



PHIL 2984 Philosophy, Law, and Literature (Fall, 2017)

Contact Information (and Policy):

Professor: Daniel Wodak dwodak@vt.edu
Office Hours: Wednesday, 4.20–5.20 pm 217 Major Williams Hall
Contact Policy: questions sent via email will be responded promptly, unless the student has not checked the syllabus, google, or readings; requests for appointments should include three suggested meeting times.

Course Description:

The central aim of this course is to provide an introduction to philosophical questions about the nature and value of law and legal practices, and to do so by discussing philosophical, legal and literary texts. Treating literature both as a forum for critical appraisal of law and a window into public attitudes toward legal practice and procedures, we will read or watch a variety of literary texts – plays, short stories, films – with a focus on three central issues in legal philosophy:

- When do individuals have a moral duty to obey or disobey the law?
- When is it just or unjust for the state punish individuals?
- How should legal officials balance the demands of morality and law?

Meetings and Course Materials:

Meeting times: Mondays and Wednesdays, 5.30–6.45 pm Godwin 115

Required text: All readings are available as PDFs on Canvas under Files.

Prerequisites: This course is open to all students.

Class Schedule		
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Date	Topic	Readings
August 28; August 30; September 6	Introduction: Obedience & Punishment	Sophocles, <i>Antigone</i> .
September 11 and 13	Arguments for A Duty to Obey	M.B.E. Smith, 'Is There a <i>Prima Facie</i> Obligation to Obey the Law?', pp. 950-976.
September 18 and 20	Civil Disobedience	Candice Delmas, 'Disobedience, Civil and Otherwise' pp. 195-211; Martin Luther King Jr., 'Letter from a Birmingham Jail'.
September 25 and 27	Disobedience and Punishment	Plato, <i>Crito</i> ; Albert Camus, <i>The Guest</i> .
October 2 and 4	Case Study: Immigration Law	Kwame Anthony Appiah, 'Should You Report a Green Card Marriage?'; Javier Hidalgo, 'Resistance to Unjust Immigration Restrictions', pp. 450-470.
October 9 and 11	Jury Nullification	Michael Huemer, 'The Duty to Disregard to the Law', pp. 1-18; Joel Schumacher (dir.), <i>A Time to Kill</i> (1996).
October 16 and 18	Legal Punishment	IN-CLASS ASSESSMENT: JURY EXERCISE Steven Spielberg (dir.), <i>Minority Report</i> (2002).
October 23 and 25	Punishment and Prevention	Kimberly Ferzan, 'Beyond Crime and Commitment: Justifying Liberty Deprivations of the Dangerous and Responsible', pp. 141-193.
October 30 and Nov. 1	Punishment and Luck	Shirley Jackson, 'The Lottery'; Kimberly Kessler, 'The Role of Luck in the Criminal Law', pp. 2183-2237.
November 6 and 8	Punishment and Prisons	Angela Davis, <i>Are Prisons Obsolete?</i> , 'Introduction', and 'Abolitionist Alternatives', pp. 9-21, 105-115; Stanley Kubrick (dir.), <i>A Clockwork Orange</i> (1971).
November 13 and 15	Legal Officials & The Rule of Law	IN-CLASS ASSESSMENT: TRIAL EXERCISE Peter Ustinov (dir.), <i>Billy Budd</i> (1962).
November 27 and 29	Judicial Constraint	Robert Cover, <i>Justice Accused</i> , 'Prelude' (pp. 1-7) and 'The Judicial Can't' (pp. 119-123); J.D. Mabbott, 'Punishment', pp. 152-167.

December 4 and 6	Judicial Interpretation	Connie Rosati, 'The Moral Reading of Constitutions' pp. 323-349; Revisionist History, 'Miss Buchanan's Period of Adjustment'.
December 11 and 13	Defending the Indefensible	Abbe Smith, 'Defending Defending: The Case for Unmitigated Zeal on Behalf of People Who do Terrible Things' pp. 925-661; Radiolab, 'The Buried Bodies Case'.

Expectations for Classroom Conduct:

This class will discuss some very controversial issues, and within each section there will be a wide variety of moral, political, and religious commitments, some of which may be radically opposed to your own views. Questions we discuss may have special personal significance to someone in the class: perhaps they, or a loved one, faced a similar dilemma in the past. And especially since philosophers and your fellow students are also intelligent and thoughtful people, be open to the possibility that when you disagree with their views you may well be the one who's wrong. So always frame your comments in ways that are:

1. Charitable – take the most plausible and sympathetic interpretation of classmates' (and authors') comments, positions, or arguments.
2. Sensitive – respect that the issues we discuss could have a special political, religious or personal significance to others in the room.
3. Impersonal – evaluate positions and arguments, not people.
4. Humble – are open to the possibility that you are wrong.

Assessments:

This table provides a snapshot of the assessment schedule, including when you can expect assessments to be returned with feedback. Each assessment is briefly described immediately after the table.

Due Date	Assessment	% of Grade	Date Graded/Returned
Ongoing	Participation	10	December 15
Weekly	Reading Responses	10	Weekly
October 16	Jury Exercise	20	October 30
November 13	Trial Exercise	20	November 27
December 13	Essay	20	December 20
TBD	Final exam	20	December 20

Participation

You are expected to attend, *and actively participate* in, every class. That means that you are expected to attend each class with the course text and your notes, and to participate in the discussion of the week's material.

Accommodations will be made for students with out of town athletic events, for medical reasons, or on other reasonable grounds. In all cases, appropriate documentation will be required, in advance of the session.

Reading Responses

Every Sunday* from week two onwards you will be expected to submit a one-page Reading Response. Your reading response should convey your understanding of the following week's course materials, and your ability to apply the main philosophical skills discussed in the course. Each response is worth 1%. You will be graded on your ten (10) best responses. *Except before the in-class assessments on October 16 and November 13.

Jury Exercise

The first in-class assessment will be a mock jury exercise. You will be required to: (a) submit a one-page justification of how you intend to vote as a juror in the relevant case; then (b) participate in a jury deliberation with your classmates, leading to a final vote; then (c) submit a one-page reflection on whether the deliberation changed your initial view. You will be graded on each part of this exercise: (a), (b), and (c).

Trial Exercise

The second in-class assessment will be a mock trial exercise. You will receive a case on Sunday and write a brief one-page justification for how it should be resolved. On Monday in class you will then be assigned to either the prosecution, the defense, or the panel of judges in relation to the case. In your roles, together with your classmates, you will carry out a trial. You will then submit a one-page reflection on whether the trial changed your initial view. You will be graded on each part of this exercise.

Essay

You are expected to write a 1,000-word essay defending a position on one of the issues that we have considered the course. You will be expected to explain your position, offer at least one well developed argument that supports it, and consider and respond to at least one objection.

Final Exam

In the final exam you select and complete one of three essay tasks about content from the course. The expectations will be similar to the Essay.

How Do I Get an A?

The six points below are quite obvious and easy to implement. Doing all of six won't guarantee that you get an A: you're graded on how you perform on the assessments, not how you prepare for them. But if you ignore the six points below, you can expect to underperform.

1. Read in advance, and read actively.

If you cram the readings just before the assessments, you'll do badly. Do each week's readings before class. And don't just skim readings. If you do that, you will absorb little of their content. Make notes as you go, & write a paragraph summarizing the central points of the reading afterwards.

2. Take notes in class.

If you passively sit through each class, you will not absorb or remember the content. You will not be provided with lecture notes. (Except for

students with disabilities who require volunteer a note-taker.)

3. Improve your research habits.

If you mostly rely on Wikipedia, blogs, or whatever else turns up on a quick google search, you're doing it wrong. And you'll do badly. These sources *might* contain some good legal or philosophical analysis. But they're just as likely to contain simple mistakes. Instead, you should rely on sources that are peer reviewed. Use google scholar instead of google. For especially useful starting points, try the Stanford Encyclopedia of Philosophy (www.plato.stanford.edu) or the journal *Philosophy Compass*.

4. 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:

www.jimpryor.net/teaching/guidelines/reading.html;

www.jimpryor.net/teaching/guidelines/writing.html.

5. 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 some trial and error. It also becomes easier and easier the more you do it. If you practice throughout the course—including on your own and in the weekly response tasks, which are designed for exactly this purpose—then completing the bigger assessments will be much easier and less stressful.

6. Philosophy is a social activity.

The best ways to study for this course are fairly simple. Do the readings carefully, actively taking notes on the central ideas, arguments, and objections. Then talk about these with a group of (old or new) friends from the course. They will help you understand material that you are struggling with. And you will reach a far deeper understanding yourself when you explain ideas, arguments, and objections to others.

Honor Code Procedures:

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/>

The Virginia Tech honor code pledge for assignments is as follows: “I have neither given nor received unauthorized assistance on this assignment.”

The pledge is to be written out on all graded assignments at the university and signed by the student. The honor pledge represents both an expression of the student’s support of the honor code and an unambiguous acknowledgment that the student has, on the assignment in question, abided by the obligation that the Honor Code entails. In the absence of a written honor pledge, the Honor Code still applies to an assignment. All assignments submitted shall be considered “graded work” and all aspects of your coursework are covered by the Honor Code. All projects and homework assignments are to be completed individually unless otherwise specified.

Commission of any of the following constitutes academic misconduct: cheating; plagiarism; falsification; fabrication; multiple submission; complicity; violation of university, college, or department rules.

I take this very seriously. I will not hesitate to recommend an **F***.

Other Administrative Issues:

Electronics Policy

Students are also expected to not use electronic equipment in class (including phones and laptops). Please bring printed copies of the applicable readings to lectures and sections. Exceptions will be made for students with disabilities and volunteer note takers with SSD.

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 the explicit authorization to hand in the assignment late. If you foresee a conflict between a due date and another commitment, please email me well in advance so that I can provide a fair alternative. I reserve the right to deny otherwise reasonable requests for accommodation if a request is made at the last minute without a good justification.

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 your GTA 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 for more information.

This syllabus is subject to change.

Changes will be announced in class and posted on Canvas.