

*PHILOSOPHY OF LAW*  
Philosophy 311 001  
Spring 2008

Professor: *Shannon McIntyre Skousgaard, Ph.D.*

Office: Robinson B455

To Contact Professor: Use office hours or email: [sskous@erols.com](mailto:sskous@erols.com)

Office Hours: 1030-1145 Tuesdays and Thursdays or by appointment

Writing Fellow: Tamar Rita Najarian

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Office hours: Wednesday, 0900-Noon

This class has been honored to have a Writing Fellow assigned to assist students with their writing assignments. Miss Najarian will be presenting special classes during regular class time to help with your writing; she is also available to assist by appointment.

*Texts:*

Feinberg and Coleman, *Law & Philosophy*

Robert Bolt, *A Man For All Seasons*

Shannon McIntyre Jordan, *Decision Making for Incompetent Persons: The Law and Morality of Who Shall Decide*

St. Thomas Aquinas, *Treatise on Law*

*Course Description:*

This course is a survey of several theories of law and their application to contemporary social/political problems. This course examines the foundations of law, especially for a liberal democracy. After surveying several theories of law, we look at their application to contemporary social and political problems. In the class we read and ask questions such as: What is law? What is liberty? Are there limits on freedom? What is justice? What are rights? Do we have duties? What is the common good? Are there limits on the autonomy of individuals? What is punishment? Class work centers on discussions of readings and their interpretations.

*I. General Course Information*

*A. About Class Assignments*

I assume the student has read required texts as assigned; in class we work from that point, through discussion, toward class objectives. For each theory and problem I bring significant background information which is not in the text and for which the student is *fully* responsible -- *whether or not he is in class!* Although attendance is not taken, students are responsible for the content of all lectures and discussions, assignments and changes. *Except in extreme emergency, the professor will not be the source for information or assignments missed in unattended classes.* Consequently, it will be helpful for students to find a study-buddy to check with. In case of serious illness or other "dean worthy" excuses, I am happy to assist the student. Important notice: your

papers and exam essay *must* reflect the content of classroom work.

### B. *About Class Attendance*

The professor does not take attendance at every class, however grades on each of the assignments assume attendance and participation on your part. That is, you are completely responsible for material presented by the professor or other students, even on days you are absent. If this material is relevant to an assignment it must be included even if it is not in the readings. Missed classes have a severe negative impact on grades. I assume timely appearance on class days, regular attendance and involvement in discussion on days you are not presenting. For group assignments, all members of the group will receive the same grade; however, poor participation in the work required to develop and produce the group projects may result in some members of the group receiving lower scores than others. Each member of the group will be asked to report on the contribution of other members of the group. The judgment of your group that you failed to make an adequate contribution (e.g. missed scheduled meetings, were difficult to contact, failed to provide materials in a timely manner, etc.) is sufficient to negatively impact your grade on that assignment. The participation grade itself is based primarily on your participation during class discussions and other group presentations. Absences from group presentations *for any reason* will incur a failing grade for the presentation and reduce the participation score. I will take roll on presentation days; students who arrive before the presentation begins will be credited with attendance. This information may be used at the end of the semester as extra credit to boost your grade. Students who arrive once the presentation has begun will not receive credit.

### C. *General Expectations:*

1. Students will *come to class on time*.
2. Assignments will be read by class time on the day scheduled.
3. Oral reports will be given on the day assigned. There will be no make-up assignments for oral reports.
4. Late arrival and improper dress for presentations is penalized. *Business attire is appropriate for presenters*. For men: suit or sport coat and tie; business shoes. For women: business suit or business dress or slacks with jacket; business shoes only, no open-toed shoes; no large, excessively dangling earrings or other excessive jewelry; no see-through clothing; no deep cut shirts. Students who do not dress properly for presentations will be individually marked down.
5. All papers will be turned in at the beginning of class on the assigned due-date; no extensions will be given. There will be a penalty of one (1) letter grade for each class day that the paper is late, including the due date if submitted after class begins. For the group assignment this applies to all members, even those who were present but did not have the paper to turn in. Choose your group leader carefully.
6. All assignments must be attempted and submitted to earn a passing grade in the course.

## II. *Assignments*

The usual standards for research papers apply; if you are uncertain consult a manual. *Failure to comply with these established standards will hurt your grade*. Students will use the Chicago Style.. You are required to submit:

A. *Group Presentation Submission Dates:*

- a. Selection of group members by class time **Tuesday, January 29**. If you have not self-selected your group by this time the professor will assign you to an *ad hoc* group. You must select a group leader who will coordinate your work together. He will submit the following information via email to the professor: names and email addresses of each individual member including the group leader. All email correspondence concerning the group, including this one, from the group leader or any member of the group to the professor will be copied to all members or the professor will not respond. Delays in receiving responses from the professor caused by this failure will not serve as an excuse for delays in submissions.
- b. Written declaration (by email) of *group presentation topic* to professor by start of class on **Thursday February 7**.
- c. Written submission (by email) of the group's thesis statement, including a statement of points to be argued with bibliographic resources to be used; due on **Thursday, February 21**.

**Writing Fellow:** Miss Najarian will present a class on this portion of the assignment on **Thursday, February 14**. The class will not be repeated, so your attendance is mandatory and roll will be taken; once class begins you will not receive credit for attendance. Students will learn:

1. requirements for this assignment
2. how to write a thesis statement
3. what counts for research in this class
4. citation style, and more.

B. *Concept of Law Essays:*

- a. one 2-page type-written Extended Definition essay on Natural Law Theory by **Tuesday, February 19**.
- b. One 2-page type-written Extended Definition essay on Legal Positivism or Legal Realism by **Tuesday, March 4**.
- c. If a student has submitted a draft of these papers to Miss Najarian, the paper may be rewritten after the professor has graded it and resubmitted for a final grade. The draft will count for 30% of the grade and the final paper for 10%. Students who do not have verification from Miss Najarian of meeting these requirements may not resubmit.

**Writing Fellow:** Miss Najarian will present a class that prepares you to write this assignment on **Tuesday, February 12**. The class will not be repeated, so your attendance is mandatory and roll will be taken; once class begins you will not receive credit for attendance. The class will include the information you need

- a. on the Chicago Style, which is the required style for your paper submission
- b. on writing in a philosophical manner
- c. on crafting an excellent thesis statement, constructing a well-written paper.
- d. Miss Najarian will also be available to assist you by reading drafts for grammar, style, structure, etc. during her office hours.

- c. *Presentation and Paper:* This is a Group Project in which an important concept, issue or issue is presented, analyzed, and put in historical context. The paper is due two weeks after presentation. Individual groups will be assigned dates for presentation.
- a. *Writing Fellow:* Miss Najarian will be available to meet with groups during her office hours to assist in structure and development of argumentation and presentation prior to the presentation and between the presentation and submission of the paper.
- D. *Final Paper:* due Thursday, May 1. *Paper on the Readings and Class Discussions* There will be one paper covering required readings and class material. This is not an outside-research work, but one derived and constructed from class discussion and all text readings. *Failure to properly integrate class discussions into your essay will certainly result in an unacceptable grade.* This means that although attendance is not recorded for class, your presence is required in order to achieve an acceptable grade. Material covered will be from the last section of the course. This paper will be submitted on Thursday, May 1.

#### *About Written Submissions*

All papers must be typed in a legible 12-point face, paginated, securely and safely fastened, and double spaced with appropriate margins. Bibliographies must be attached to the papers at the due date or the entire paper is considered late. Papers that do not meet these requirements will be returned and penalized one letter grade per class day until resubmission. Please pay attention to this requirement as it will be enforced. All written work is expected to reflect college-level writing; penalties will be assessed for deficiencies. Any typing errors in papers are writing errors. Be sure to run a spell check with your word processor, but don't rely on that since spell check does not check grammar. Misuse of homonyms is an error. Proofread carefully; have someone else proofread your work. If you believe your writing preparation may be inadequate, consult the Writing Fellow or the university's Writing Center for assistance well before you hand in papers. Any papers requiring citations should follow the Chicago style.

NOTE: It is not smart to turn in any paper without retaining a copy of it; and if your copy is on disk, it is your responsibility to back up your disk. Computer problems are not accepted as excuses for delayed work. Attend to the fact that the computers and the printers at the university are not reliable, so do not rely on them. Lack of availability of university equipment will not be accepted as an excuse. See penalties above.

NOTE: Do not discard any returned assignments until end of the semester. You may need them to verify your submission or your grade.

*More detailed information about written submissions below.*

*About the Honor Code*

*All work must be consistent with Honor Code aspirations.* .The Honor Code and plagiarism: All work is understood to be submitted in accordance with the university Honor Code. According to the university "plagiarism encompasses the following: 1. Presenting as one's own the words, the work, or the opinions of someone else without proper acknowledgment. 2. Borrowing the sequence of ideas, the arrangement of material, or the pattern of thought of someone else without proper acknowledgment." If you must, familiarize yourself with the Honor Code and its requirements before you submit work. This is your responsibility entirely. <http://www.gmu.edu/catalog/apolicies/#Anchor12>

4. *Grading:*

Extended Definition # 1	10%
Extended Definition # 2	15%
Class Presentation:	20%
Report on Presentation	25%
Paper on Readings and Discussions	25%
Participation	05%

*Notices to Students from the Dean of Liberal Arts and Human Sciences:*

1. Students are reminded that they are responsible for the accuracy of their own schedules; students should check PatriotWeb regularly to verify that they are registered for the classes that they think they are. This is particularly important since students are no longer dropped for nonpayment. The professor will not allow a student who is not registered to continue to attend class and will not grade the work of students who do not appear on the official class roster.

2. Please note the following dates that are relevant to your grades:

Last Day to Add (Full-Semester Course)	September 18, 2006
Last Day to Drop (Full-Semester Course)	September 28, 2006
Elective Withdrawal Period (Full-Semester Course)	September 29 - October 26, 2006

Once the add and drop deadlines have passed, instructors do not have the authority to approve requests from students to add or drop/withdraw late.

3. The provost has requested that instructors include on their syllabi the following statement about accommodations for students with disabilities:

If you are a student with a disability and you need academic accommodations, please see me and contact the Disability Resource Center (DRC) at 703.993.2474. All academic accommodations must be arranged through that office.

Students should be aware that the need for accommodations must be identified at the beginning of the semester and that the specific accommodation has to be arranged through the Disability Resource Center. Faculty may not provide accommodations to students on their own (e.g. allowing a student extra time to complete an exam because the student reports having a disability).

## *Helpful Information Concerning Assignments*

### *1. Extended Definitions:*

- a. The purpose of this assignment is to help the student develop a full appreciation of the role of a theory of law in social and political life.
- b. The student will write an Extended Definition paper using proper resources. The Writing Fellow will explain this form in her classroom presentation.
- c. The paper is to be no more than 2 typed pages. Anything less than 1.5 pages will surely be inadequate to demonstrate the required understanding.

### *2. Group Presentation*

- a. The purpose of this assignment is to help the student develop a full appreciation of at least one major concept, issue or problem in jurisprudence.
- b. The student will therefore select a concept or an issue which is of major significance in legal theory. Selection of an appropriate topic is considered for grading. We will discuss topics in class at an early date so students can make a good start.
- c. Presentations use the complete class period of 75 minutes; however, the formal presentation should be no less than 40 minutes and no more than 50 minutes. Anything short of 40 minutes will be inadequate to the expected coverage; anything longer than 50 will cut into class discussion of the material presented. Presenting students are required to lead the class discussion.
- d. AV equipment should be easily accessible in the classroom and students may present using any technology that is helpful and available. However, technological failures are entirely the responsibility of the student, even when GMU equipment fails.
- e. Students will dress properly; see above.
- f. Presentations should begin within 5 minutes of class start time.
- g. Detailed research need not be presented at this time, though a statement of a source that would be of general interest to the class is standard.
- h. All group members receive the same grade for the presentation.

### *3. Group Paper*

- a. Completed paper is due no later than start of class two weeks after the presentation. There will be no exceptions. Papers turned in after start of class will be docked one letter grade, and that applies to each member of the group.
- b. Paper should read as a single work, not a jumble of fragments cobbled together.
- c. All students receive the same grade.
- d. Written work should be properly presented as noted above.
- e. If class begins prior to submission, the paper is late.

#### 4. *Final Paper*

- a. This is not an outside research paper.
- b. It is an examination on the student's semester-long work with the assigned texts and class presentations, especially the professor's class presentations..
- c. Questions will be presented by the professor; the student will select one and work on it.
- d. Work will be submitted according to writing expectations above.
- e. Paper will be graded on the breadth and depth of the student's comprehension of the issue addressed using the two resources.