Philosophy 358: Philosophy of Law  
Professor John Oberdiek  
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Tuesday and Thursday 2:50-4:10pm  
Scott Hall room 205

Office Hours: 1:30-2:30pm, Philosophy Department lounge, 106 Somerset St., 5th floor

Course Description  
This course is a wide-ranging introduction to philosophy of law. Through readings in general jurisprudence, normative legal theory, and the philosophical foundations of specific areas of law, it will equip students with sharpened analytical skills and acquaint them with some of the most fundamental philosophical debates in and about law. Among the specific topics that may be covered are: the relationship between law and morality; the rule of law; the authority of law, the duty to obey the law, and civil disobedience; the nature of rights; as well as philosophical debates in criminal law, tort law, and constitutional law.

Course Goals  
It is the primary goal of this course to acquaint you with various fundamental aspects of law by introducing you to seminal work in legal philosophy. Philosophy in general prizes analytical rigor, and it is a subsidiary goal of this course to hone your analytical skills.

Assessment  
All students will take two in-class essay mid-terms and complete a short term paper (5-7 pages). Lists of possible paper topics will be distributed, but students are encouraged to identify their own topics.

Each mid-term will be worth 20% of your final grade; the term paper will be worth 50% of your final grade; and class participation will account for 10% of your final grade.

Course Materials  
Arguing About Law, edited by Aileen Kavanagh and John Oberdiek (Routledge 2009)

Reading Assignments  


Oct. 1: Review

Oct. 3: First In-Class Essay Mid-term


Oct. 10: Rawls, “The Justification of Civil Disobedience,” pp. 244-52


Oct. 31: Review

Nov. 5: Second In-Class Essay Mid-term


Nov. 14: Waldron, “A Right-Based Critique of Constitutional Rights” (cont.), pp. 443-56


Nov. 26: Marmor, “Constitutional Interpretation” (cont.), pp. 411-21

Nov. 28: Fallon, “Precedent-Based Constitutional Adjudication, Acceptance, and the Rule of Recognition,” webpage

Dec. 3: Fallon, “Precedent-Based Constitutional Adjudication, Acceptance, and the Rule of Recognition” (cont.), webpage


Dec. 10: Review

Dec. 23: Final paper due