

**Philosophy 4600
Philosophy of Law
Spring 2006**

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Office: 208 Main (797-3103)
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Text: Feinberg & Coleman, *Philosophy of Law*, 7th ed.

Requirements:

1. There will be two tests, each worth 20% of the final grade. The first will be on Thursday, February 9, and the second will be on Tuesday, April 11.
2. Two 6-10 page papers each worth 30% of the final grade.
 - **Papers should be submitted electronically** as attachments to an email message. It is preferred that they be Word documents and that the file's name should have the form: (Your last name) (Your first name) 4600 First [or Second] Paper.
 - The first paper will be written in two drafts. The first draft will be due on Thursday, February 23 and will be returned by Thursday, March 2 with comments but no grade. The second draft will be due Thursday, March 9. Your grade will depend both on the final version's quality and on the quality of its responses to comments.
 - The second paper will be due on Thursday, April 27.
3. Class participation will be considered and can either raise or lower the final grade by one grade (e.g. from B+ to A-). At a minimum, students are expected to attend class regularly. **Attendance will especially be noted toward the end of the semester.**

Tentative Schedule of Topics and Readings: All readings are from the Feinberg & Coleman and should be completed before the first day on which they will be discussed.)

I. Introduction.....T, 1/10

II. Natural Law Theory and Legal Positivism

- (In addition to the following readings, it is recommended that you read the editors' introduction to this section, pp. 1-7.)

Bix, 8-13; Austin 24-35 Th, 1/12; T, 1/17
Hart, 36-50 Th, 1/19

III. Legal Realism

Holmes, 119-124; Frank, 125-7 T, 1/24

IV. Dworkin and Law as Integrity

Dworkin, 82-100 & 127-142 Th, 1/26; T, 1/31

V. Legal Reasoning and the Constitution

Ely, 157-171; Lyons, 172-187; Scalia, 187-196; Dworkin, 196-203 Th, 2/1; T, 2/7

Test 1**Th, 2/9**

VI. Is There a Moral Obligation to Obey Law?

Plato, 204-212; King, 213-221	T, 2/14
Smith, 221-235; Shapiro, 236-257.....	Th, 2/16

VII. Responsibility and Tort Law

<i>Palsgraf</i> , 676-682; Hart & Honoré 630-642.....	Th, 2/23
Thomson, 642-650; <i>Summers</i> , 682-685; <i>Sindell</i> , 686-700	T, 2/28
Perry, 612-630, Coleman & Ripstein, 526-546	Th, 3/2; T, 3/7

VII. Responsibility and Criminal Law

Feinberg, 799-804; Ten, 804-818; Morris, 819-831	Th, 3/9
Shafer-Landau, 831-841; Murphy, 842-853.....	T, 3/21
Feinberg, 761-771; Massaro, 771-799.....	Th, 3/23
Lewis, 650-657; <i>People v. Young</i> , 739-741; Kadish & Schulhofer, 741-745	T, 3/28

VIII. Duty to Rescue

Macaulay, 700-702; Weinrib, 702-723.....	Th, 3/30
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IX. Specific Issues

Plea Bargaining —Langbein, 333-343.....	T, 4/4
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Entrapment —Dworkin, 343-353	Th, 4/6
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Test 2	T, 4/11
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Affirmative Action —Nagel, 433-440, Hill-440-454; also 454-455	Th. 4/13; T4/18
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Justice and Contract —Kronman, 490-507; Shiffrin, 508-525..	Th, 4/20; T, 4/25; Th 4/27
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