

Philosophy 3142W – Philosophy of Law  
*Fall 2019*

**The Basics:**

Instructor: Tom Wilk

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Phone: 814-934-8844

Office Location: ROME 556

Meeting Location: ROME 202

Meeting Times: MW 11:10AM - 12:25PM

Office Hours: MW 2:30p-3:30p and by appt.

Website: <http://tomwilk.net/phil-3142w-fall-2019/>

This course satisfies a **Writing In the Disciplines (WID)** requirement. The Peer Writing Preceptor (PWP) is Mr. Evan Hays. Evan will hold regular office hours, provide feedback on your rough drafts, and meet with you on request. Evan can be reached by email at [evan\\_hays9@gwmail.gwu.edu](mailto:evan_hays9@gwmail.gwu.edu)

**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.

This course fulfills one of the *analytical approaches* required in the General Education Curriculum of the University: *Critical Thinking*. Critical Thinking involves analyzing and evaluating abstract information; understanding and analyzing scholarly literature and argument; and formulating logical arguments based on that analysis. This course requires students to demonstrate these skills in the following ways:

**1. Analyzing and evaluating abstract information**

- Students are required to analyze and evaluate legal systems, bodies of legal doctrine, and theoretical frameworks for understanding these systems and doctrines.
2. **Understanding and analyzing scholarly literature and argument**, particularly with respect to theoretical orientation and sources of support

- Students are required to interpret classic and contemporary legal-philosophical texts, and to engage critically with them. Required texts include both primary and secondary literatures and represent a range of contrasting legal-philosophical positions and schools of thought. Students must demonstrate comprehension of the arguments presented therein in class discussions and in written work.

- Students are required to evaluate and criticize arguments for theoretical positions and for prescriptive claims about modern legal systems.

### 3. Formulating logical arguments based on their analyses

- Students are required to construct logical arguments of their own, building upon and reacting to their analyses of arguments in the scholarly literature of legal philosophy.

The instructor assesses student development of these skills by three means: 1) an in-class, essay-format final examination; 2) three analytical essays on pre-assigned topics; and 3) verbal queries from the instructor during every class meeting.

#### Evaluation

Attendance and Participation	10 %	Daily
Weekly Reading Quizzes (on Blackboard)	15 %	Up to you
First Paper	25 %	See Website
Second Paper	25 %	See Website
Third Paper	25 %	See Website

**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:*** All examinations, papers, and other graded work products and assignments are to be completed in conformance with The George Washington University *Code of Academic Integrity*. It states, in part, "Academic dishonesty is defined as cheating of any kind, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information." For the remainder of the code, see: <http://www.gwu.edu/~ntegrity/code.html>

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 Quizzes.

Papers not submitted on-time will be assessed a **1/3 letter grade penalty** for every day they are late.

***Of course, on occasion, life happens.*** Missing a deadline is a stressful experience. Sometimes it's just the result of a one-off timing issue, but sometimes there's something deeper going on, e.g., you may be struggling with the material, facing difficult life circumstances, or be in a compromised mental state, and it's not always obvious, even to you, what the source of the trouble is. Students in this situation often blame themselves and feel like they could just complete the assignment the next day if they just do what they should, but the next day might not be any easier if the underlying issue is not addressed. When this happens, the stress snowballs as late penalties accumulate, and students sometimes fail classes because they get trapped in a cycle of anxiety, never submitting the assignment. If you find yourself a situation something like this, ***ask for help.***

If you're going to miss a deadline:

- 1) Email me ASAP to let me know what's going on and send me whatever you have before the deadline. As long as you've started the assignment, I'll waive the initial late penalty.
- 2) Stay in touch with me so that we can work together to make a plan to finish. Academics have many tricks for overcoming anxiety associated with writing; nearly all of us have faced this hurdle at some point.

#### **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>.

#### **Support for Students Outside the Classroom**

##### *Disability Support Services (DSS)*

Any student who may need an accommodation based on the potential impact of a disability should contact the DSS office at 202-994-8250 in Rome Hall, Suite 102, to establish eligibility and to coordinate reasonable accommodations. For additional information please refer to: <http://gwired.gwu.edu/dss/>

##### *University Counseling Center (UCC) 202-994-5300*

The UCC offers 24/7 assistance and referral to address students' personal, social, career, and study skills problems. Services for students include:

- crisis and emergency mental health consultations
- confidential assessment, counseling services (individual and small group), and referrals

<http://gwired.gwu.edu/counsel/CounselingServices/AcademicSupportServices>

### Security

In the cases of an emergency, if at all possible, the class should shelter in place. If the building in which the class is held is affected, follow the evacuation procedures for the building. After evacuation, seek shelter at a predetermined rendezvous location.

- ***This syllabus can be amended at any time by the instructor.*** Amendments will be posted to the course website.