PHIL-A225-001 Philosophy of Law
Spring 2008, MWF 2:30-3:20
Professor: Dr. J.C. Berendzen
Office/Hours: Bobet 435, MW 3:45-5:00 or by appointment
jberendz@loyno.edu, campus x2828, www.loyno.edu/~jberendz/

Course Description
The point of this course will be to provide the student with a detailed introduction to the philosophy of law through a survey of its most prominent themes and classic texts. The course will be divided into three units:

- **Theories of Law**: this section will examine the most prominent theories on the nature of law (to put things another way, it will examine the most prominent answers to the question “what, really, is law?”). We will look at classical and contemporary readings on Natural Law, Legal Positivism, Legal Realism, and more.
- **Legal Reasoning**: this section will examine the ways in which laws ought to be interpreted, and the structure of reasoning used in legal argumentation. This portion of the course will emphasize constitutional interpretation.
- **Responsibility and Punishment**: the final section will examine what it means to say that one is legally responsible for one’s actions, and what forms of punishment are warranted when one is blameworthy.

Required texts
The following should be in the bookstore:


Coursework and Grading
The main part of the coursework will be the daily reading assignments and the classroom discussion of those readings. Students are expected to keep up with the reading, and participate in class discussions on the readings.

There will also be three take-home examinations, corresponding to the three sections of the class. Each will be worth 30% of the final grade, and will be made up of three essay questions that will require an approximately 2 page typewritten answer.

The final 10% of the grade will be based on participation. Your participation will also be crucial for the success of the class. Participating is not hard—you are not expected to be brilliant, just thoughtful. As long as you are not flippant or disrespectful, your participation will be much appreciated. Note that mere attendance does not equal participation.

PLAGIARISM POLICY: With the recent development of Internet sites that offer essays and papers, there has been a rash of cases of plagiarism in universities across the country. Obviously, you are expected to do your own work, and I am sure that you all will. Recent events compel me to mention, however, that if you are caught plagiarizing on one of the exams (and it is not that hard to catch), you will automatically be given an F for the course. The course’s definition of plagiarism will follow that of the University bulletin found at http://bulletin.loyno.edu/undergraduate/2005/academic_regs/contents.html#integrity.

ATTENDANCE POLICY: Any unexcused absence over FIVE will result in a drop of one grade. So, for example, if you have an A average but have 8 unexcused absences, your grade will be a C+. To have an absence excused, you need to try your best to let me know beforehand. Notes or phone calls from a parent WILL NOT be accepted. If you have an illness or problem that causes you to miss numerous classes, it should be reported to the dean’s office.
CLASSROOM DECORUM: Any behavior that causes a distraction in the classroom (for example, chatting with your friends) is potential grounds for failure of the class. Chief among such obnoxious behavior is having a cell phone ring during class. TURN YOUR PHONES OFF.

GOALS AND OBJECTIVES: Please consult the Department of Philosophy: Goals and Learning Objectives (http://cas.loyno.edu/philosophy/programs.html) for Major Courses. This course has been designed to satisfy Goal 1, Objectives 1-4; Goal 2, Objectives 1-3; Goal 3, objective 4; and Goal 4, objective 5 of the Major Courses: Goals and Learning Objectives.

DISABILITY STATEMENT: A student with a disability that qualifies for accommodations should contact Sarah Mead Smith, Director of Disability Services at 865-2990 (Academic Resource Center, Room 405, Monroe Hall). A student wishing to receive test accommodations (e.g., extended test time) should provide the instructor with an official Accommodation Form from Disability Services in advance of the scheduled test date.

Class Schedule: TBA