

PHIL 2220: PHILOSOPHY & LAW

Fall 2015

Instructor: Shane Gronholz

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720-334-4078

MWF 3:00-3:50 HLMS 237

MWF 4:00-4:50 HLMS 125

Office Hours: MWF 5:00-6:00 HLMS 15

"The man who has no tincture of philosophy goes through life imprisoned in the prejudices derived from common sense, from the habitual beliefs of his age or his nation, and from convictions which have grown up in his mind without the co-operation or consent of his deliberate reason." – Bertrand Russell

What is this class about?

The focus of this class is the intersection of law and morality. We will consider questions such as: Is morality relevant to law, and, if so, how and when? Should an action be prohibited merely because it is immoral? Should an action be prohibited merely because it would be bad for the person doing it? Do we have any obligation to obey the law? We will also consider a variety of practical issues. This course is divided roughly into three units. First, we will briefly cover moral theory. Second, we will turn to general questions about the law and morality. Finally, we will consider practical issues such as prostitution, punishment, and religious exemptions for certain laws.

Online

There is no book for this class. All readings can be found on Desire2Learn. You can also check your grade there.

Assessment

1. Two papers: 25% each. More details to follow.
2. Reading quizzes: 25% of final grade. Lowest two will be dropped.
3. In-class debate: 15%. More details to follow.
4. Participation: 10%

Policies, tips, and other stuff:

Attendance: Attendance is required. Frequent absences may result in a 0 for your participation grade.

Quizzes: Quizzes will be "pop quizzes" that cover the reading for that day, in other words, you won't know beforehand when they are. That means you should keep up

with the reading and come to class. It is possible that there will be a pop quiz even on days where no new reading is assigned. Quizzes may only be made up for documented excused absences.

Late work: Late papers will be lowered by one “grade increment” for every day they are late (e.g., a B+ paper that is one day late will get a B; a C paper that is two days late will get a D+). Computer crash or theft is not a legitimate excuse. You should be using Dropbox or something like it. It’s free. Talk to me if you have questions about setting up an account. If something extremely dire happens such that an extension is obviously necessary, documentation is required.

Extra credit: Extra credit will not be offered. Stay on top of things.

Participate a lot: Philosophy is really fun. Try to participate as much as you can, even if you are shy. You will get a lot more out of the class if you do.

Office Hours: Come to office hours. I like getting to know students and it’s a good chance for you to get help on anything you are struggling with or talk about your papers.

Technology in the classroom: Texting during class is prohibited. If you must read or send a text, please step out of the classroom. First-time offenders will be asked to stop. Additional offenses will result in dismissal from class and a loss of participation points. If you use a laptop in class, you may use it only for taking notes. No web-surfing, emailing, IMing, Facebooking, etc. If you use a laptop, disable the wifi.

Email: From time to time, I will be sending you emails with important information about the class, including changes to the readings and schedule. You will be responsible for the information I send via email.

Phone: My phone number is on the top of the syllabus. You may call or text me, but please use common sense when it comes to the time of day. If I can’t answer, I can usually respond to voicemails fairly quickly.

Other grading notes: Grades are not a personal evaluation of you, and they do not report how hard you tried. They report only how well you completed the assignments. Do not worry too much about your grade, since for most of you, minor differences between grades will have little to no effect on your future lives.

Plagiarism: The honor code is mentioned in general below under “Fine Print” but I want to highlight plagiarism here. I cannot emphasize enough how important it is for you to understand what constitutes plagiarism. In EVERY SINGLE case of plagiarism I have ever encountered, the student claimed that he or she did not intend to plagiarize. This does not count as a legitimate excuse. **The minimum penalty for plagiarism is an F for the course,** though even more severe penalties are possible.

Schedule

- 8.24 Welcome, syllabus
 - 8.26 Some comments on arguments and ethics
 - 8.28 “The Queen v. Dudley and Stephens”

 - 8.31 Rachels, “The Utilitarian Approach”
 - 9.2 Rachels, “The Debate Over Utilitarianism”
 - 9.4 No new reading

 - 9.7 Labor Day
 - 9.9 Rachels, “Are There Absolute Moral Rules?”
 - 9.11 Rachels, “Kant and Respect for Persons”

 - 9.14 Feinberg, “The Nature and Value of Rights”
 - 9.16 W.D. Ross, “What Makes Right Acts Right?”
 - 9.18 [no new reading]

 - 9.21 Class canceled
 - 9.23 John Stuart Mill, *On Liberty*, selections
 - 9.25 Patrick Devlin, “Morals and the Criminal Law”

 - 9.28 H.L.A Hart, “Immorality and Treason”
 - 9.30 Gerald Dworkin, “Devlin was Right”
 - 10.2 [no new reading]

 - 10.5 Jeremy Waldron, “A Right to do Wrong”
 - 10.7 Gerald Dworkin, “Paternalism”
 - 10.9 [no new reading]

 - 10.12 M.B.E. Smith, “Is There a Prima Facie Obligation to Obey the Law?”
 - 10.14 Michael Huemer, “The Problem of Political Authority”
 - 10.16 The Psychology of Authority – No reading

 - 10.19 Tauriq Moosa, “Murders, Monsters and Mirrors”
 - 10.21 Lars O. Ericsson, “Charges Against Prostitution”
 - 10.23 [no new reading]

 - 10.26 Pateman, Shrage, responses to Ericsson
 - 10.28 **Debate I: Prostitution**
 - 10.30 This American Life, “Except for That One Thing”, Randy E. Barnett, “Restitution: A New Paradigm of Criminal Justice.”
- Paper #1 is due**

- 11.2 [No new reading]
- 11.4 Michael Huemer, “America’s Unjust Drug War”
- 11.6 Lisa Guenther, “The Living Death of Solitary Confinement”
[Possible Skype discussion with my brother]

11.9 Michelle Alexander, “The Cruel Hand”

11.11 [no new reading]

11.13 Hugh LaFollette, “Licensing Parents”

11.16 Frisch and Lemieux, responses to LaFollette

11.18 [no new reading]

11.20 **Debate 2: Licensing Parents**

-Fall break-

11.30 Ta-Nehisi Coates, “The Case for Reparations,” selections

12.2 Michael Kent Curtis, “Religious Exemptions”

12.4 Richard A. Epstein, “The Problem with Antidiscrimination Laws”

12.7 [no new reading]

12.9 **Debate 3: Religious Exemptions**

12.11 Final day

Paper #2 is due

Fine Print:

1. honor code: All students of the University of Colorado at Boulder are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of academic dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Code Council (honor@colorado.edu; 303-725-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Other information on the Honor Code can be found at <http://www.colorado.edu/policies/honor.html> and at <http://www.colorado.edu/academics/honorcode/>

2. classroom environment: Students and faculty each have responsibility for maintaining an appropriate learning environment. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender, gender variance, and nationalities. See policies at <http://www.colorado.edu/policies/classbehavior.html> and at http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code

3. disabilities: if you qualify for accommodations because of a disability, please submit to me a letter from Disability Services in a timely manner so that your needs may be addressed. Disability Services determines accommodations based on documented disabilities. Contact: 303-492-8671, Willard 322, and see <http://www.Colorado.EDU/disabilityservices>

4. religious holidays: campus policy regarding religious observances requires that faculty make every effort to reasonably and fairly deal with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. If you anticipate any such conflicts this semester, please contact me in a timely manner so that we can make arrangements that will be acceptable to you. For further information see: http://www.colorado.edu/policies/fac_relig.html

5. discrimination, harassment, amorous relationships:: The University of Colorado at Boulder policy on Discrimination and Harassment, the University of Colorado policy on Sexual Harassment and the University of Colorado policy on Amorous Relationships apply to all students, staff and faculty. Any student in this class who believes he or she has been the subject of discrimination or harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, or veteran status should contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Judicial Affairs at 303-492-5550. Information about the ODH, the above referenced policies and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://www.colorado.edu/odh>