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American Public University System
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PHIL330

Course Summary

Course: PHIL330, Philosophy of Law

Length of Course: 8

Prerequisites: none

CreditHours:3

Description

Course Description:

This course surveys the main issues in the philosophy of law. We will study seminal work on questions like “what is the law?”, “what is the relationship between the law and morality?”, “what does it mean for someone to be responsible for a crime?” and “what makes a punishment reasonable?”.

Objectives

CO1) Explain central concepts, issues, and questions within the philosophy of law, including the nature of law, the aims of law, and the limits of law.

CO2) Analyze various theories of justice and their importance to justice.

CO3) Explore paradigmatic legal rules and their associated duties with their relationship to legal and moral rights.

CO4) Examine the basic concepts of criminal law and tort law.

CO5) Examine various problematic challenges to the law and the question of how law can be reformed in light of various critical theoretical approaches to law.

Outline

Week 1: Week One focuses on general concepts within the philosophy of law, and the core concept of "Justice."

Learning Objectives:

1. WO 1.1: Explore the basics of law, including commonplaces, and philosophy of law.
2. WO 2.1: Compare the theories of justice offered by Plato, Kant & Rawls.

Reading(s)

[Philosophy of Law: The Fundamentals](#), Read Introduction

Assignment(s)

Welcome Discussion, Initial post due Thursday and Peer replies due Sunday
Week 1 Discussion, Initial post due Thursday and Peer replies due Sunday

Week 2: We will turn to a consideration of Legal Positivism this week, and the attendant core concept, "law as social fact."

Learning Objectives:

WO 1.2: Describe the basis and history of legal positivism

WO 3.1: Explore the concept of law as social fact.

Reading(s)

[Philosophy of Law: The Fundamentals](#), Read Chapter One (pages 14-35 only)

[Positivism and the Separation of Law and Morals](#)

Assignment(s)

Week 2 Discussion, Initial post due Thursday and Peer replies due Sunday

Short Paper 1, due Sunday

Week 3: We will turn to a consideration of Legal Positivism this week, and the attendant core concept, "law as social fact."

Learning Objectives:

WO 1.3 Describe the theory of natural law including the concepts of "thick" and "thin" natural law.

WO 3.2 Analyze the connections between morality and legality as proposed by natural law theorists

Reading(s)

- [Philosophy of Law: The Fundamentals](#), Read Chapter One (pages 35-48 only)

- [Summa Theologiae](#)

Assignment(s)

Week 3 Discussion, Initial post due Thursday and Peer replies due Sunday

Week 4: We will turn to consider paradigmatic legal roles this week alongside the aims of law, as well as the concept of duty as normative obligations in both a moral and legal sense.

Learning Objectives:

WO 1.4 Describe the aims of law according to various philosophical theories of law.

WO 3.3 Explore the legal roles of subject, legislator, and judge---including social roles and duties.

Reading(s)

- [Philosophy of Law: The Fundamentals](#)

Read Chapter Two & Three

- [Legal Duties](#)

Assignment(s)

Week 4 Discussion, Initial post due Thursday and Peer replies due Sunday

Short Paper 2, due Sunday

Week 5: We will turn to a consideration of Criminal Law this week, as well as the notion of punishment.

Learning Objectives:

WO 2.2 Analyze various theories of punishment including utilitarian, rehabilitationist and retributivist as well as the concept of Lex Talionis.

WO 4.1 Investigate the basic issues of criminal law including the connection between crime and punishment.

Reading(s)

- [Philosophy of Law: The Fundamentals](#), Read Chapter Four

- [Punishment](#)

Assignment(s)

Week 5 Discussion, Initial post due Thursday and Peer replies due Sunday

Week 6: We will turn to a consideration of Tort Law this week, as well as our core concept, "Rights."

Learning Objectives:

WO 3.4 Identify the distinction between moral and legal rights through a Hohfeldian lens.

WO 4.2 Analyze tort law & damages

Reading(s)

- [Philosophy of Law: The Fundamentals](#), Read Chapter Five

- [Are There Any Absolute Rights?](#)

- [What is Tort Law For? Part 1: The Place of Corrective Justice](#)

Assignment(s)

Week 6 Discussion, Initial post due Thursday and Peer replies due Sunday
Final Presentation Proposal, due Sunday

Week 7: Our focus for this week will be different from previous weeks. So far in this course we have analyzed our commonplaces about laws and various features and roles of paradigmatic legal systems. Beginning this week and continuing into the next, we will consider fundamental challenges to our commonplaces about law. Accordingly, we will consider philosophical anarchism as a challenge to the legitimacy of law, as well as challenges issuing from Marxism.

Learning Objectives:

WO 5.1 Explain various theories that challenge the law such as philosophical anarchy, Marxism, etc.

Reading(s)

- [Philosophy of Law: The Fundamentals](#), Read Chapter Six
- [1910 Encyclopedia Entry on Anarchism](#)

Assignment(s)

Week 7 Discussion, Initial post due Thursday and Peer replies due Sunday

Week 8: We will consider our topic of challenges to the law this week, with a specific eye to legal reform. We will consider the notion of "social justice," and specific challenges to law presented by various forms of critical theory, as well as arguments against the coherence of the notion of social justice.

Learning Objectives:

WO 2.3 Explore the concept of social justice and arguments against its coherence.

WO 5.2 Detail the process of legal reform and the role of critical theories in this endeavor.

Reading(s)

- [The Antinomies of Social Justice](#)

Assignment(s)

Week 8 Discussion, Initial post due Thursday and Peer replies due Sunday
Narrated PowerPoint Presentation, due Sunday

Evaluation

The course assessment components are forum discussions and papers.

DISCUSSIONS: We will have 8 required forum discussions. Full participation in forum discussions includes a detailed initial post, and a minimum of two shorter, but still substantive, peer replies.

ASSIGNMENTS: Assignments include two papers of 3 to 5 pages each, a graded proposal for a final PowerPoint presentation, and the final PowerPoint presentation itself. The presentation must be narrated and be no less than 10 minutes. Please visit the "Assignments" tab in the classroom for specific instructions and due dates.

Discussions	40%
Assignments	60%

Materials

Weekly reading materials consist of course lessons, located in the "Content" course tab, and readings located in the Richard G. Trefry Library and listed in each week's lesson under the "Learning Material" tab.

Course Guidelines

Citation and Reference Style

You will follow the citation style that is common to your discipline/program (APA, Turabian, AP, or MLA). If you do not have a citation style, please use **MLA** style.

Please note that no formal citation style is graded on discussion assignments in the School of Arts, Humanities, & Education —only attribution of sources (please see details regarding discussion communication, below).

Tutoring

[Tutor.com](https://www.tutor.com) offers online homework help and learning resources by connecting students to certified Tutors for one-on-one help. AMU and APU students are eligible for 10 free hours of tutoring provided by APUS. Tutors are available 24/7 unless otherwise noted. Tutor.com also has a Skill Center Resource Library offering educational resources, worksheets, videos, websites, and career help. Accessing these resources does not count against tutoring hours and is also available 24/7. Please visit the APUS Library and search for 'Tutor' to create an account.

Late Assignments

School of Arts & Humanities Late Policy

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals, I understand you must manage competing demands on your time. Should you need additional time to complete an assignment, please contact me before the due date so we can discuss the situation and determine an acceptable resolution.

Work posted or submitted after the assignment due date will be reduced by 10% of the potential total score possible for each day late up to a total of five days, including discussion posts/replies, quizzes, and assignments. ***Beginning on the sixth day late through the end of the course, late work, including discussion posts/replies, quizzes, and assignments, will be accepted with a grade reduction of 50% of the potential total score earned.***

Turnitin

Assignments are automatically submitted to Turnitin.com within the course. Turnitin.com will analyze an assignment submission and report a similarity score. Your assignment submission is automatically processed through the assignments area of the course when you submit your work.

Academic Dishonesty

- Academic Dishonesty incorporates more than plagiarism, which is using the work of others without citation. Academic dishonesty includes any use of content purchased or retrieved from web services such as CourseHero.com or Scribd. Additionally, allowing your work to be placed on such web services is academic dishonesty, as it is enabling the dishonesty of others.
- The copy and pasting of content from any web page, without citation as a direct quote, is academic dishonesty. When in doubt, do not copy/paste, and always cite.
- Re-using an assignment previously submitted to another class is also academic dishonesty. Please see the Student Handbook for additional details.

Submission Guidelines

- Some assignments may have very specific requirements for formatting (such as font, margins, etc.) and submission file type (such as .docx, .pdf, etc.). See the assignment instructions for details. In general, standard file types such as those associated with Microsoft Office are preferred, unless otherwise specified.
- It is the student's responsibility to ensure that all submitted work can be accessed and opened by the instructor.

Disclaimer Statement

- Course content may vary from the outline to meet the needs of a particular group or class.

Communicating in the Discussion

- Discussions are the heart of the interaction in this course. The more engaged and livelier the exchanges, the more interesting and fun the course will be. Only substantive comments will receive credit. Although there is a final posting day/time after which the instructor will grade and provide feedback, it is not sufficient to wait until the last day to contribute your comments/questions on the discussion. The purpose of the discussions is to actively participate in an on-going discussion about the assigned content.
- “Substantive” means comments that contribute something new and important to the discussion. Thus, a message that simply says “I agree” is not substantive. A substantive comment contributes a new idea or perspective, a good follow-up question to a point made, offers a response to a question, provides an example or illustration of a key point, points out an inconsistency in an argument, etc.
- As a class, if we run into conflicting viewpoints, we must respect everyone’s own opinion. Hateful and hurtful comments towards other individuals, students, groups, peoples, and/or societies will not be tolerated.
- Students must post a response to the weekly discussions prompt and post the required number of replies to other students – refer to the grading rubric and/or discussion instructions for specific expectations on number of replies and word count requirements.
- The main response to the discussion is due mid-week – refer to the grading rubric and/or discussion instructions for specific expectations. Late main response posts to a discussion may not be accepted without prior instructor approval.
- Replies must be posted in the week due and replies after the end of each week may not be graded.

Quizzes and Exams

Quizzes and exams may consist of true/false, multiple choice, and short essay questions. Each quiz/exam is accessible only once. Once a quiz/exam is accessed, you will not be able to access it again if disconnected from the online classroom. Allocate sufficient time to complete the entire quiz in one sitting. Weekly quizzes must be submitted by midnight ET, Day 7 of the week.

University Policies

- [Student Handbook](#)
- [Drop/Withdrawal policy](#)
- [Extension Requests](#)
- [Academic Probation](#)
- [Appeals](#)
- [Disability Accommodations](#)

Mission, Vision, and Core Values

Mission Statement

American Public University System's mission is to provide high quality higher education with emphasis on educating the nation's military and public service communities by offering respected, relevant, accessible, affordable, and student-focused online programs that prepare them for service and leadership in a diverse, global society.

Vision

American Public University System seeks to advance social, economic, and environmental well-being through the transformative power of education with:

- Dynamic, engaging, quality learning experiences
- Best-in-class student interface
- Diverse and career relevant degree programs
- Communities of lifelong learners and practice in selected disciplines
- Evaluation of transfer credit and competency-based learning

- Affordability relative to public institutions
- Strategic partnerships with key stakeholders; and,
- Thought leadership that contributes to effective change in higher education

Core Values

The University System is guided in fulfilling its mission by these shared principles and core values:

- **Accessibility:** The University provides educational access to a diverse community of traditional and non-traditional learners in an environment that supports a lifetime of learning and freedom of inquiry and expression.
- **Innovation:** The University implements imaginative and forward-thinking solutions to its changing environmental and student needs.
- **Integrity:** The University holds itself accountable for conducting operations in an ethical manner and practices fairness, honesty, and objectivity.
- **Learning:** The University fosters an environment of knowledge and understanding that promotes a life of learning.
- **Quality:** The University is committed to high standards of distinction, excellence, and continuous improvement in all aspects of its evolving operations.