

Seminar in Philosophy of Law: Obligations, Voluntary and Involuntary

Law 7296/84961; Phil 8950

Prof. Edmundson

Fall 2002; Mondays 4:00-5:40 (2-3 hours)

Room 325B ULB

[last revised: August 19, 2002]

This seminar will investigate the relation between moral reasons and moral requirements. In particular, it will consider the genesis and nature of voluntary obligations, such as those arising from promises and contracts. Open to J.D. and M.A. candidates by permission of the instructor; contact wedmundson@gsu.edu. An undergraduate background in philosophy or political theory would be advantageous, but there are no prerequisites. E-mail the instructor if you have questions.

First assignment

Read chapter 2 of Kagan (it wouldn't hurt to read chapter 1 first).

Reading

Shelly Kagan, *The Limits of Morality*, (Oxford, 1989)

T.M. Scanlon, *What We Owe to Each Other*, (Harvard, 2001)

Thomas Hobbes, chapter XIV of *Leviathan* (1651)

David Hume, *Treatise of Human Nature*, Book III, Part II (1739)

Immanuel Kant, from *The Metaphysical Elements of Justice* §§ 18-20 (1787)

William Godwin, Book III, chapter III of *Enquiry Concerning Political Justice* (1793)

G.W.F. Hegel, from the *Philosophy of Right* §§71-80 (1821)

H.A. Prichard, chapter 7 of *Moral Obligation* (1949)

John R. Searle, "How to Derive 'Ought' from 'Is'" (1964)

James Thomson & Judith Thomson, "How Not to Derive 'Ought' from 'Is'" (1964)

Neil MacCormick, "Voluntary Obligations and Normative Powers I" (1972)

G.E.M. Anscombe, "Rules, Rights, and Promises" (1978)

Patrick Atiyah, chapters 1 & 7 of *Promises, Morals, and Law* (1981)

Annette Baier, "Promises, Promises, Promises" (1981)

Charles Fried, chapters 1 & 2 of *Contract as Promise* (1981)

Joseph Raz, "Promises in Morality and Law" (1982)

Richard Craswell, "Two Economic Theories of Enforcing Promises" (2001)

Assorted handouts in class

Also Recommended:

Peter Benson, "Contracts" in Dennis Patterson, ed., *The Blackwell Companion to Legal Philosophy*

Note: The Kagan and Scanlon books, in paperback editions, are stocked in the GSU Bookstore. The remaining readings are collected in a coursepack, which will be available for purchase from Georgia Bookstore (corner of Edgewood and Courtland). A copy of all required readings will also be kept on reserve in the Law Library. Each student is responsible for acquiring any

necessary copies of the readings.

E-mail Discussion List

There is an e-mail discussion list for the seminar. You are already subscribed, but you may change the e-mail address to which postings are directed by going to:

<http://gsulaw.gsu.edu/cgi-bin/emailupdater>

The WWWeBBB Forum address is:

<http://gsulaw.gsu.edu/wedmundson/forums/law7296wae/>

There, you can view prior discussion threads and compose and post messages as well.

The Grading System Explained

There will not be a final examination. Each participant will be expected to participate in class discussion, and a final paper of 12-20 (typed, double-spaced) pages will be required. Your grade will be based upon class participation and your paper. The final draft of your paper will be due at 5 pm, Wednesday, December 18, at the 4th Floor Reception Desk.

Attendance policy

Roll will be taken at each class meeting, but there is no penalty for nonattendance per se (as contrasted to nonparticipation). Please note that class nonparticipation may influence your final grade.

Office Hours

I have an "open door" policy on meeting outside class, or, if you like, call me to make an appointment. My number is 404-651-2136, and I can be found in office 458, all day, Monday through Friday. E-mail is the most efficient means of communicating with me when I am not available in person: wedmundson@gsu.edu .

Schedule

<u>Date</u>	<u>Reading</u>
8/19	Introductory
8/26	Kagan, chapter 2
9/2	Labor Day--No Meeting
9/9	Kagan, chapter 2
9/16	TBA
9/23	TBA
9/30	TBA

10/7	TBA
10/14	TBA
10/21	TBA
10/28	TBA
11/4	TBA
11/11	TBA
11/18	TBA
11/25	TBA

Deviations from this schedule are bound to occur.