Socrates: ... And do not either take what I say as if I were merely playing, for you see the subject of our discussion-and on what subject should even a man of slight intelligence be more serious?-namely, what kind of life one should live.

- Plato, Gorgias

Text: Philosophical Problems in the Law, David M. Adams

Reading Assignments:

I. Law and Philosophy
   A. The Nature of Law and Legal Reasoning (1-2)
   B. Philosophy and the Law (3-4)
   C. What is Law? (15-40)
   D. Purpose of the Law (handouts)
      Acts, Omissions, and the Duty to Rescue (586)
      McFall v Shimp (590)
      Macaulay - Against a Legal Duty to Rescue (591)
      Weinrib - The Case for a Duty to Rescue (593)

II. Approaches to Law
    A. Some Definitions of Law (handout)
    B. Classical Theories of Law (40-83)
    C. Modern Theories of Law (83-119)
    D. Contemporary Perspectives (120-125)
       Riggs et al v Palmer (149-152)
       Billy Budd Herman Melville (153-157)
       The Antelope (157-159)

    A. South Florida Free Beaches, Inc., U. City of Miami, Florida (199)
    B. John Stuart Mill (200-202, handout)
    C. Patrick Devlin (202-206, handout)
    D. H.L.A. Hart (207-209, handout)
    E. Gerald Dworkin (handout)

IV. Applications
    A. Abortion and Stem Cell Research (handouts)
    B. Suicide and Euthanasia (handouts)
    C. Sexual Orientation, Gender and Equality (314-319)
       Homosexuality and the Constitution - Sunstein (323-326)
       The Dilemma of Difference - Minow (327-331)
       The Assimilationist Ideal Wasserstrom (332-338)
El Camino College Course Objectives

1. Examine normative forms of thinking such as law, morality, prudence, aesthetics, and ethics.
2. Compare and contrast different theories of law utilizing philosophers from the Greeks to modern times.
3. Compare and contrast the similarities and differences between individual autonomy, legal paternalism, and the demands of society at large.
4. Describe the distinction between censorship and regulation of speech and conduct.
5. Identify and analyze theories of law referenced in Supreme Court cases.
6. Analyze and critically evaluate the philosophical perspectives on medical and bioethical issues.
7. Evaluate various concepts in the legal enforcement of morality.
8. Differentiate philosophical theories on the limitations of law in regulating the behavior of individuals in society.

SLO

Upon completing this course, students will be able to demonstrate a knowledge of the major areas of the philosophy of law and use that knowledge to evaluate the legal issues confronting the 21st century and effectively utilize analytical skills necessary to critically evaluate the arguments presented in contemporary legal debates.

Examinations

There will be three essay exams for this course. The exams will follow sections I through III under reading assignments. The exam questions will be taken from a list of questions you will receive prior to the exam. Each of these exams will be valued at 100 points. There are no make-up exams given.

Grading Policy

In grading the essay exams and semester memo I will award points for: a) presenting and defining the philosophical concepts found in the philosophy of law; b) the ability to relate those concepts to contemporary issues; c) utilize those concepts in formulating your position and; d) how well you are able to critically evaluate the philosophical positions we will explore.

The final grade will be based upon the total number of points you have accumulated throughout the semester. The grades for each of the essay exams and memo will be graded as follows:

100-90=A 89-80=B 79-60=C 59-50=D

Quizzes

Throughout the semester unannounced quizzes on the assigned reading will be given. The points from these quizzes will be included in your total points. There are no make-up quizzes given. If you are absent, without prior arrangement from me, when these exams/quizzes are passed out or collected you will not be permitted to make them up.
Paper

You will be required to draft one memo, no more than five typed pages in length, in which you address the questions given to you in the directions for the memo. The topic will be one of the issues, of your choosing, raised in the Applications portion of the course outline. The memo will be valued at 100 points and submitted two weeks prior to the end of the semester. Further directions will be given in class.

Handouts/Videos

You will be responsible for the information in the handouts and videos and will be called upon to include references to them in your major exams.

Cell Phones/Pagers

These devices are not permitted in class. Any phone calls or text messages (including instant messaging, and paging) sent or received during class will result in 20 points taken off your final grade for the course. Each recurrence will result in a subtraction of 20 points.