



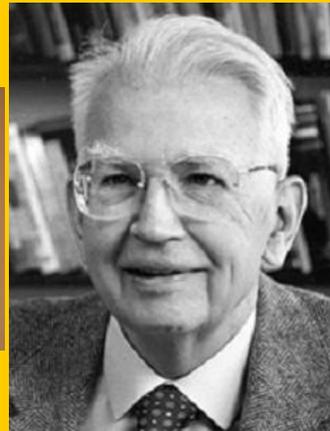
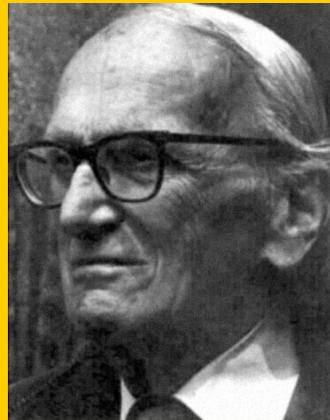
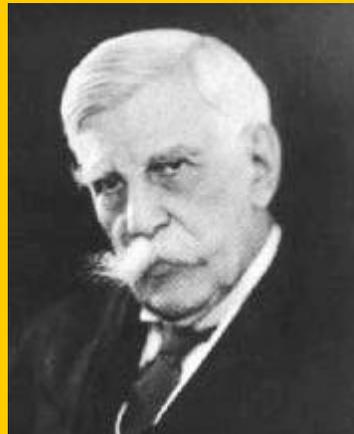
# PHILOSOPHY PROGRAM



## PHIL 420 Philosophy of Law

Distance Delivery

Dr. Jeff Johnson



What is law? PHIL 420 will begin with the classical jurisprudential question of the nature or essence of law. We will look at a number of historical and contemporary answers to this ancient and vexing question. We will then turn our

attention to some fascinating contemporary work that seeks to understand aspects of the legal system in broadly economic terms. We will look at theories of the criminal law, torts, contracts, and property, all of which are informed by the intersection of neo-classical economics with philosophy and jurisprudence.

An additional aspect of our course will be the newly emerging academic field of law and cinema. We will be watching a number of Hollywood films that raise provocative legal questions.

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#### **UWR Outcomes for Upper Division Writing Intensive Courses:**

- **Students will produce at least 5,000 words (including drafts, in-class writing, informal papers, and polished papers); 2,000 words of this total should be in polished papers which students have revised after receiving feedback and criticism.**
- **Students will practice the forms of writing and reflect upon the nature of the writing used by graduates and professionals in the discipline the course represents.**
- **Students will write at least one paper integrating information from more than one source, employing the appropriate documentation style for the discipline represented by the course.**
- **Students will draft, revise, and edit their formal written work.**
- **Students will seek assistance from a Writing Tutor in the Writing Lab when needed and when referred by the instructor.**

## **Additional Outcomes:**

- **Understand the philosophical and legal controversies concerning the nature of law.**
- **Understand the law and economics approach to law.**
- **Understand legal positivism.**
- **Understand natural law.**
- **Understand legal realism.**
- **Understand law as integrity.**
- **Understand the connect between law and authority.**
- **Understand the law and economics approach to legal scholarship.**
- **Read philosophical texts critically and with understanding.**
- **"Read" cinema critically and with understanding.**
- **Write effectively about philosophical and legal controversies.**
- **Write effectively law and cinema.**

## **Means of Assessment and Grading:**

- **Three 2000 to 3000 analytical papers (outcomes 1 through 9 and 11) (25% course grade each)**
- **Ten short papers on law and cinema (outcomes 10 and 12) (15% course grade)**
- **Required weekly participation in the discussion board discussions of the movies and short papers (outcomes 10 and 12) (10% course grade)**

### **Means of Assessment and Grading for those opting-out of the movies**

- **Three 2000 to 3000 analytical papers (outcomes 1 through 9 and 11) (33% course grade each)**

**Please note: a grade of at least C- is required in order for this course to count toward the University Writing Requirement**

## **ACADEMIC HONESTY**

**I am including below Eastern's Academic Honesty Code. It is vitally important that you carefully read it, and that you understand that it is my intention to follow this code to the letter. I really can't think of a better way to ruin your experience with this course, than to disregard this code. Obviously, if you have any questions, I can't urge you too strongly to ask me.**

### **ACADEMIC HONESTY CODE**

**All members of the Eastern Oregon University academic community are responsible for compliance with its Academic Honesty Code. Students are required to report violations to the respective faculty member of a course. Provisions of the Academic Honesty Code are:**

**Collaboration while taking any quizzes, in-class examinations, or take home examinations without the instructor's written approval is forbidden. The faculty member is responsible for defining limits for other collaborative learning activities for each course.**

**Plagiarism or representation of the work of others as one's own is forbidden. The faculty member will make clear the format for properly citing sources of information not original by the student.**

**Explicit approval by all instructors is required if the same work is to be submitted to more than one course, even if is not within the same term.**

**Violations of the Academic Honesty Code may result in both academic and behavioral penalties including possible suspension or expulsion from the University.**

An automatic grade of zero for any work which is a violation of the Academic Honesty Code will be assigned by the instructor. The instructor may also assign a grade of F for the course after discussion with the respective School Dean. Students may appeal the course grade to the respective School Dean, who is the final level of appeal on the matter of course grade penalties for academic dishonesty.

The faculty member is also required to file a disciplinary complaint to the Vice President for Student Affairs about any student believed to have violated the Academic Honesty Code. If deemed appropriate, hearing procedures will be implemented by a University Hearing Officer as outlined in the Code of Student Conduct. Possible sanctions considered by the Student Conduct Committee include probation, suspension, and expulsion.

## CALENDAR

WEEK	TOPIC	READINGS	MOVIE
1	Legal Positivism	Hart -- Positivism Sarat & &Umphrey -- Mockingbird	<i>To Kill a Mockingbird</i>
2	Natural Law	MacCormick -- Natural Law Grant -- Woody Allen	<i>Crimes and Misdemeanors</i>
3	Legal Realism	Schaur -- Legal Realism Sherwin -- Visual Legal Realism	<i>Liar, Liar</i>
4	Law as Integrity	Dworkin -- "The Model of Rules"	<i>Simple Justice</i>
5	Law as Integrity	Dworkin -- "What is Law? & "Hard Cases"	<i>The Verdict</i>

**First Analytical Paper due Thursday Week Five**

6	Law as Integrity	Dworkin -- "Natural Law Revisited" Chase -- "Criminal Law Films"	<i>Dirty Harry</i>
7	Tort Law	Coase -- "The Problem of Social Cost" Ryan -- "Print the Legend"	<i>The Man Who Shot Liberty Valance</i>

**Second Analytical Paper due Thursday Week Seven**

8	Law and Economics	Johnson -- "Law and Economics" Posner -- "The Economic Approach to Law" Chase -- "Civil-Law Films"	<i>A Civil Action</i>
9	Law and Economics	Epstein -- "A Theory of Strict Liability" Fletcher -- "Fairness and Utility in Tort Theory"	<i>Michael Clayton</i>
10	Law and Economics	Johnson -- "Explanation, Human Nature, and Tort Theory"	

**Third Analytical Paper due Friday Week Ten**