JURISPRUDENCE (LAW 7295): SYLLABUS

[last revised: August 16, 2009]

Prof. Edmundson
Fall 2009
Wednesdays 4:10-5:50 (2 credit hours)
Room 325B
Google Group e-mail gsu-jurisprudence@googlegroups.com
Discussion list e-mail law7295wae.200908@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 online discussion group for this class. You have already been enrolled, and you can post by replying to the group, to continue a discussion thread, or you may introduce a topic by emailing:

gsu-jurisprudence@googlegroups.com

There is also an e-mail discussion list that we may have to resort to if Google Groups does not work out for us. You can post to it via e-mail:

law7295wae.200908@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 the last class meeting before the Thanksgiving break; and the final paper will be due by 5pm of the last day of the examination period. *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

Due to the H1N1 influenza pandemic, you are not expected to come, and you are specifically asked *not* to come to class when you feel sick or someone with whom you are in close contact seems sick. You are also reminded of the following recommendations from the Centers for Disease Control:

1) Cover your nose and mouth with a tissue when you cough or sneeze.
2) Throw the tissue in the trash after you use it.
3) Wash your hands often with soap and water, especially after you cough or sneeze. Alcohol-based hand cleaners are also effective.
4) Avoid close contact with sick people.
5) Avoid touching your eyes, nose or mouth. Germs spread this way.
6) If you get influenza-like illness symptoms, stay home from work or school except to seek medical care and limit contact with others to keep from infecting them.

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.

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.