

Professor Kyle David Bennett, Ph.D.

PH 318 | Philosophy of Law and Society

Pattern: M 420-650 pm

Room: Aquinas 103

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Office Hours: M/W/F 7—8 am and F 10 am-12 pm

Course Description:

This course inquires into the classic positions on the philosophy of law and the specific relationship of law to morality. It also considers questions relating to the structure of society and justice. Attention will also be given to the essence of citizenship and the nature and purpose of civil obedience.

Required Texts:

Samuel Pufendorf, *On the Duty of Man and Citizen* (Cambridge, 1991; 2006) ISBN: 978-0-521-35980-1 [DMS]

Reading packet with excerpts from Plato's *Apology*, *Crito*, *Euthyphro*, and *Laws*; Aristotle's *Nicomachean Ethics* (Book 5); Thomas Aquinas's *Summa Theologica*, Part I-II, QQ. 90, 94-97; Thomas Hobbes's *Leviathan*, 14-15, 26-28; Charles Montesquieu's, *The Spirit of Laws*, I, XIV-XVII, XXIX // Preface, Books 1-3, 8, 11-12; Immanuel Kant's *The Science of Right*, Part 1; Federalist Papers; perhaps Henry David Thoreau's "Civil Disobedience" or Hannah Arendt's "On Civil Disobedience;" and will conclude with some legal documents on current issues (e.g., death penalty).

Course Objectives and Learning Goals:

1. Philosophy addresses questions we all wonder about and wrestle with eventually. This course will give you the opportunity to think through enduring and fundamental human, social, and political questions with some of the greatest minds in human history (Global Objective 3)
2. We will also develop competency and skill in reading a text charitably and critically, as well as writing persuasively (Global Objective 1).
3. Finally, we will gain skill in analyzing ideas, using logical argumentation, and identifying philosophical ideas within contemporary thought and culture (Global Objective 2).

Course Requirements & Grading:

- Attendance. Everyone gets three (3) absences: athletic game(s), bereavement, illness, one-in-a-lifetime concert. After three absences, there will be a 5% deduction from your final grade. Athletes: Please come speak to me *the first week of class* if you know that you will miss more than three classes due to games.
- Three Impromptu Quizzes (20%). Ten short answer questions based on the readings and lectures. When they occur, they will be the first thing we do in class, so don't be late. Quizzes cannot be made up unless your absence has been excused by me beforehand.
- Text Analysis Summary and Discussion (25%). Every student with a partner will lead a discussion of the Pufendorf text we are reading. Students will do the assigned reading and type up a one-page "text argument summary." They will then *lead* our discussion of the text. Particular emphasis will be placed on application: how does this Pufendorf reading apply to our context, circumstances, and concerns? A grading rubric will be provided.
- Short Analysis Paper (25%). Students will be required to write a two page single-spaced paper that analyzes an issue in Pufendorf's work, *On the Duty of Man and Society*. Further instructions and a grading rubric will be provided the third week of class. This paper will be due 10/30. No extensions.
- Final Exam (30%). The final exam will cover all of the readings, lectures, and discussions.

A Note on Class Structure, Discussion, and Expectations:

- Punctuality and participation: Just as you expect me to be on time and prepared, I expect you to come to class on time and prepared. Coming to class late, leaving during class, or leaving class early will affect the quality of your class work and ultimately your final grade. If you have an emergency that prevents you from turning in an assignment or attending class, you are responsible to notify me *ahead of time* (before class or before the deadline passes) or penalties will apply. Calling me with an excuse does not automatically get you off the hook; I reserve the right to extend deadlines *only* for reasons I judge serious and worthy.
- Technology: Use of cell phones and other electronic devices (iPad, Kindle, laptop, etc.) are strongly discouraged in class. Please silence phones before class begins. Disturbing our learning environment by disregarding this policy (including leaving the classroom to answer your cell phone) will result in a deduction from your final grade. You will get the most out of this class if you take written notes and are actively engaged in discussion.
- Food and drink: If you can chew like a civilized human being, control your appendages, and respect your neighbor, then I don't mind if you have food or drink in the classroom.

- General hospitality: I am dedicated to making my classroom a hospitable place to learn for all students. If I ever make you uncomfortable by something I do or omit to do, please send me a note to let me know, so that I can make any changes necessary to avoid making the same mistake in the future. This is one of the many ways I expect to learn from you, too. Feel free to stop by my office anytime if you have any questions or concerns. If you have special learning needs, please contact Academic Services and let me know what accommodations you need by the second week of class. I will make every effort to assist you.

Grade Scale:

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|----|------------|------|--|
| A | 94-100 % | 4.0 | Highest level of achievement |
| A- | 90-93% | 3.75 | Exemplary achievement |
| B+ | 87-89% | 3.5 | Consistently superior achievement |
| B | 84-86% | 3.0 | Very good |
| B- | 80-83% | 2.75 | Good |
| C+ | 77-79 % | 2.5 | Above average |
| C | 70-76 % | 2.0 | Satisfactory work |
| D+ | 67-69 % | 1.5 | Unsatisfactory work |
| D | 60-66 % | 1.0 | Poor performance |
| F | BELOW 60 % | 0.0 | Failure |
| FX | 0% | | Failure due to a violation of the University's Academic Policy |

Reading Schedule [subject to change]

Please bring reading materials to class on day specified.

- Week 1. Personal introductions, syllabus, and an introduction to law
 - “Homework:” Read Plato’s *Apology*, *Crito*, and *Euthyphro* (PDF to be provided)
- Week 2. No Classes (Labor Day)
- Week 3. Plato on the nature and function of law
 - “Homework:” read Aristotle’s *Nicomachean Ethics*, Book 5 (PDF will be provided)
- Week 4. Aristotle on the need for justice and equity in law
 - “Homework:” read Thomas Aquinas’s *Summa Theologica*, Part I-II, QQ. 90, 94-97 (PDF will be provided)
- Week 5. Thomas Aquinas on various forms of law (esp. natural law)
 - “Homework:” read Thomas Hobbes, *Leviathan*, chaps. 14-15, 26-28 (PDF will be provided)
- Week 6. Thomas Hobbes on natural and civil law
 - “Homework:” read Samuel Pufendorf, *DMS*, Book 1, Chaps. 1-6

- Week 7. No Classes (Columbus Day)
 - “Homework:” read Samuel Pufendorf, DMS, Book 1, Chaps. 7-13
- Week 8. Samuel Pufendorf on natural law
 - “Homework:” read Samuel Pufendorf, DMS, Book 1, Chaps. 14-17
- Week 9. Samuel Pufendorf on natural law
 - “Homework:” read Samuel Pufendorf, DMS, Book 2, Chaps. 1-6
- Week 10. Samuel Pufendorf on natural law
 - “Homework:” read Samuel Pufendorf, DMS, Book 2, Chaps. 7-13
- Week 11. Samuel Pufendorf on natural law
 - “Homework:” read Samuel Pufendorf, DMS, Book 2, Chaps. 14-18
- Week 12. Samuel Pufendorf on natural law
 - Charles Montesquieu’s *The Spirit of Laws*, I, XIV-XVII, XXIX (PDF will be provided)
- Week 13. Charles Montesquieu on the nature and spirit of laws
 - “Homework:” read Immanuel Kant’s *The Science of Right*, Part 1 (PDF will be provided)
- Week 14. Immanuel Kant on rights and law
 - “Homework:” read Henry David Thoreau’s “Civil Disobedience” or Hannah Arendt’s “On Civil Disobedience” (TBD)
- Week 15. On the nature and purpose of civil disobedience
 - “Homework:” N/A
- Week 16. Review

FINALS WEEK

Other (Refer to the Student Handbook):

Academic Integrity

“Academic integrity or honesty, in dealing with ideas, facts, data, interpretations, conclusions and expressions of these, is essential to the very nature of any academic community. Caldwell University demands a high respect for moral values, including intellectual honesty and justice. Every student who attends Caldwell University agrees to abide by this Academic Integrity Policy as long as he or she remains enrolled. Students who witness violations are strongly encouraged

to report the academic dishonesty to the appropriate academic authority (Instructor, Chair, or Vice-President and Dean for Academic for Affairs.)” (59)

Disabilities

“Any student who has a documented disability and is in need of academic accommodations must contact the Office of Disability Services (973-618-3645) and notify the professor of this course. Students are required to provide written documentation of their disability in order to be eligible for accommodations. Accommodations are individualized and in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans Disabilities Act of 1992.” (29)

Classroom Environment

“Caldwell University promotes a mutually respectful learning environment where students and faculty engage in open discussion on topics of intellectual, academic, and personal interest. The University strives to provide an environment where students and faculty alike are free to express their opinions, to protect their intellectual property rights and explore controversial topics without derision or offense. To that end, any attempt by students to record, transcribe, or in any way memorialize class activities or student/faculty interactions would be likely to squelch the atmosphere for free and open discussion.”

Technology

“Students are prohibited from using video or audio recording devices to record lectures, class discussions, conversations, or interaction between and among faculty or between faculty and students, unless prior written approval to record is obtained from the faculty member or, if appropriate, from the Office of Disability Services. Students with documented disabilities who are permitted to record lectures as a reasonable academic accommodation must sign the “Agreement for Recording of Lectures” provided by the Office of Disability Services. Students without documented disabilities who desire to use recording devices must obtain prior written permission from their instructor and sign the general “Agreement for Recording of Lectures” form. Students permitted to record lectures or class discussions acknowledge that the recording is for individual use and solely to assist in studying of the course. The recordings may not be shared, released, publicly or electronically posted or distributed. Students who violate this policy will be exposed to academic integrity sanctions and/or other legal recourse available to the faculty and the University.”

Class Cancellations

“The University’s information number for inclement weather cancellations is 973-618-3100. Students and faculty should call this number both early in the morning and again after 3 p.m. on weekdays to confirm a weather cancellation. The cancellation of day classes does not necessarily mean that evening classes will be cancelled.” (53)