



## PHIL4334/6014 Jurisprudence (Spring, 2018)

### Contact Information (and Policy):

#### Professor:

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Office Hours: Tuesday 2.00 – 3.00 pm, Wednesdays 11:00 am – 12 pm.

You are encouraged to go to office hours in Major Williams Hall (MWH). If you would like to meet but cannot attend office hours, email me to request an appointment, listing three possible meeting times.

### Course Description:

Broadly, this course aims to introduce students to high-level philosophical inquiry about philosophy of law, and its intersection with related fields.

Specifically, this course will focus on the nature of *complicity*. Complicity is a familiar concern. From driving a getaway car for a bank robbery to purchasing products from factory farms, concerns about complicity are central to the philosophy of criminal law and moral philosophy. But it is unclear *when* and *why* we are responsible for others' wrongful conduct. And this has significant implications for a range of troubling issues, from climate change to corporate malfeasance to civilians' liability for wars.

This course will be divided into three main parts. First, we will examine what actions and attitudes must be present for us to be morally and legally responsible for others' wrongful conduct. Must we causally contribute to others' illegal and/or immoral acts? Must we intend their bad results?

Second, we will engage with a recent book-length treatment of complicity

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that draws heavily from real-world cases, such as aid workers who cooperate with soldiers' and governments' immoral activities.

Finally, we will apply these general lessons to two case studies: criminal liability for corporate criminality, and civilians' moral liabilities in wars.

### Meetings and Course Materials:

#### Meeting times

Lecture: Monday and Wednesday, 4:00 – 5:15 pm, PAM 2002.

**Required text:** Chiara Lepora and Robert Goodin, *On Complicity and Compromise* (Oxford University Press, 2013); the book is available [here](#). All other readings will be available as PDFs on Canvas.

### Assessments:

This table provides a snapshot of the assessment schedule, including when you can expect assessments to be returned with feedback:

Due Date	Assessment	% of Grade	Date Graded/Returned
Ongoing	Participation	10	May 4
Weekly	Reading Responses	20	Weekly
TBD	Presentation	10	May 4
March 12	Essay I	30	March 26
May 4	Essay II	30	May 11

#### Participation

You are expected to come to each class with the course text and your notes, ready to discuss the material and actively participate in discussion.

#### Reading Responses

You are expected to write a one- to two-page response to each week's readings. Your response should be partly a summary of the reading and partly a substantive comment, question, or objection to its content. Each response is worth 2%; you will be graded on your best ten responses.

## Presentations

With a partner, you will present on one week's readings. Your joint presentation should be for five to ten minutes, followed by up to five minutes of Q&A. You are expected to summarize the reading briefly, then raise two or three substantive issues and questions about its content. You will not write a reading response for the week that you present.

## Essay I

You are expected to write a 2,000-word essay defending a position on one of the philosophical issues that we consider in the first half of the course. You will be expected to compose a valid argument for your position, defend its premises, and consider and respond to an objection.

## Essay II

You are expected to write a 2,000-word essay defending a position on one of the philosophical issues that we consider in the second half of the course. You will be expected to compose a valid argument for your position, defend its premises, and consider and respond to an objection.

### Five Simple Tips for How to Improve

#### 1. Improve your research habits.

If you mostly rely on Wikipedia and blogs, you'll do badly. These sources *might* contain some good philosophical analysis. But they're just as likely to contain simple philosophical mistakes. *Rely on peer-reviewed sources.* Use google scholar instead of google. Try the Stanford Encyclopedia of Philosophy ([www.plato.stanford.edu](http://www.plato.stanford.edu)) or the journal *Philosophy Compass*.

#### 2. Read about reading and writing about philosophy.

I strongly recommend that you read Jim Pryor's '[Guidelines on Reading Philosophy](#)' and '[Guidelines on Writing a Philosophy Paper](#)'. They're short, and will save you much time and stress in the long run.

#### 3. Practice makes perfect.

Learning philosophy for the first time involves learning some new skills. Like learning to ride a bike, that takes time and involves trial and error. It also becomes easier and easier the more you do it. Practice analyzing and developing arguments throughout the course, and it'll become easy.

#### 4. Take notes.

Perhaps the simplest thing you can do to improve in philosophy is to take notes *for every reading and lecture and discussion section*. You will absorb more of the material if you actively read and listen. And you will *not* be given lecture notes in this course—so your notes will be a crucial resource.

#### 5. Philosophy is a social activity.

An easy and fun way to improve is to talk about the key arguments and ideas from course with your friends, and/or with other students from the course. Consider creating a study group. They will help you understand material that you are struggling with. And you will reach a deeper understanding yourself when you explain ideas and arguments to others.

### Honor Code Procedures:

This is an ethics course. Plagiarism and other forms of cheating will be treated very seriously. The normal sanction I will recommend for a violation of the Honor Code is an **F\*** sanction as your final course grade.

The Undergraduate Honor Code pledge that each member of the university community agrees to abide by states: "As a Hokie, I will conduct myself with honor and integrity at all times. I will not lie, cheat, or steal, nor will I accept the actions of those who do."

Students enrolled in this course are responsible for abiding by the Honor Code. A student who has doubts about how the Honor Code applies to any assignment is responsible for obtaining specific guidance from the course instructor before submitting the assignment for evaluation. Ignorance of the rules does not exclude any member of the University

community from the requirements and expectations of the Honor Code. For additional information about the Honor Code, please visit <https://www.honorsystem.vt.edu/> or contact [honorsys@vt.edu](mailto:honorsys@vt.edu).

The Virginia Tech honor pledge for assignments is as follows: "I have neither given nor received unauthorized assistance on this assignment." It must be written out and signed on every assignment in this course.

Any of the following acts constitute academic misconduct: cheating, plagiarism, falsification, fabrication, multiple submissions, complicity, or violation of university, college, department, program, course, or faculty rules.

#### **Other Administrative Issues:**

##### **Electronics Policy**

No electronics can be used in class (including phones and laptops). Exceptions will be made for students with disabilities, or volunteer notetakers with SSD, or for similar causes. This is a strict rule.

##### **Lateness Policy**

Late assessments will be penalized at the rate of 5% per day, unless (a) you have a documented illness or other extenuating circumstance, and (b) you have explicit prior authorization to hand in the assignment late, from me, to be granted at my discretion. If you foresee a conflict between an assessment due date and another commitment, please email me well in advance so that I can provide a fair alternative.

##### **Absences**

"Students who miss class due to circumstances beyond their control can request to have the absence verified. Each faculty member will make the final determination in allowing the request to make-up missed academic work. Verification of absence does not override the authority of a faculty member. For family or personal emergencies, contact the Dean of Students Office (109 East Eggleston Hall, 231-3787). For absence related

to mental health, contact Cook Counseling Center (McComas Hall, 231-6557). For absence related to physical health, contact Schiffert Health Center (McComas Hall, 231-6444). Please note, Schiffert Health Center will only verify absences resulting from prolonged illness (at least 5 days). In addition, Schiffert does not notify faculty of one-time student appointments in the Health Center. Relevant documentation is required for any verification of absence. The Dean of Students office does not verify absences related to religious and ethnic holidays."

##### **Disabilities**

I wholeheartedly endorse Tech's policy and practice of creating inclusive learning environments for all students, including students with disabilities. If aspects of this course – such as time limited exams or inaccessible web content – result in barriers to your inclusion or your ability to meet course requirements please notify me as soon as possible. We will adapt methods, materials or testing in order to offer fair terms of participation. You are also encouraged to contact the Services for Students with Disabilities office to discuss and arrange reasonable accommodations. Please visit [www.ssd.vt.edu/students.htm](http://www.ssd.vt.edu/students.htm) for more information.

## Class Schedule:

Date	Topic	Readings
January 17	Introduction	Kutz, <i>Complicity</i> , ch. 1
January 22 & 24	The Mens Rea for Complicity I	Kadish et al., <i>Criminal Law and its Processes</i> , ch. 7, section I (pp. 657-687)
January 29 & 31	The Mens Rea for Complicity II	Girgis, 'The Mens Rea for Accomplice Liability: Supporting Intentions'
February 14	The Actus Reus	Kadish et al., <i>Criminal Law and its Processes</i> , pp. 687-693 & Kutz, 'Causeless Complicity'
February 19 & 21	Complicity and Causation I	Kagan, 'Do I Make a Difference?'
February 26 & 28	Complicity and Causation II	Nefsky, 'Consequentialism and the Problem of Collective Harm'
March 12 & 14	Complicity and Compromise	Lepora and Goodin, <i>Complicity and Compromise</i> , ch. 1-2.
March 19 & 21	Isolating and Evaluating Complicity	Lepora and Goodin, <i>Complicity and Compromise</i> , ch. 3-4.
March 26 & 28	Responsibility and Blameworthiness	Lepora and Goodin, <i>Complicity and Compromise</i> , ch. 5-6.
April 2 & 4	Individuals & Organizations	Lepora and Goodin, <i>Complicity and Compromise</i> , ch. 7-8.
April 9 & 11	Corporate Criminality I	Kadish et al., <i>Criminal Law and its Processes</i> , ch. 7, section VIIIC (pp. 777-816)
April 16 & 18	Corporate Criminality II	Sepinwall, 'Crossing the Fault Line in Corporate Criminal Law'
April 23 & 25	Complicity in War I	Fabre, 'Guns, Food, and Liability to Attack in War'
April 30 & May 2	Complicity in War II	Bazargan, 'Complicitous Liability in War'; Lazar, 'Complicity, Collectives, and Killing in War'