

EASTERN MICHIGAN UNIVERSITY
DIVISION OF ACADEMIC AFFAIRS

**REQUEST FOR INCLUSION OF A COURSE IN THE
GENERAL EDUCATION PROGRAM:
EDUCATION FOR PARTICIPATION IN THE GLOBAL COMMUNITY**

DEPARTMENT/SCHOOL: HISTORY AND PHILOSOPHY

COLLEGE: A&S

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1. Subject Code, Number, and Title: PHIL 355: PHILOSOPHY OF LAW

2. Credit Hours 3

3. Course Description

A consideration of philosophical questions about the law such as: What sorts of behavior should be illegal? What is punishment supposed to accomplish? When are we justified in punishing a person? How do judges arrive at decisions? Are there really legal principles that cover all the hard cases judges must deal with or do they use their own personal moral values? What is a legal system and how does it differ from a moral code?

4. This course is (check one):

an existing course with no revisions (need not go through the input system)

an existing course with revisions (attach this form to Request for Course Revision form)

a new course (attach this form to Request for New Course form)

5. Check the General Education requirement this course is intended to meet. If the course is to be proposed for more than one requirement, submit a separate form for each one.

Effective Communication

Quantitative Reasoning (*QR designation*)

Writing Intensive (*WI designation*)

Perspectives on a Diverse World

Global Awareness

U.S. Diversity

Knowledge of the Disciplines

Arts

Humanities

Science

Social Science

Learning Beyond the Classroom (*LBC designation*)

- Self and Well Being
- Community Service, Citizenship, and Leadership
- Cultural and Academic Activities and Events
- Career and Professional Development
- International and Multicultural Experience
- Undergraduate Research

6. Rationale. Provide a concise, clear, jargon-free explanation of why this is a General Education course and how it fits into this specific area of the program. (The rationale should explain to students why they are taking the course. It should address both why it is part of the General Education program and why it fits into the particular category.) This rationale should appear on the general course syllabus provided here and should be included in specific course syllabi given to students.

This course is a writing intensive course in the philosophy program. Students will write 3 essay exams and a substantial philosophical paper. The essay exams are devoted to understanding and critiquing arguments put forward by someone else. The substantial paper is a reasoned defense of a thesis. Students will choose an issue within the philosophy of law formulate a thesis and defend that thesis.

There are two main kinds of philosophical writing: (1) Critiquing arguments put forward by someone else; and (2) Defending a thesis. Students will do both kinds of writing in this class.

7. Clearly and concisely explain how this course meets each of the General Education outcomes for the requirement checked in number five (all outcomes should be addressed). To do this, (a) list the General Education outcomes for the requirement and explain how the course meets each outcome; and (b) explain, in general terms, the method(s) of evaluation to be used in the course and how these methods assess the degree to which students have met the General Education outcomes for this requirement.

Writing Intensive Outcomes

Students will:

1. Develop and employ successful, flexible writing and reading strategies that support sustained inquiry in a discipline.

Students will learn how to read and write a philosophical paper. Philosophers read with two things in mind: (1) What is the most charitable interpretation of the author's argument? (2) Do the premises of the author's argument support his or her conclusion? Students will be involved in this type of reading throughout the course, as we read the work of philosophers and, in class discussions, reconstruct their arguments and critique their positions. The skills involved are critical reading and critical reasoning, most of which they will have acquired in previous philosophy courses. Students will demonstrate their ability to read and understand complex philosophical arguments by engaging in in-class discussion and writing three in-class essay exams. Exam questions require both the exposition of a philosophical position and a critique of that position. Students will also learn to write a substantial philosophical paper, in which they formulate and defend their own thesis.

2. Use writing strategies that achieve the purpose(s) for writing and address the expectations of audience(s) within a discipline.

A philosophical paper is a reasoned defense of a thesis. The purpose of such a paper is to establish the truth of a conclusion. Students will learn the strategies for writing such a paper. A class day will be devoted to the topic “how to write a philosophy paper” and there will be in-class activities aimed at improving their ability to develop and defend a thesis. Papers will be assessed in light of the expectations of philosophical writing: (1) Is the thesis clearly stated? (2) Do the author’s premises support his or her conclusion – is the reasoning sound/cogent? (3) Are controversial premises supported?

3. Formulate research questions and employ strategies for researching and responding to those questions.

Students will formulate a thesis and defend that thesis. They will consider objections to their arguments and respond to those objections.

Philosophy is not an empirical discipline. Thus, research consists of reading the relevant background literature. Students will be introduced to various databases (e.g., The Philosopher’s Index) that will help them find the background literature for their paper.

4. Use discipline-specific genres to communicate information.

The genre of philosophy is that of an argumentative paper. Students will write a substantial argumentative paper, as well as three essay exams in which they demonstrate their ability to understand and critique an argument put forward by someone else.

The substantial paper written in PHIL 355 will be modeled after philosophical journal articles. Although students will be writing primarily for other class members, they will acquire the skills necessary for professional philosophical writing.

5. Understand conventions for communicating, disseminating, and interpreting information within a discipline.

Students will understand, from reading and studying journal articles and texts, how philosophical argument is disseminated and communicated. Interpretation is an essential part of both reading and writing philosophy.

Assessment of Writing Intensive Outcomes

The essay exams will assess whether students have learned how to read and understand a philosophical argument (outcomes 1 and 5). The exams will also assess whether students have learned appropriate methods for critiquing an argument (outcomes 4 and 5). The final term paper will assess whether students have learned how to formulate and defend a thesis and respond to objections. This paper will be done in a series of drafts. Students will revise their papers in response to comments. (Outcomes 1, 2, 3, 4, and 5)

Criteria for evaluation (final paper):

1. The issue and the thesis are clearly stated.
2. The paper is well organized:
 - a. the paper progresses logically, transitions are clear, the reader can easily follow the paper
 - b. each paragraph is well structured
 - c. sentences are well structured and grammatical; spelling and punctuation is accurate

Philosophy of Law 355, Fall 2006

Professor Lori Watson

pwatson@emich.edu

Office: 702-M Pray-Harrold

Office Hours: 12:30-1:30, TTH and by appointment

Course Description: This course aims to offer an overview of some of the key issues and debates within the philosophy of law. We will consider such questions as: What is the nature of law? What is "the rule of law"? What is the relationship between morality and law? How should judges interpret the Constitution? How ought the line between criminal and civil law be drawn? Is the death penalty justified? What kinds of speech deserve legal protection? What distinguishes speech from action? What is the relationship between law and economics? We will also consider feminist critiques of the law as well as similar critiques by critical race theorists. Major issues to be covered in the course: Gay Marriage, Torts, the Death Penalty, Pornography, and Affirmative Action.

Rationale for inclusion as a Writing Intensive Course: This course is a writing intensive course in the philosophy program. Students will write 3 essay exams and a substantial philosophical paper. The essay exams are devoted to understanding and critiquing arguments put forward by someone else. The substantial paper is a reasoned defense of a thesis. Students will choose an issue within the philosophy of law formulate a thesis and defend that thesis.

There are two main kinds of philosophical writing: (1) Critiquing arguments put forward by someone else; and (2) Defending a thesis. Students will do both kinds of writing in this class.

Required Text(s): *Arguing About Law: An Introduction to Legal Philosophy*, 2nd Ed., by Andrew Altman
and *Philosophical Problems in the Law*, 4th Ed., by David M. Adams

Course Evaluation: Each student will be evaluated on the basis of the following:

Class participation: 15%

Tests 1, 2, and 3: 20%

Term Paper: 25%

Class participation: It is expected that you will have done the reading for a given day prior to the lecture. Class discussion will be integrated into lectures, and your participation is essential for an effective learning environment. Reading quizzes will be given at random, at the beginning of class, and will comprise a portion of your class participation grade. Class participation can be any number of things such as:

- Asking questions when you don't understand or need clarification.
- Contributing to group discussion(s).
- Talking to me outside of class (i.e., coming to office hours).
- Emailing questions about the material discussed in class.

Paper assignment: You will write one term paper during the course of the semester. Paper assignments and guidelines will be provided well in advance of the deadline. Late papers will not be accepted without prior approval, exceptions only in cases of documented emergencies.

Tests: We will have three essay tests during the course of the semester. The test will be comprised of short answer and essay questions. A review sheet will be provided at least a week prior to the test.

Assessment of Writing Intensive Outcomes

The essay exams will assess whether students have learned how to read and understand a philosophical argument (outcomes 1 and 5). The exams will also assess whether students have learned appropriate methods for critiquing an argument (outcomes 4 and 5). The final term paper will assess whether students have learned how to formulate and defend a thesis and respond to objections. This paper will be done in a series of drafts. Students will revise their papers in response to comments. (Outcomes 1, 2, 3, 4, and 5)

Classroom etiquette: Philosophy consists, largely of arguments, and so we will argue with one another throughout the course. Arguing in a philosophical context need not involve shouting or name-calling; respectful dialogue is expected. Also, I expect that each of you respect me, and that means no sleeping in class, talking out of turn, or coming in extremely late (e.g., just to hand in an assignment). Any of those behaviors among others are ground for asking you to leave the classroom for the day. Excessive behavior could result in administrative discipline.

Plagiarism (or any form of academic dishonesty, for definitions of academic dishonesty see [Student Handbook](#)) will not be tolerated. Each student is responsible for knowing what constitutes plagiarism, though I will have a detailed discussion of such with the first paper assignment. If you commit any form of academic dishonesty, I will refer all such matters to [Student Judicial Services](#) and pursue appropriate punishment (at a minimum you will receive an "E" in the course, punishment could include dismissal from the University). Click [here](#) for definitions of cheating and plagiarism. Click [here](#) for examples of how to avoid plagiarism. Make a note that plagiarism off the Internet is extremely easy to detect, and thus very unwise.

TurnItIn: The internet can be a very useful resource. However, it can be abused as well. In order to combat misuse of the internet, EMU has subscribed to a service to both help identify plagiarized papers and to aide students in learning proper citation methods, and thus teach students how to avoid plagiarizing. I will use this service this semester. TurnItIn is described as follows:

"To help promote awareness of and the practice of academic integrity, Eastern Michigan University has subscribed to Turnitin.com, a web-based service that compares submitted student text against a database of millions previously published documents, including those on the public

Internet, the proprietary collection of the ProQuest company, as well as every student paper ever submitted to Turnitin.com, including previously submitted EMU papers. When similarities between student text and an existing document are found, Turnitin highlights those similarities in an annotated document, displaying both the student text and the original source(s). Detection of similarities does NOT mean plagiarism has occurred as the overlapping text might be properly referenced and cited. The service is paid for by ICT (Information & Communications Technology), managed by the Library, and supported by Student Judicial Services and the Faculty Development Center." For more information see: <http://www.emich.edu/halle/turnitin.html#whatis>.

We will discuss how to use TurnItIn further before the paper is due.

Any student with a disability (physical, learning or otherwise) that requires accommodation should let me know as soon as possible. I will be happy to accommodate your needs, and confidentiality will be kept. For reference, the [Office for Students with Disabilities](#) is located at 203 King Hall (487-2470).

International Students link [here](#) for important information on F and J Visas.

Syllabus is subject to change at my discretion, notification of changes will be made in class and posted on the website. It is your responsibility to keep up with any changes.

Reading Schedule

Wednesday, Sept 6

Introduction to Course

Wednesday, Sept 13

Topic: The Rule of Law

Read: Chapter One, Altman,(The Rule of Law) and Chapter One, Adams, pp. 3-40

Wednesday, Sept 20

Topic: Law and Morality

Read: Chapter Two, Altman,(Law and Morality) and Chapter one, Adams, pp.40-99; 111-120

Wednesday, Sept 27

Topic: Constitutional Interpretation/Judicial Review

Read: Chapter Three, Altman, (The Constitution)
and Chapter 2, Adams, pp. 165-191

Gay Marriage

Goodridge v. Massachusetts Department of Public Health (excerpts
on reserves)

Wednesday, Oct 4

Test One: First Hour of Class

Read: Chapter 2, Adams, pp. 193-226 and 254-273

Wednesday, Oct 11

Topic: The Criminal Law

Read: Chapter Five, Altman, (Criminal Law)

Wednesday, Oct 18

Read: Chapter 4, Adams

Wednesday, Oct 11

Topic: Private Law/Torts

Read Chapter 4, Altman,
and Read Chapter 5 “Justice, Compensation and Torts”(pp. 518-
552), Adams

Wednesday, Oct 25

Read, Chapter 5 “Acts, Omissions, and the Duty to Rescue”
(pp.586-599), Adams

Wednesday, Nov 1

Test Two: First hour of class

Topic: Feminism and the Law

Read: Chapter Seven, Altman,(Feminism and the Law)
and Chapter Two, Adams, pp. 230-253

Wednesday, Nov 8

Feminism cont.

Wednesday, Nov 15

Topic: Race and Law

Read: Chapter Eight (Race and American Law)

Paper Topics and In-Class Discussion of "How to Write a Philosophy Paper"

Wednesday, Nov 29

Affirmative Action

Read: Chapter 3, Adams, pp.276-312

Wednesday, Dec 6

Test Three: First hour of class

Catch up and Review

Wednesday, Dec 13

Final Paper Writing Workshop

Wednesday, Dec 20

Final Paper Due