

Philosophy of Law

Philosophy 22B (*Legal Studies*)

Professor Andreas Teuber

SPRING 2007

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 fail to commit a crime, should I be punished less severely than if I had succeeded?

Specific topics will include sleepwalking, persons subject to post-hypnotic suggestion, faith healers, mis-administered poisons, misfired bullets, and foiled attempts. Also: felony-murder, strict criminal liability, and a brief excursus on whether the law is more or less like the rules of a game (e.g. chess or poker), cooking recipes, or the Ten Commandments.

II. Class Times

The course will meet on Mondays and Wednesdays from 3:40 to 5:00 PM in Lown 2.

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:

- Leo Katz, **BAD ACTS AND GUILTY MINDS**,
University of Chicago Press, 1987
- Alan Dershowitz, **THE BEST DEFENSE**, Random House, 1983
- Joel Feinberg & Jules Coleman (eds.), **PHILOSOPHY OF LAW**,
Seventh edition, Wadsworth Publishing, 2004

Available Online:

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

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 has its own Web Site, currently under construction for Spring 2007.

VI. Writing

Four papers are required on topics growing out of the readings and class discussions. The papers should be about 6 pages in length. One of the four papers will be a credit/no credit paper, with an opportunity to receive "extra credit. You will be able to rewrite one of the four papers, if you wish. Paper topics will be available at least ten (10) days before a paper is due. It is wise to make a copy of a paper before handing in the original. If you are working on a computer, make a back-up. The course will meet the "writing intensive" requirement.

VII. Journals/Online Forum

You shall also be required to keep a journal throughout the semester. The journal should not be used for note-taking or for jotting down quotations or for making commentaries on the readings (although you may wish to use a separate note-book for these tasks), but should be reserved exclusively to give and develop your own answers to certain basic questions and to get at the fundamental principles raised by the many cases, both hypothetical and actual, discussed in philosophy of law. Questions will arise and be identified during the course of lectures and discussion. You may also meet this requirement by participating in the online forum. An Online Forum will be set up for this purpose to enable you to go online and thrash out some of the especially knotty questions raised in our discussions. You may meet the journal requirement by answering and responding to the questions as a participant in the online forum or by engaging in a combination of the two. To receive credit a minimum of 200 words per week or 3000 words for the semester will be sufficient. This should not be too difficult. You may also meet this requirement by participating in class, attending the optional discussion sessions, going over your paper or papers with your T.A. or a combination of these.

VIII. Attendance

Attendance is required. You are allowed three 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 given the proviso that you receive "credit" for the "credit/extra/credit" paper. The journal and/or participation in the online forum will count 5% and the quiz 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 will 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 Wednesdays and Thursdays from 1:15 to 2:15 PM and by appointment. Please feel free to drop by during those times; I can be found in RABB, Room 303 or Rabb 336. If you wish to leave messages for me, you may do so by written note which you may leave in my mailbox in the Philosophy Department Office, RABB 303 or by e-mail. 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.