental health needs as you make your way through your time at Mason. Call: (703) 993-2380 or visit <https://caps.gmu.edu/>
- **Sexual Misconduct and Interpersonal Violence:** George Mason University is committed to providing a learning, living and working environment that is free from

discrimination, and we are committed to a campus that is free of sexual misconduct and other acts of interpersonal violence in order to promote community well-being and student success. We encourage students who believe that they have been sexually harassed, assaulted or subjected to sexual misconduct to seek assistance and support. [University Policy 1202 Sexual Harassment and Misconduct](http://universitypolicy.gmu.edu/policies/sexual-harassment-policy/) (<http://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>) speaks to the specifics of our process, our resources, and the options available to you.

If you wish to speak with someone confidentially, please contact one of Mason's confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-993-3686 or Counseling and Psychology Services (CAPS) at 703-993-2380. The 24-hour Sexual and Intimate Partner Violence Crisis Line for Mason is 703-380-1434.

Confidential student resources are also available on campus at the Student Support and Advocacy Center (<http://ssac.gmu.edu/>), Counseling and Psychological Services (<http://caps.gmu.edu/>), and Student Health Services (<http://shs.gmu.edu/>).

Notice of mandatory reporting of sexual assault, interpersonal violence, and stalking:

All other members of the University community (including faculty, except those noted above) are **not** considered confidential resources and are **required** to report incidents of sexual misconduct to the University Title IX Coordinator. For a full list of resources, support opportunities, and reporting options, contact Dr. Jennifer Hammat, Title IX Coordinator, at <http://diversity.gmu.edu/title-ix>, at 703-993-8730, or in the Compliance, Diversity, and Ethics office in the Aquia Building, Suite 373.

- **Data Privacy:** To ensure privacy of FERPA protected information, students must use their MasonLive email account to receive important University information, including communications related to this class. I will not respond to messages sent from or send messages to a non-Mason email address.
- **Security:** In the event of an emergency, shelter in place unless our location is effected, in which case follow the evacuation procedures for the building. After evacuation, seek shelter.
- ***This syllabus can be amended at any time by the instructor.*** Amendments will be posted to the course website.