

PHIL 4600: Philosophy of Law

Fall 2017

Utah State University

Instructor: Charlie Huenemann, Professor of Philosophy, Main 208 435-797-0254, charlie.huenemann@usu.edu. Office hours Wednesdays 12-2 and by appointment.

Overview: In this course we will raise philosophical questions about the law. We will spend the most time on the question of whether there is any connection between law and morality: can there be a profoundly immoral rule of law, or does the rule of law inherently bring with it some moral precepts? We will also examine different philosophies of interpreting the U. S. Constitution and judicial review, the justifications and aims of punishment, laws which aim to recompense individuals, and theoretical criticisms of the law.

Texts: There are two required texts for the class: Aquinas, *On Law, Morality, and Politics* (Hackett), and Fuller, *The Morality of Law* (Yale). There will also be many readings made available on Canvas. The lectures and discussions will be guided by a book I have not required, due to its expense: Altman, *Arguing About Law* (Wadsworth). I do recommend purchasing this book, if you can find a cheap, used copy. I will also place a copy on Course Reserves at the USU Library.

Reading Responses: on most days there will be a reading assignment, and a related reading response. These responses should be less than 500 words, and they should be submitted on Canvas before the due date/time. Canvas will accept them only as "text entry" submissions - meaning that you won't be able to upload a file, and instead should copy and paste your response into the submission box. (This just makes things easier on my end). I'll try to offer brief comments on each one, and will make up to three corrections of grammar or spelling. The Responses can earn a maximum of 10 points; but if they are turned in late, they will not receive more than 7 points. Late submissions will be accepted until midnight of the night before the next class.

Papers: Three papers will be assigned, and each should be about 5 pages long (about 1,250 words). Each paper is worth 30 points.

Tests: No tests.

Topics we will cover: rule of law, liberty and power, legal positivism, natural law, Fuller's *Morality of Law*, Dworkin's view of law as integrity, judicial review and the Constitution, criminal law and torts, concepts of punishment, feminist critiques of the law, critical legal studies.

[More detailed syllabus on Canvas.]