

**GOV 335M / PHL 342
NATURAL LAW THEORY-W
Professor Budziszewski**

**Class meets TTh 11:00am-12:30pm in MEZ 2.202
No class website. Professor's email is jbud@grandecom.net**

PREREQUISITES, ETC.

Gov 310L and 312L or equivalent. Course has a Writing Flag. Cross-listed with Philosophy 342. Government field: Political Theory.

DESCRIPTION

"Natural law" means moral law -- fundamental moral principles that are built into the design of human nature and lie at the roots of conscience. Historically, natural law thinking provided the basis for talking about all of the 'hot button' issues in past and present culture wars. If you wanted to talk about war, slavery, political liberty, or relations between men and women, you talked about natural law. The distinctive mark of natural law thinking is that it begins from what the mind can know about these things by reasoning alone, not from the authority of revelation. The founders of our own republic believed in the natural law -- in universal and "self-evident" principles of justice and morality that the Declaration of Independence called "the laws of Nature and of Nature's God." For generations, Americans took the reality of natural law for granted. The Declaration of Independence appealed to it to justify independence; Abraham Lincoln appealed to it to criticize slavery; Martin Luther King appealed to it to criticize racial discrimination. You would hardly guess any of this from the present day, because belief in natural law has come to be viewed as "politically incorrect." Nevertheless, the tradition of natural law is experiencing a sort of renaissance, and books about it are pouring off the presses.

Is there really a natural law? What difference does it make to society and politics if there is? Is it really "natural"? Is it really "law"? To consider these questions, we will read a variety of influential works on natural law from the middle ages to the present. Probably, most of your liberal arts education has implicitly rejected the whole idea. In this course you have an opportunity to hear the other side for a change.

REQUIREMENTS

For Unit 1, a required analytical outline (20%). For Units 2, 3, and 4, take-home essays (20% apiece). Short-answer quizzes (20%). Extra credit for analytical outlines for Units 2, 3, and 4 (up to 5 points per unit, added to exam grades).

TEXTS

RECOMMENDED: (1) J. Budziszewski, *What We Can't Not Know: A Guide*. **REQUIRED:** (2) C.S. Lewis, *The Abolition of Man*. (3) Thomas Aquinas, *Treatise on Law*. (4) Robert P. George, *The Clash of Orthodoxies*. (5) Russell Hittinger, *The First Grace*. (6) Short readings packet available from the UT Copy Center, McCombs 3.136, phone: 471-8281. McCombs is the Business School building, right behind my own building, Mezes. Readings 1-5 are also on reserve at the Perry-Castaneda Library. Lewis is also online at <http://www.columbia.edu/cu/augustine/arch/lewis/abolition1.htm>, and a version of Aquinas is also online at <http://www.newadvent.org/summa/2.htm> (scroll down to LAW, and read Questions 90-97). However, you must have copies to bring to class, even if only photocopies or printouts.

2011-01 (January)						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						01
02	03	04	05	06	07	08
09	10	11	12	13	14	15
16	17	18 Session 1	19	20 Session 2	21	22
23	24	25 Session 3	26	27 Session 4	28	29
30	31					

Unit 1: INTRODUCTION TO THE CONCEPT

Lectures follow readings

Session 1: Introduction to the course.

Session 2: Unit 1 begins. Quiz 1. Before class read Lewis, Chapter 1.

Session 3: Continuing discussion of last reading.

Session 4: Before class read Lewis, Chapter 2. Quiz 2.

2011-02 (February)						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		01 Session 5	02	03 Session 6	04	05
06	07	08 Session 7	09	10 No class	11	12
13	14	15 Session 8	16	17 No class	18	19
20	21	22 Session 9	23	24 Session 10	25	26
27	28					

Session 5: Continuing discussion of last reading.

Session 6: Before class read Lewis, Chapter 3. Quiz 3.

Session 7: FIRST DRAFT of Unit 1 analytical outline due (for comments, not for a grade). Continuing discussion of last reading.

Session 8: Unit 1 conclusion. First draft of Unit 1 analytical outline returned with comments.

Unit 2: THE CLASSICAL SYNTHESIS

Lectures follow readings

Session 9: SECOND DRAFT of Unit 1 analytical outline due (this time for a grade). Before class read packet item P1 (Budziszewski, NLFL, Chapter 6).

Session 10: Before class read Aquinas, Questions 90-93. Quiz 4.

2011-03 (March)						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		01 No class	02	03 Session 11	04	05
06	07	08 No class	09	10 Session 12	11	12
13	14	15 Session 13	16	17 Session 14	18	19
20	21	22 Session 15	23	24 Session 16	25	26
27	28	29 Session 17	30	31 Session 18		

Session 11: Before class read Aquinas, Questions 94-97. Quiz 5.

Session 12: Continuing discussion of last readings.

Session 13: Continuing discussion of last readings. Quiz 6.

Session 14: Continuing discussion of last readings.

Session 15: Unit 2 conclusion. Unit 2 examination essay assigned.

Unit 3: THE AMERICAN RECEPTION OF NATURAL LAW TRADITION

Lectures follow readings

Session 16: Before class read online item E1 (Locke, STOG, Chapter 2). Quiz 7.

Session 17: Unit 2 examination essay due. Before class read packet item P2 (Budziszewski, NLFL, Chapter 5). Quiz 8.

Session 18: Before class read packet item P3 (*The Declaration of Independence*).

2011-04 (April)						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					01	02
03	04	05 Session 19	06	07 Session 20	08	09
10	11	12 Session 21	13	14 Session 22	15	16
17	18	19 Session 23	20	21 Session 24	22	23
24	25	26 Session 25	27	28 Session 26	29	30

Session 19: Before class read packet item P4 (Jefferson, *Notes on State of Virginia*, Query 18).

Session 20: Before class read packet item P5 (Lincoln, *Speech on Dred Scott Dec*). Quiz 9.

Session 21: Before class read online item E2 (King, *Letter from Birmingham Jail*).

Session 22: Unit 3 conclusion. Unit 3 examination essay assigned.

Unit 4: CONTEMPORARY WORK IN NATURAL LAW THEORY

Lectures follow readings

Session 23: Unit 3 examination essay due. Before class read George, *Cl of Orth*, Chaps 1-3, 5-6. Quiz 10.

Session 24: Continuing discussion of last readings.

Session 25: Before class read online item E3 (Budziszewski, DFS). Quiz 11.

Session 26: Before class read online item E4 (Rabbi Novak, LMLN).

2011-05 (May)						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
01	02	03 Session 27	04	05 Session 28	06	07
08	09	10	11 Exam drop-off	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Session 27: Before class read Hittinger, *The First Grace*, Chapters 3-4, 8, 11, znc online item E5 (Budziszewski, TROC). Quiz 12.

Session 28: Unit 4 conclusion. Course conclusion. Unit 4 examination essay assigned. There is no sit-down final exam.

Wednesday 11 May: No class. Unit 4 examination essay due in my office, Mezes 3.106, 11:00-11:30am. DO NOT EMAIL IT. If you cannot drop it off yourself, have a friend drop it off, or snailmail or express-ship it in time to reach me by this date.

CLASS POLICIES

Professor Budziszewski
Depts. of Government and Philosophy

Communication Policy

For short questions, email me at jbud@grandecom.net . For long questions or conversations, see me during office hours. In urgent cases, or by appointment, you may phone my home between 8:00pm and 9:00pm. Yes, my telephone number is listed.

I'm always delighted to receive your visits during office hours, but if I am already speaking with someone when you arrive, don't wait in silence -- KNOCK to let me know that you're waiting. Otherwise you may wait forever.

Never leave messages on my University telephone, in my University mailbox, or underneath my University office door. The telephone doesn't take voicemail, the mailroom is locked, and notes slipped underneath my door will be swept up by the cleaning lady.

I sometimes provide class information by email, so check your email regularly. Don't count on finding information on Blackboard, because I am still learning how to use it.

Freedom of Reasoning Policy

Obviously the authors have opinions, and so do I. But I also believe in fairness. I take my role as teacher and moderator seriously, but I like it when you speak up. Your grade will not be affected by whether you agree or disagree with the author, by whether you agree or disagree with other students, or by whether you agree or disagree with me. What matters is whether your meaning is expressed clearly, whether you back up what you say by giving reasons, and whether you understand the arguments of the author, other students, and your professor. Disagreement is not discourteous, but of course you should be courteous in disagreement: Not only when you disagree with someone else, but also when someone disagrees with you.

Grading Policy

Each take-home essay examination counts the same. Your curved quiz average counts the same as one take-home essay examination. To calculate your raw semester grade, I average these elements. Missed quizzes are not counted in the curved quiz average, although absences matter in other ways (see below).

Analytical outlines are strongly encouraged but not required. For a complete set of good, original analytical outlines, up to five extra credit points may be awarded per unit. Any extra credit points earned will be added to your grade for the examination for that unit.

If your raw semester average lies in the gray zone between two letter grades, I decide which final grade to award by considering your class participation.

Electronic Device Policy

All electronic devices, such as laptops, palmtops, cellphones, iPhones, and Blackberries, must be turned off and stowed away, away from your desk, at all times.

Attendance Policy

Attendance matters not only for your own sake but also because you owe it to your classmates to participate in discussion with them. I do record attendance.

Normally I take attendance every day, using an attendance sheet on which you must put both your name and your signature. On days when a quiz is administered, I use the quiz itself to take attendance. If you have some good reason to leave class early, such as an interview with a prospective employer, please let me know ahead of time, and sit close to the door of the room so that your departure does not disturb other students.

- 1 For any day that you fail to sign the attendance sheet, you will be considered absent. If for any reason you arrive late, so that the attendance sheet has already been collected, you may ask to sign it at the end of class, but in this case a half-absence will be recorded. A half-absence will also be recorded if you leave class early for any reason.
- 2 Having someone else sign an attendance sheet for you is treated as scholastic dishonesty, just like having someone else take a quiz or an examination for you.
- 3 No distinction is made between excused and unexcused absences; instead I count total absences. The sole exception is in rule 10, below.
- 4 Classes missed because you added the course late *still count in your total absences*.
- 5 If you have only 1 or 2 total absences, nothing happens. (Notice that I also drop your two lowest quiz grades.)
- 6 If you have 2-1/2 to 3-1/2 total absences, your grade is reduced by a full letter.

- 7 If you have 4 to 5 total absences, your grade is reduced by two full letters.
- 8 If you have 5-1/2 to 6-1/2 total absences, your grade is reduced by three full letters.
- 9 If you have 7 or more total absences, you cannot pass the course at all.
- 10 If you miss a class missed because of an obligatory holy days of your religion, or because class meet at a different day or time than usual and you have a conflict, your absence is not included in your number of total absences. *To earn a passing grade in the course, however, for each such missed class you must arrange with your professor or TA to write a 2-page makeup essay on an assigned topic.*

Quiz Policy

In my experience, U.T. students are both interested in what faculty have to teach, and capable of learning it. The best students are as good as the best at any institution in the country. However, students who carefully read what they are assigned to read by the day they are supposed to read it are a rare and vanishing species. Whether the reasons for this fact are good or bad don't concern me; I simply state it.

I never mind explaining something that you've read but don't fully understand. That's what I'm here for. Because you are adults, though, I do expect you to read the assignment first. If everyone did, I wouldn't give quizzes. Because not everyone does, I do. It provides an incentive to do the reading on time, it makes class more interesting, and it also makes it more worthwhile.

The quizzes aren't designed to measure comprehension. For that, I use exams. Quizzes don't ask you to reason about concepts, but to recall details from an author's discussion of the concepts. What kind of details? All sorts -- for example the author's definitions, distinctions, metaphors, examples, and technical terms -- perhaps even the more colorful and memorable of his turns of phrase! Not all of these details will strike you as "significant"; I don't worry about that, because until you've read a work carefully, you're not in a position to decide which details are significant and which details aren't.

You are permitted to use hard copies of your own analytical outlines during quizzes. That's another good reason for writing them. Writing good analytical outlines doesn't guarantee that you'll remember the details that quizzes ask about, but it certainly makes it more likely.

Except for hard copies of your own analytical outlines, you aren't allowed to use any other aids during quizzes. No, not even ordinary notes! Let your analytical outlines be your notes.

I do expect precision. A student once complained to me, "The wording of the first question on today's quiz was unfair. It asked which provision of the Constitution the author was defending. I took that to mean which governmental power he was defending, but you didn't accept my answer." Translated, that means

- 1 It's unfair to expect me to know that 'power' and 'provision' aren't synonyms!
- 2 It's unfair to expect me to know what the author was really writing about!

Nobody would have made such silly objections in 1950; college standards have slipped. But not in this courses. The slippage began during my generation, for which I apologize. High standards are how I make it up to you.

How hard then should quiz questions be? I aim at the same standard as designers of standardized college admission tests: The average well-prepared student, answering the average quiz question, should have a fifty-fifty chance of getting it right. In my class, a student counts as well-prepared if he has read his readings for the day several times and then analytically outlined them -- preferably in writing, but at least in his head.

Because I think *all* students to be well-prepared, the average raw quiz grade should be a 50. Here then is how I calculate the quiz curve (though I call it a curve, algebra buffs will notice that it's really a linear transformation.) First, although I don't allow students to make up missed quizzes, I drop the student's two lowest quiz scores, including zeros from absences; anyone may have a bad day or miss class due to illness or some such thing. Then I average the remaining quiz scores; this gives me the raw quiz average. Finally I take *half* of the raw quiz average, and add 50 points. That gives me the curved quiz average.

Example #1: A raw quiz average of 0 becomes a curved quiz average of 50 (an F-). Why? Because half of 0 is 0, and 0 plus 50 is 50.

Example #2: A raw quiz average of 50 becomes a curved quiz average of 75 (a C). Why? Because half of 50 is 25, and 25 plus 50 is 75.

Example #3: A raw quiz average of 84 becomes a curved quiz average of 92 (an A-). Why? Because half of 84 is 42, and 42 plus 50 is 92.

The curved quiz average counts as much as one exam grade, though essay grades aren't curved.

Some people do a little better on quizzes than on essays, and some do a little better on essays than on quizzes. However, my experience has been that curved quiz averages correlate very closely with essay averages. That is, students who turn in a middling performance in essays generally turn in a middling performance in quizzes; students who turn in a superior performance in essays generally turn in a superior performance in quizzes; and so forth. As a result, quiz grades change overall grades in the course very little -- unless you aren't keeping up

with the reading!

Handwriting Policy

Except for quizzes and signatures, everything you turn in should be typed. With my bad eyes, I find it almost impossible to read other people's cursive handwriting. Even on quizzes, please print your answers, like this:

This is what TO do.

-- rather than using cursive, like this:

This is what NOT to do.

Formatting Policy

Type everything you turn in. Use 14-point font, on 8-1/2" by 11" paper, with one-inch margins all around. Insert page numbers at the bottoms of pages. For essays, *single-space within* paragraphs, but *triple-space between* paragraphs. For analytical outlines, *single-space within* sections, but *triple-space between* paragraphs. Staple your sheets together. Do not use clips or binders. Do not make a cover page; at the top of the *regular* first page, put your name, course number, exam number, and problem number. These requirements accomplish four purposes:

- 1 They make the essays easy for me to read. This is important because I am so nearsighted.
- 2 They make the essays easy to carry around and handle.
- 3 They provide enough room for me to write comments.
- 4 They make all essays comparable in length.

Following are illustrations of essay format and analytical outline format, just to show you what I mean.

Illustration of Essay Format

This is an example of essay formatting. See? I've switched to 14-point font, and I'm single-spacing within the paragraph.

Just now I triple-spaced between the last paragraph and this one, but I'm single-spacing again within the paragraph itself.

For some reason, some of my students think this is mysterious, but I think you'll see that it's pretty easy.

Illustration of Analytical Outline Format

I. Size of font.

A. Use 14-point throughout.

B. I'm using 14-point font right now. It's much easier for my poor old eyes to read.

II. Spacing within paragraphs.

A. Always single-space within paragraphs.

B. I'm single-spacing within this paragraph. But as you can see, I'm *not* single-spacing *between* paragraphs.

III. Spacing between paragraphs.

A. Always triple-space between paragraphs.

B. By doing so, you give me a place to write comments.

IV. Avoid "orphans" -- no I without a II, no A without a B, etc.

A. Just to show you what NOT to do, notice that this paragraph is labeled A, but there is no paragraph B. Don't do that. To write "A" is to say "I am about to begin a series, and this is the first item in the series." But if there is no B, there isn't any series, is there?

Take-Home Essay Exam Policy

For each exam, choose *one* of the problems to write about. Don't write about all of them.

Deadlines for the essays are shown on the course calendar. For some essays you have more time to write, for others less. For each day an essay is late, the grade for the essay is reduced by one full letter, so turn them in on time.

Assuming that your essays are formatted as directed under the formatting policy: If the course has three units, then each essay should be no longer than 4 pages (this comes to about the same number of words as a 5 page essay formatted the way essays are formatted in most courses). If the course has four units, each essay should be no longer than 3-1/2 pages (this comes to about the same number of words as a 4 page essay formatted the way essays are formatted in most courses). Nothing over the length limit will be read; this forces you to learn concision!

Naturally, grammar, spelling, and other such things count. A clear and orderly mind expresses itself in a clear and orderly fashion.

You may study with other students before an examination has been assigned, but after that point, you must work independently. Any sharing of notes, drafts, or ideas during an examination period is treated as scholastic dishonesty. So does plagiarism (obviously).

Unless asked for your own views, explain the author's views, not yours. Get right to the point; don't waste time explaining who the author was or why it's important to study him. Approach your topic as you would a puzzle in geometry. In other words, the purpose of your essay shouldn't be to "tell me about" something, but to present a solution to a problem.

You'll be evaluated on the basis of your ability to construct a good argument based on a careful

reading of the assigned text. A good argument is not the same as "what the professor said in class," and you're not required to agree with my opinions. Nor is a good argument the same as merely asserting something. Don't just tell what the author or speaker thinks; tell how you know he thinks it, and why he thinks it's true.

You are welcome to use additional *primary* sources, but avoid secondary sources. By the end of the semester, I hope you will have learned enough about the topic to judge for yourself which secondary sources are sound -- but you aren't there yet. Read for yourself.

Finally: Relax, and think before you write. Allow yourself to be interested in your topic. Develop a strategy of argument even before you outline. Outline first, wait a day, write a first draft, wait a day, then write a second draft.

Policy for Submitting Essays Due After the Last Day of Class

The University no longer allows us to use drop boxes or mailboxes for exam submission, so you should deliver your essay to me in person. I will let you know in class on what day and at what time I will be in my office to receive essays. My office is Mezes 3.106.

If you cannot drop off your essay at the drop-off time, you have three options. (1) You may have a friend drop it off, but only if the friend understands the "don'ts" listed below. (2) You may mail it to my home. Contact me for my home address. I will regard the date of the postmark as the date on which the essay was submitted. If you want to make sure that I am able to post your grade before the College's deadline, I strongly suggest express mail rather than ordinary mail. (3) You may drive it to my home. Telephone ahead of time to make sure I'm there. My telephone number is listed.

What not to do: (1) Don't leave your essay in my University mailbox. (2) Don't slip your essay under my University office door. (3) Don't send your essay to me through campus mail. (4) Don't snailmail your essay to my university address. *If you do any of these things, I may not receive your essay until after the grading deadline. In fact I may not receive it at all.*

Reading Policy

Reading is a vanishing art, but in this course we still practice it. Read each assigned text at least three times.

One kind of reading is scanning. This is fairly rapid reading in which you look for broad themes and overall relationships -- in which you get the "drift" of the author's arguments without concentrating on their logical structure.

Another kind of reading is studying. This is close reading in which you try to find out exactly how the author's arguments unfold. An important part of studying is interrogating the author. First, at every point, ask questions like these: "Why do you say that? How do you know that? What does that imply? Where does it lead? How does it square with what you said three paragraphs ago? Given what you've said, how would you respond to the objections of that other fellow whose text I read yesterday?" Second, scrutinize the text in order to figure out *how the author would probably answer* your questions.

After you've scanned and studied a text, you'll need to read it yet again in order to outline it. There are several different kinds of outline. Unfortunately, the kind most commonly taught in schools is probably the least useful. This is the "topical" outline, which is merely a list of topics and subtopics with which an author deals. When finished, it looks like a table of contents. Another kind of outline is the "propositional" outline, which lists the claims the author is trying to get you to believe. It isn't much more useful than a topic outline, because it doesn't tell why he considers them believable. An analytical outline -- the kind that I want you to compose -- is a different kettle of fish. Instead of merely listing the author's topics, or merely listing his claims, it breaks down the text into arguments. It shows premises, conclusions, and the reasoning that ties them together. It also includes the reasoning that lies behind the author's willingness to accept these premises in the first place. I'll say more about analytical outlining in class.

You should never assume that you understand everything about a reading just because you understand everything I've said about it in class. The lectures are designed to help you to analyze the texts on your own -- not to offer a substitute for doing so. Remember this. It's absolutely crucial.

Bring your books to both lecture and discussion section so that you can follow along. If you write out your analytical outlines, rather than just doing them in your head -- a practice that I strongly encourage -- then bring them too.

Disability Policy

I comply with the University policy that students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities, 471-6259, <http://www.utexas.edu/diversity/ddce/ssd> .

Holy Day Policy

I comply with the University policy that students who may not work or attend class on holy days of their faiths may request alternative accommodations. According this policy, you must notify me of your pending absence at least fourteen days prior to the date of the holy day.

Quizzes missed on such days are excused.

Scholastic Dishonesty Policy

Naturally, scholastic dishonesty results in a failing grade for the course, as well as a disciplinary referral to your dean.

The University of Texas Honor Code, and an explanation of what constitutes plagiarism, can be found at <http://registrar.utexas.edu/catalogs/gi09-10/ch01/index.html> .

Emergency Evacuation Policy

In the event of a fire or other emergency, it may be necessary to evacuate a building rapidly.

Upon the activation of a fire alarm or the announcement of an emergency in a university building, all occupants of the building are required to evacuate and assemble outside. Once evacuated, no one may re-enter the building without instruction to do so from the Austin Fire Department, University of Texas at Austin Police Department, or Fire Prevention Services office.

Students should familiarize themselves with all the exit doors of each room and building they occupy at the university, and should remember that the nearest exit routes may not be the same as the way they typically enter buildings.

Students requiring assistance in evacuation shall inform their instructors in writing during the first week of class. Faculty members must then provide this information to the Fire Prevention Services office by fax (512-232-2759), with "Attn. Mr. Roosevelt Easley" written in the subject line.

Information regarding emergency evacuation routes and emergency procedures can be found at <http://www.utexas.edu/emergency>.