

# **PHIL 3740 PHILOSOPHY OF LAW**

**Class Number 54103 Section TR3 Tues, Thurs 3:40 – 4:55pm**

**Instructor: Anna Gotlib**

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This course explores the relationship between law and philosophy, including the moral foundations of legal principles, and the conflicts between those principles and concerns about individual and social justice. We will ask what it means to engage in legal reasoning, as well as consider theories and methodologies such as natural law, legal positivism and realism, feminist jurisprudence, and critical legal theory. We will then critique and analyze these theories and practices from the perspectives of moral and political philosophy. Specifically, we will focus on topics such as equality and discrimination; the nature and sources of rights, including those of privacy, property, and speech; the relationship between personal liberty and social (and governmental) control; the justifications for punishment (including the death penalty); the relationship between theories of justice and the legal process; and international law. Finally, we will examine some emerging issues at the intersection of law, technology, and justice, including questions of moral and legal culpability, intent, and free will that arise out of recent findings of neuroscience. The students will be expected to engage with texts in legal, moral, and political philosophy, as well as to read and interpret judicial decisions and other legal commentary. The class is conducted as a seminar-style discussion with a strong emphasis on student participation. Assignments will consist of presentations, argumentative papers, and a final exam. If you have any questions or concerns about this course, please email me at: [agotlib@brooklyn.cuny.edu](mailto:agotlib@brooklyn.cuny.edu).