Philosophy of Law  
SPRING 2011 Syllabus  
Jeffrey M. Brown, PhD, JD  
lmbrown@wustl.edu

Office Hours:  
M, W: 2-4 or by appointment  
Wilson Hall

Exams:  
The purpose of the exams is to test basic mastery of the factual and philosophical details of the course readings, lectures, and discussion and to apply those details in the consideration of novel cases. Students should be able to reconstruct and critically evaluate the central arguments in the course readings and they should be able to identify ethically relevant aspects of ethical problem cases not explicitly discussed in class or in the readings. Students should also be able to think critically about the material.

Text:  

Assignments and Grading System:  
Exam #1: 30%  
Exam #2: 30%  
Exam #3: 30%  
Class participation/reading summaries: 10%

Miscellaneous:  
Class participation: Attendance is expected. Attendance is 90% showing up and class reading summaries and 10% contribution to class discussion. Classes will always balance lecture and discussion. Be respectful of one another. Students are expected to come to each class prepared to discuss the assigned readings. Attendance will be taken. You will receive two free absences, and then points will be deducted from your grade for additional absences without special permission from me (and you’ll only get permission in extreme cases).

Reading summaries: You’re expected to write and bring to class brief summaries of each session’s assigned readings (roughly 1/2 single space page per reading). Note: I won’t necessarily be demanding high-level, insightful commentary from
these summaries (though it's certainly welcome). The point is just to keep you honest with doing the readings — which becomes especially relevant when the term gets busy and it becomes tempting to start letting things slide. It's important that we all come to class having read the assigned articles and ready to participate in the class discussion. So these summaries just need to make it clear to me that you've done the readings.

**Late essay policy:** Essays turned in late will be automatically downgraded one letter grade for each week or part thereof that the essay is late. No permission is needed to turn in a late essay.

**Exceptions to late essay policy:** I will delay the late essay policy for you but only if (a) you contact me no later than the due date to tell me your essay will be late and to pick a new "due date," preferably within one week, and (b) you arrange for me to receive a written excuse from a physician, campus health service, or other relevant campus authority (such as your college office) indicating that, during the two full days prior to the due date you had a serious medical condition or emergency that made it impossible for you to work on the assignment.

The following excuses will **not** work: ordinary colds and flu, computer or printer problems, religious holidays, sports event participation, job interviews. Don't wait until the last minute to start your work.

**Make-up exam policy:** Similar to the above. You will not be allowed to take a late exam unless you (a) contact me no later than exam time to tell me you had a serious illness or emergency that made it impossible to prepare for or take the exam; and (b) you arrange for me to receive a written excuse from a physician, campus health service, or other relevant campus authority (such as your college office) indicating that, you were not able to take the exam; and (c) you pick a date for a make-up exam that preferably falls within the week following the scheduled date.

**Plagiarism:** All work submitted under your name must be your own work. Submitting someone else's work (whether that of a famous philosopher, a plagiarism website, your roommate, or etc.) for credit under your name is plagiarism, a form of cheating. Plagiarism is intellectually dishonest. It is unfair to those of your classmates who work hard and submit only their own work for credit. **Anyone who is caught plagiarizing may receive an "F" for this course.** If you find yourself tempted to cheat, STOP and reconsider. Then come and talk to me about your difficulties and we can try to work something out.

**Grade disputes:** If you think a grade you receive is unfair, don’t immediately rush to my desk after class (or to my office hour) to protest. Instead, spend at least a couple of days reading over and considering the comments I (or the TA) gave your paper, and if you’re still convinced the grade is unfair, type up a one- to two-page request for a reconsideration of the grade, explaining why you believe the grade was unfair even in light of the comments I gave (or the TA). E-mail the request to me (or the TA), and after I’ve read over your request, we can schedule an office visit to talk
about it. Note that there’s no guarantee that I’ll agree with your request and raise your grade, and in fact if I do reread and reconsider your assignment, there’s a chance that the grade could go down rather than up.

Two cardinal sins in the class:

1) Plagiarism. I have zero tolerance on this issue. If I catch you passing off someone else’s work as your own, I will push for the strongest punishment possible.
2) Disrespecting others in the class. This class, by its nature, will involve debate about controversial topics. Healthy disagreement is good. But even if we disagree with another’s point of view, we will be respectful of the person holding the point of view, whether it be a fellow student or even me. Another, less obvious way to disrespect others in the class is not to pay attention or, worse, to be a distraction when they’re talking. Whispering to your friend, even if it’s about something we’re discussing, isn’t compatible with also listening to whomever’s talking. And since you’d presumably want the rest of us to listen when you have something to say, fairness dictates that you listen to others as well. For the same reason, you won’t be allowed to use iPhones, Blackberries, etc., during class. Computers are okay, but only for taking class notes. If I (or a TA) catch you using your computer to surf the Internet, play games online, chat with your friends, etc., you won’t be allowed to have your computer turned on in class anymore, and you will be asked to leave the class for that day. (One good way to avoid any misunderstandings on this point is just to take notes the old-fashioned way, with a pen and paper.)

If your conduct is considered disrespectful and disruptive in class, you will receive a written warning. The second, time you disrupt class, you will have your participation grade cut by 50%. The third offense, I will give you a zero for class participation.

Class Topics and Reading Assignments:

Introduction:

Jan 19th: Jan. 19: Discussion of Syllabus and Subject Matter of Course;

Jan 24th: Frederick Schauer, "The Practice and Problems of Precedent" (handout)

**Jurisprudence:**

Jan 31st: Natural Law Theory (handout) and Michael Moore, “Law as Justice” (108)


Feb 14th: Frederick Schauer, “Legal Realism” (Handout)

**Torts:**


Feb 21st: Jules Coleman, “Tort Liability and the Limits of Corrective Justice”, 330-338; TBA


March 2nd: Exam #1 Due

**Criminal Law**


March 9th: Patrick Devlin, “The Enforcement of Morals,” 377-383 and Handout (TBA)

**Spring Break:** March 14th – March 18th


**Contracts:**

March 30th: Alan Wertheimer, “Unconscionability and Contracts,” 388-399


April 6th: **Exam #2 Due**

**International Law:**


**Constitutional Law and Judicial Decision Making:**

April 20th: Frederick Schauer, “Judicial Opinion” and “Making Law.” Handout


**Exam #3: Due May 9th**