

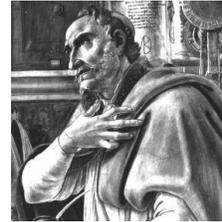
Philosophy and the Law

Instructor: B C Hutchens



The law is reason unaffected by desire.

Aristotle, Politics



The letter kills, the spirit gives life.

Augustine, quoting Paul, 2 Cor. 3:6



Law in its proper sense is
right reason in harmony with nature.

Cicero, Republic



Laws are both the relations
that exist between [primitive
reason] and the different beings,
and the relations of these various
beings to each other.

Montesquieu



Law is a certain rule and measure of acts whereby man is induced to act or is restrained from acting.

Thomas Aquinas, Summa Theologica

SYLLABUS

Philosophy and the Law

Phil 345

Rutgers University

Asynchronous Online Course

Dr. B C Hutchens

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ATTENTION: The policies and requirements on the version of this syllabus supersede the policies and requirements on any syllabus posted anywhere else, including a department webpage.

VIRTUES

There are a number of scholarly and personal virtues necessary for success in this or any other class:

FIDELITY, or constancy of purpose in devotion to learning;

INDUSTRIOUSNESS, or always working when working is called for;

DILIGENCE, or always working well, both as the task requires and as one's abilities permit;

PERSPICACITY, or always learning the details of a matter instead of being merely 'vaguely familiar' with it;

HUMILITY, the proper understanding of one's own self-worth without claiming to be entitled to anything beyond that worth; and

GRATITUDE, the acknowledgement that something transcends oneself and provides appreciable natural gifts.

SUMMARY

This is an asynchronous course. We will not be meeting online as a class. I will be uploading video and audio files, as well as occasional written comments on the reading, and will remain available for email communication.

This is a textbook-based online course. It is absolutely NECESSARY that you OWN and READ the textbook in order to succeed in this course. I have chosen our textbook very carefully. It has theoretically rich chapters that are very carefully written and should provide the diligent student with considerable insight into the nature of philosophy.

I am mainly interested in your learning of the substantial content of the course. This content includes main concepts. You cannot learn anything of substance by soaking up impressions and being vaguely familiar with topics. You must be able to define basic terminology, interpret it in terms of its pros and cons, and perhaps explain things in its terms. So, this term you will have a variety of questions to answer, ranging from defining basic terms, analyzing them rationally, comparing them critically, and explaining how they help us to understand other things. That is *real* learning.

So, if you wish to succeed in the course, you must (a) submit ALL assignments, (b) submit them on time, and (c) make sure they are of sufficient length, or longer than required.

COURSE DESCRIPTION AND OBJECTIVES

In this course we will explore the significance of ethics in the history of philosophy. Special emphasis will be placed on critical thinking skills. More specifically, students will be able to:

- (a) name and identify individuals, events, themes, and issues of major importance in the history of the philosophy of law;
- (b) demonstrate a basic level of competence in differentiating the various philosophies and the significance of historical context;
- (c) recognize the importance of critique and influence in the philosophy of law;
- (d) develop an understanding of the use of philosophical texts and display some familiarity toward different types of argumentation; and
- (e) critically analyze arguments and counter-arguments associated in the philosophy of law.

REQUIRED BOOKS

Keith C. Culver and Michael Giudice, editors.

Readings in the Philosophy of Law. 3RD EDITION. Broadview.

ISBN 978-1-55481-252-3

ASSIGNMENTS

Your final grade for the course will be the average of five assignments:

- (1). Four Tests (100 points each)
- (2). One Final Paper (100 points)

Each of these assignments must be uploaded to CANVAS.

Your paper may be uploaded any time in the week prior to the deadline, which, for simplicity's sake, will be 1 PM (afternoon) on Wednesday. I will not accept your paper at any other time or by any other means (NO EXCEPTIONS). In my experience, it is best if I do NOT violate this rule. So make sure you understand that there is a specific way you will submit your assignment, and no other.

Attention: Your work must be typed DOUBLE-SPACED.

Also, it is best to read and take notes before you type in your answers. You will receive a low grade if you simply look through the book for answers, since it will be obvious to me that you are doing so.

UPLOADING

You will be uploading your files to CANVAS, where they will be scanned for plagiarism. Because cheating is now nearly epidemic, I WILL NOT accept papers by any other means. You must upload your papers by the deadline. They will not be accepted by hand or as an email attachment (no exceptions).

VIDEO AND AUDIO LECTURES

Normally, each week I will upload a video or audio lecture to CANVAS. It is necessary to access this lecture material in order to complete assignments. I will send everyone a message whenever such material is uploaded.

DISCUSSION BOARD

Every two weeks or so I may begin a discussion on the CANVAS discussion board. Participation is not mandatory. But the question(s) with which I start the discussion may be very helpful for upcoming assignments.

SCHEDULE

Week 1

Introduction (start reading chapter 1)

Week 2

Chapter 1

Week 3

ASSIGNMENT

Week 4

Chapter 2 (pages 63-84)

Week 5

Chapter 2 (84-118)

Week 6

Chapter 3 (129-155)

Week 7

ASSIGNMENT

Week 8

Chapter 3 (155-171)

Week 9

SPRING BREAK

Week 10

ASSIGNMENT

Week 11

Chapter 4 (173-182)

Week 12

Chapter 7 (321-342)

Week 13

Chapter 7 (357-366)

Week 14

Chapter 8 (377-410)

Week 15

ASSIGNMENT

Final Paper due when on date scheduled for final examination

Academic Integrity Violations

The Rutgers University Academic Integrity Policy defines plagiarism as the representation of the words or ideas of another as one's own in any academic work. Intentionally committing plagiarism is a serious offense with severe consequences. Instructors are required to report students who intentionally violate this policy to the department chairperson and to the Office of Student Judicial Affairs. The most common forms of plagiarism are:

Quoting directly or paraphrasing without acknowledging the source (this includes copying or paraphrasing material from a web site without providing a proper citation for the site)

Presenting the work of another as one's own

Plagiarizing major portions of a written assignment

Submitting purchased materials such as term papers

The Rutgers University Academic Integrity Policy establishes levels of violations and recommends sanctions. Depending upon the severity of the case and the level of the violation, the sanctions for these violations include: a failing grade for the assignment, failure in the course, mandatory participation in a series of noncredit academic integrity workshops, academic probation, and/or suspension. (If you are in doubt as to what constitutes plagiarism or are concerned that you are misappropriating someone's words or ideas, speak immediately with your instructor. For more information, you can also consult the University Code of Student Conduct or the Student Judicial Affairs website <http://judicialaffairs.rutgers.edu>.)

Policy concerning Disabilities

Rutgers abides by the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments (ADAA) of 2008, and Sections 504 and 508 which mandate reasonable accommodations be provided for qualified students with disabilities and the accessibility of online information. If you have a disability and may require some type of instructional and/or examination accommodation, please contact me early in the semester so that I can provide or facilitate in providing accommodations you may need. If you have not already done so, you will need to register with the Office of Disability Services, the designated office on campus to provide services and administer exams with accommodations for students with disabilities. The Office of Disability Services is located in the Robeson Student Center. For more information on disability services at Rutgers, go to <http://disabilityservices-uw.rutgers.edu/>