

PHI243/POL312 - PHILOSOPHY OF LAW/JURISPRUDENCE

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GRADED ASSIGNMENT #3 - DUE MARCH 23, 2015

Philosophical dialogues: In the second part of the course on Law & Morality, you read Sophocles' *Antigone*, Plato's *Crito*, two scholarly articles by Hart and Fuller on the separation of law and morals, and a book chapter by Agamben on the state of exception. These readings, despite their different literary styles, have the peculiarity of presenting ideas in the form of dialogues—e.g. between Antigone and Creon, between Crito and Plato, between Hart and Fuller, between Agamben and legal scholars of the past.

This assignment asks you to compose an outline of a philosophical dialogue. Writing the complete dialogue will be your task for assignment #4. Keep in mind that a philosophical dialogue is not a mere succession of opposite opinions. In a philosophical dialogue, the interlocutors offer reasons and arguments in support of their claims. Each interlocutor strives to give the best supporting arguments.

Writing guidelines: Please compose an outline of a philosophical dialogue on a topic of your choice. The prompts are on the next page. The main points you should address in your outline, 2-3 page long, are as follows:

- (a) The topic and question of the dialogue;
- (b) The characters—at least two—and the claim each character will defend;
- (c) The supporting arguments, in a nutshell, that each character will formulate;
- (d) The objections and replies that each character will offer;
- (e) Which ideas come from the course readings and which ideas are your own.

There are two restrictions you should bear in mind:

1. The topic you choose should be relevant to "Law and Morality"; and
2. You are encouraged to formulate your own original ideas but the dialogue should also draw from the course readings and demonstrate you've mastered them.

Prompts are on the next page.

Prompt 1: Modify Plato's *Crito*. Make Crito's arguments for why Socrates should escape from prison more cogent. Create a fictional Crito who is less deferential to Socrates than he is in the actual dialogue. Think of a dialogue in which Crito is able to give a hard time—philosophically speaking—to Socrates.

Prompt 2: Think of a dialogue between Hart and Fuller either on the topic of the penumbra or the topic of Nazi laws and unjust laws. The first part of the dialogue will be a summary of the objections and replies from the readings. The second part of the dialogue will instead contain your own new ideas.

Prompt 3: Having in mind the state of exception as a paradigm of government, think of a dialogue between Hart and Agamben on whether “necessity” is the source of the law.

Prompt 4: Think of a dialogue between Antigone and Socrates on whether disobeying the law of the state can be legitimate or not. Use vivid examples if possible, beginning with Antigone's case and Socrates' case.

Prompt 5: Come up with your topic and characters for a dialogue.

I encourage you to discuss your ideas with me, through e-mail or in person, before you start writing your outline. My office hours are M-W 2-3PM in Carman 365.