

Legal Studies 450 - Jurisprudence and Social Issues

Syllabus

Instructor: Clinton Castro

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Office hours: T/R 4-5:00p or by appointment*

Credit hours: 3

**Don't wait until exam week to drop by! Walk-ins during scheduled office hours are encouraged.*

Course objectives

- Develop critical, independent thinking skills.
- Develop the skills required to read and understand difficult texts.
- Develop the ability to clearly formulate and express ideas and arguments.
- Become familiar with central issues in analytic and normative jurisprudence.
- Begin to appreciate the relevance of philosophical reflection to everyday life and action.

Required Text

The Problem of Punishment, by David Boonin

Grade Composition

Memos	10%
Punishment Project	20%
Test #1	20%
Documentary Project	25%
Test #2	25%

Grade Scale

A	[92.5% - 100%]
AB	[87.5% - 92.5%]
B	[82.5% - 87.5%]
BC	[77.5% - 82.5%]
C	[70% - 77.5%]
D	[60% - 70%]
F	[0% - 60%]

Graded Work

Memos - Short assignments that will be announced (and sometimes completed) in class.

Tests - Tests in this course will be comprised of 2-3 essay-length questions. Essay questions will be distributed before the exam; the questions on the exam will be randomly selected from this list.

Punishment Paper - You will write a tightly argued paper on the problem of punishment.

Documentary Project - You will be responsible for watching a full length documentary about a social issue. You will prepare a short paper and present on that documentary with a group.

Contact

I check my email frequently and will respond as promptly as possible. I may not always reply immediately, but I will reply. Please allow me 24 hours to respond. You should use email to inform me of any administrative issues; I will refrain from engaging in philosophical discussion via email. If you would like to discuss philosophical material it is best to meet me.

Note: I'm certain that during the course of this semester you will have questions and problems—both ones that have to do with the class material and ones that have to do with the everyday mechanics of the class. You should feel free to get ahold of me to help you answer these questions. If we put our heads together most problems can be resolved. I am available for you during office hours, by appointment, and by email. Take advantage of this!

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Attendance

Attendance is mandatory. If you must miss a class, please request permission from me *prior* to the class you intend to miss. Of course, emergencies and illnesses may prevent you from doing so, in which case please consult with about me your absence. For every unexcused absence beyond two, your final grade will be reduced by 5%.

Technology

You are welcome to use laptops, tablets, etc. to take notes. However, using technology in the classroom comes with responsibility. You are not allowed to use technology to visit websites, check your email, or send messages. This behavior is distracting to other members of the class. Each violation of this policy it will count as an unexcused absence.

Special Accommodations

The policy of the Board of Regents of the UW System is to ensure that no qualified person shall, solely by reason of disability, be denied access to, participation in, or the benefits of, any program or activity operated in the UW System. Each qualified person shall receive reasonable accommodations needed to ensure access to educational opportunities, programs and activities in the most integrated setting appropriate. If you have a disability and would like to make special arrangements for receiving class materials or completing assignments, please let me know and I will work with you and the McBurney Center, if appropriate, to develop an alternative for you.

Academic Misconduct and Plagiarism

Academic misconduct in any form will not be tolerated. Depending on the act, a student could receive an F grade on a test/assignment, an F grade for the course, and could be suspended or expelled from the University. For more details on what actions constitute academic misconduct, how to avoid them, and the UW policies for dealing with misconduct, please visit <http://students.wisc.edu/doso/students.html>.

A Note about Doing Philosophy

One of the goals in this class is to develop your critical reasoning skills. These skills can best be developed through active participation among peers. It is my hope and expectation that everyone will engage in class discussions. In order to facilitate participation, a few notes about the conduct of philosophical discussion are in order.

First, bring a thick skin. Philosophy is the study of arguments, logic, reasons, and evidence. As such, you will be challenged to provide arguments, reasons, and evidence for your claims. What you say may be true, but in this class, we are interested in why it is true and why we should believe it.

Second, you must be respectful in challenging others' ideas. We disagree with ideas and claims, not with people. If you object to something said in class, your objection must be supported with arguments, logic, reasons, and evidence. If something makes you uncomfortable, feel free to speak to me about it.

Third, everyone here has something to contribute to the philosophical project. The correctness of a claim does not stem from the authority of its speaker (his education, her title, etc.) but from the reasons and evidence that support it. No one here is more privileged to speak about any issue more than anyone else, including me. So speak up!

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NOTE: Course material (lecture note, this syllabus, etc.) can be found in the course drive:
<https://drive.google.com/open?id=17RV23Dmj7chSS2vWWoLbI2WSpeiYu7Nx>
 (This link can be found on the course Canvas page).

†= Available in the course drive

Calendar

Unit	Topics and Readings	Dates
1. Introduction	Philosophy's Relevance to Legal Education Why Study Philosophy? 'To Challenge Your Own Point of View', Reese[†] Why Philosophy has Been Central to Legal Education for More Than a Century, Leiter[†]	
2. Philosophical Method through Punishment	Punishment, Necessary and Sufficient Conditions, and Conceptual Analysis The Problem of Punishment, <i>Boonin[†]</i> Act- and Rule-Utilitarian theories of Punishment, Validity, and Soundness The Consequentialist Solution, <i>Boonin[†]</i> Desert-, Forfeiture-, and Fairness-Based Retributivism The Retributivist Solution, <i>Boonin</i> Hybrid and Other Approaches to Punishment Other Solutions (selections), <i>Boonin</i> Pure Restitution as an Alternative to Punishment The Appeal to Necessity, <i>Boonin</i>	Punishment Project due: Week 6
3. The Concept of Law	Legal Positivism A Positivist Conception of Law, <i>Austin[†]</i> Law as the Union of Primary and Secondary Rules, <i>Hart[†]</i> Natural Law Theory Eight Ways to Fail to Make a Law, <i>Fuller[†]</i> Selection from On Law, Morality and Politics, <i>Aquinas[†]</i> American Legal Realism The Path of the Law, <i>Holmes[†]</i> Two Kinds of Reduction, <i>Marmor[†]</i> Dworkin's Third Theory The Model of Rules, <i>Dworkin[†]</i> Postscript, <i>Hart[†]</i>	Test #1: Week 8

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4. Political Obligation	Social Contract, Gratitude, Fair Play, and Consequentialist Theories of Political Obligation <i>Crito</i> , <i>Plato</i> [†]	Documentary Project Drafts due: Week 11
	The Weight of Political Obligation Letter from Birmingham Jail, <i>King</i> [†] Is There a Prima Facie Obligation to Obey the Law?, <i>Smith</i> [†]	
5. Liberty	The Harm Principle On Liberty (selections), <i>Mill</i> [†]	Documentary Project Presentations & Final Drafts: Weeks 14-5
	The Offense Principle Offensive Nuisances, <i>Feinberg</i> [†]	
	Pornography, Hate Speech, and Censorship John Stuart Mill and Pornography, <i>Vernon</i> [†] Pornography and Censorship, <i>West</i> [†] Freedom of Speech, <i>van Mill</i> [†]	Test #2: 5/10, 10:05p Location: TBD
	Drug Legalization/Decriminalization The New Jim Crow (selections), <i>Alexander</i> [†] In Favor of Drug Decriminalization, <i>Husak</i> [†] Against the Legalization of Drugs, <i>de Marneffe</i> [†]	

NOTE: Additions to this syllabus may be made as the semester progresses at my discretion. I will notify you of all changes and will update the syllabus as needed.