JURISPRUDENCE (LAW 7295): SYLLABUS

[last revised: August 3, 2008]

Prof. Edmundson
Fall 2008
Tuesdays 4:10-5:50 (2 credit hours)
Room 659
Discussion list e-mail law7295wae.200708@gsulaw2.gsu.edu

This course in jurisprudence (a/k/a "philosophy of law") explores central aspects of the role of law in modern society. Particular attention will be given to such issues as the law's authority to compel obedience; the relationship of law and morality; and the concept of justice.

Texts

Most readings will be from the required text for the course:

Feinberg & Coleman, *Philosophy of Law* 8th ed. (Thomson-Wadsworth) [hereinafter: "F&C"]

Other readings will be distributed from time to time. You may also find it helpful to consult these recommended but not required sources:

Altman, Andrew, *Arguing About Law: An Introduction to Legal Philosophy* 2nd ed. (Thomson - Wadsworth)

Bix, Brian, *Jurisprudence: Theory & Context* 4th ed. (Carolina Academic Press)

Golding, Martin P., and William A. Edmundson, *The Blackwell Guide to the Philosophy of Law and Legal Theory* (Blackwell)

E-mail Discussion List

There is an e-mail discussion list for the seminar. You can post vie e-mail:

law7295wae.200808@gsulaw2.gsu.edu

The Grading System Explained

There will not be a final examination. Your grade will be based on a final paper of 12-15 (typed, double-spaced) pages. Your class participation will also be a factor. I encourage you to begin thinking right away about your paper topic (a list of suggested topics can be found at: http://law.gsu.edu/wedmundson/Syllabi/Jurisptopix.pdf . A first draft of your paper will be due on or before November 20th ; and the final paper will be due by 5pm of the last day of the examination period, December 19th. *All drafts including the final draft must be in MS Word or*

WordPerfect format and submitted by e-mail to wedmundson@gsu.edu . Those wishing to satisfy the upper level writing requirement should read and comply with the *additional* conditions set out in the following section.

Upper Level Writing Requirement

If you want your paper to satisfy the upper level writing requirement, you should be aware of this, from the COL website (http://law.gsu.edu/academics/legal_writing_requirement.php):

> "The following guidelines reflect general norms for papers that satisfy the upper level writing requirement....
>
> 1. The minimum page length should be 25 pages, double-spaced, excluding footnotes or endnotes. A longer minimum may be required in the discretion of the instructor.
> 2. At least one draft should be submitted to the instructor prior to the submission of the final paper.
> 3. An acceptable paper should reflect thorough research of primary and secondary materials. All sources used in writing the paper must be cited appropriately.
> 4. An acceptable paper should include original analysis by the student.
> 5. An acceptable paper should be well-organized and written in conformity with accepted rules of grammar, punctuation, and spelling."

Let me add this: to avoid misunderstanding and possible disappointment, those who wish to satisfy the upper level writing requirement in conjunction with this course *must* declare their intention of doing so on the cover page of their first draft (due no later than Nov. 20th) and turn in a final paper complying with the above guidelines. Those who do not so intend may turn in a final paper of 12-15 pages that emphasizes analysis rather than research, or vice versa. Those who seek to satisfy the upper level writing requirement will be expected to exhibit proficiency in both dimensions–research and analysis. Organization, clarity, and appropriate and consistent citation–it should go without saying–are expected of all papers.

Attendance policy

Roll will be taken at each class meeting. Two or more unexcused absences will be grounds for the assignment of a failing grade. Please also note that class nonparticipation may influence your final grade. Because absences due to illness or conflicting family, legal, military or business duties are routinely excused, *you are encouraged **NOT*** to telephone or e-mail me to ask that such an absence be excused.

Office Hours

Call or e-mail for an appointment, or see me after class. My office is 458 ULB. My online telephone number is 678 500 9207.

Schedule

Date	Topic and reading
8/19	Is there a duty to obey the law? F&C ch. 7, pp. 206-40
8/26	What may the law legitimately require? I F&C ch. 8, pp. 251-63, 281-91
9/2	What are rights? F&C ch. 10, pp. 347-57; 368-76
9/9	Torture. F&C ch. 13, pp. 497-529
9/16	What may the law legitimately require? II F&C ch. 11, pp. 377-408
9/23	What *is* law? I: Natural law theories. F&C ch. 1, pp. 1-36; 37-54
9/30	What *is* law? II: Legal positivism. F&C ch. 2, pp. 55-84
10/7	Settling what *the law* is: Legal realism. F&C ch. 3, pp.117-33
10/14	Settling what *the law* is: Interpretation. F&C ch. 4, pp. 134-69
10/21	Legal and moral responsibility. F&C ch. 14, pp. 575-89
10/28	Punishment (I). F&C ch. 15, pp. 590-615; Greene and Cohen handout*
11/4	Punishment (II). F&C ch. 15, pp. 624-55
11/11	Punishment (III). F&C ch. 15, pp. 655-74; Edmundson handout**
11/18	TBA

* If you want to look ahead, this is: J. Greene and J. Cohen. 2004. For the law, neuroscience changes nothing and everything. *Phil. Trans. Royal Soc. London* 359:1775-85.
** If you want to look ahead, this is: W. Edmundson. 2002. Afterword: Proportionality and the difference death makes. *Criminal Justice Ethics* 21:40-43.

Deviations from this schedule are bound to occur.