

Philosophy of Law



Philosophy 22B *Legal Studies*

Professor Andreas Teuber
Spring 2011

I. Introduction

The course will cover a number of central topics in the philosophy of law: the nature of criminal responsibility (what is a crime?), necessity and duress, causation in the law, negligence and liability, criminal attempts, omissions and the duty to rescue, insanity and excuse, the aims and limits of criminal punishment, and the nature and limits of law.

An effort will be made to get at the principles underlying differing judicial judgments about particular cases as well as to answer more general questions: Under what conditions should a person be held responsible for his or her acts? Under what conditions may one be excused? Suppose I simply make a mistake? Or was merely careless? Or was mentally unstable? Is it fair to punish me for a harm I caused but did not intend? And if I attempt but fail to commit a crime, should I be punished less severely than if I succeeded?

Specific topics will include sleepwalking, mis-administered poisons, misfired bullets, and foiled attempts. Also: felony-murder, duty to rescue laws, the relation of morality to law, strict criminal liability, and a brief excursus on how like and unlike the law is to rules of a game (e.g. chess or poker), cooking recipes and the Ten Commandments.

II. Class Times

The course will meet on Tuesdays and Fridays from 1:40 to 3:00 PM.

III. Reading

The course is divided into four sections. Reading assignments will be blocked out week by week for each section.

Available at the University Book Store:

- Joel Feinberg & Jules Coleman (eds.), **PHILOSOPHY OF LAW**, Eighth edition, Wadsworth Publishing, 2008

Available Online:

A number of articles, law reviews, cases, and handouts as well as the "Twenty-One Legal Puzzlers," complete with commentaries.

IV. Examinations

There will be one quiz in class. There will be no other written examinations, final or otherwise.

V. Phil 22B Web Site

The course will have its own Web Site, currently under construction for Spring 2011.

Philosophy of Law Web Site
<http://people.brandeis.edu/~teuber/law.html>

VI. Writing

Four papers are required on topics growing out of the readings and class discussions. The papers should be about 5-6 pages in length. One of the four papers will be a credit/no credit paper. You will be also be given the opportunity to rewrite two of the four papers and thereby improve your grade. Paper topics will be available at least ten (10) days before a paper is due. Because you will be given the opportunity to rewrite at least 50% of the written work required for the course, the course meets the "writing intensive" requirement.

VII. Participation

The participation requirement can be met in four distinct ways or a combination of two or more of these ways: (1) by participating in class discussion of which there will be plenty; (2) by keeping a notebook or journal in which you record your thoughts on various conundrums or knotty issues in the law; (3) by coming to discussion sessions which will be optional but regularly scheduled throughout the semester to brainstorm, in particular, about the paper topics; and (4) by talking with fellow students, roommates, friends, relatives, moms and dads, uncles and aunts about questions that arise in class.

VIII. Attendance

Attendance is required. You are allowed two unexcused absences. Any further absences will have an impact on your final grade.

IX. Grading

Grading will be broken down as follows: 40% for your strongest essay, 30% for your next best effort and 20% for the one which is least successful of the three graded papers on the presumption that you receive "credit" for the "credit/no credit" paper. The participation requirement will count 5% and the quiz will count for the remaining 5%.

X. Course Assistance

Course assistants have been assigned to this class. They will be primarily responsible for reading the papers and making comments on them. I shall read through *ALL* the papers and be responsible for grading each and every one of them.

XI. Office Hours

I will hold office hours on Thursdays from 12:00. until 1:00 and by appointment. Please write ahead of time, that is, send an email, saying what time and on what day you would like to meet. My office is in RABB, Room 330. If you wish to communicate, the best method is via email. My e-mail address is teuber@brandeis.edu.

Note: If you a student with a documented disability on record at Brandeis University and you would like to have a reasonable accommodation made for you in PHIL 22B, please see me as soon as possible.