

**ORIGINATOR'S SECTION:****1. College:**
☒ CHABSS ☐ CoBA  
☐ CoEHHS ☐ CSM
**Desired Term and Year of Implementation (e.g., Fall 2008):**

Fall 2016

**2. Course is to be considered for G.E.? (If yes, also fill out appropriate GE form\*)** ☐ Yes ☒ No**3. Course will be a variable-topics (generic) course?** ☐ Yes ☒ No  
("generic" is a placeholder for topics)**4. Course abbreviation and Number:\*** PHIL 430**5. Title: (Titles using jargon, slang, copyrighted names, trade names, or any non-essential punctuation may not be used.)**  
Philosophy of Law**6. Abbreviated Title for PeopleSoft:**  
(no more than 25 characters, including spaces)  
Philosophy of Law**7. Number of Units:** 3**8. Catalog Description: (Not to exceed 80 words; language should conform to catalog copy. Please consult the catalog for models of style and format; include all necessary information regarding consent for enrollment, pre- and/or corequisites, repeated enrollment, crosslisting, as detailed below. Such information does not count toward the 80-word limit.)**

Philosophical study of issues related to the law and legal institutions. Examines notions of the basic nature of law, its origins in society, and its validity as a system of social norms. Compares law to other normative social institutions like convention, morality, and religion. Topics include: liberty-limiting principles; origin of legal rights; individual and corporate obligations to obey the law; the justification of legal punishment; problems of paternalistic interference into the lives of citizens is justified.

**9. Why is this course being proposed?**

To serve as an upper division elective for the Philosophy Major and Minor. This course will be particularly well suited to students in the Ethics, Law, and Society Option of the Major.

**10. Mode of Instruction\***

For definitions of the Course Classification Numbers:  
[http://www.csusm.edu/academic\\_programs/curriculumscheduling/catalogcurricula/DOCUMENTS/Curricular\\_Forms\\_Table/Instructional%20Mode%20Conventions.pdf](http://www.csusm.edu/academic_programs/curriculumscheduling/catalogcurricula/DOCUMENTS/Curricular_Forms_Table/Instructional%20Mode%20Conventions.pdf)

Type of Instruction	Number of Credit Units	Instructional Mode (Course Classification Number)
Lecture	3	C2
Activity		
Lab		

**11. Grading Method:\***

- ☒ Normal (N) (Allows Letter Grade +/-, and Credit/No Credit)  
☐ Normal Plus Report-in-Progress (NP) (Allows Letter Grade +/-, Credit/No Credit, and Report-in-Progress)  
☐ Credit/No Credit Only (C)  
☐ Credit/No Credit or Report-in-Progress Only (CP)

**12. If the (NP) or (CP) grading system was selected, please explain the need for this grade option.****13. Course Requires Consent for Enrollment?** ☐ Yes ☒ No
☐ Faculty ☐ Credential Analyst ☐ Dean ☐ Program/Department - Director/Chair
**14. Course Can be Taken for Credit More than Once?** ☐ Yes ☒ No

If yes, how many times? (including first offering)

**15. Is Course Crosslisted:** ☐ Yes ☒ No

If yes, indicate which course and check "yes" in item #22 below.

**16. Prerequisite(s):** ☐ Yes ☒ No

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17. Corequisite(s): ☐ Yes ☒ No

18. Documentation attached:

☐ Syllabus ☒ Detailed Course Outline

19. If this course has been offered as a topic, please enter topic abbreviation, number, and suffix:\*

20. How often will this course be offered once established? \* Once a year or more.

**PROGRAM DIRECTOR/CHAIR - COLLEGE CURRICULUM COMMITTEE SECTION:***(Mandatory information – all items in this section must be completed.)*21. Does this course fulfill a requirement for any major (i.e., core course or elective for a major, majors in other departments, minors in other departments)? ☐ Yes ☒ No

If yes, please specify:

22. Does this course impact other discipline(s)? *(If there is any uncertainty as to whether a particular discipline is affected, check "yes" and obtain signature.)* ☒ Yes ☐ No

If yes, obtain signature(s). Any objections should be stated in writing and attached to this form.

Political Science  
Disciplinesee attached email  
Signature1-23-15 ☒ Support ☐ Oppose  
DateHistory  
Disciplinesee attached email  
Signature4-4-16 ☒ Support ☐ Oppose  
DateSociology  
Disciplinesee attached email  
Signature1-27-15 ☒ Support ☐ Oppose  
Date**SIGNATURES : (COLLEGE LEVEL) :****(UNIVERSITY LEVEL)**

Manuel Arriaga

November 20, 2014

1. Originator (please print or type name)

Date

[Signature]12/1/14

2. Program Director/Chair

Date

[Signature]4/8/16

3. College Curriculum Committee

Date

[Signature]4/8/16

4. College Dean (or Designee)

Date

5. UCC Committee Chair

Date

6. Vice President for Academic Affairs (or Designee)

Date

7. President (or Designee)

Date

**Gretchen Sampson**

*Sociology approval*

**From:** Michael McDuffie  
**Sent:** Thursday, February 19, 2015 3:02 PM  
**To:** Gretchen Sampson  
**Subject:** FW: C-form proposal, Philosophy of Law

Michael McDuffie, Ph.D.  
Associate Professor  
Department Chair  
Department of Philosophy  
California State University San Marcos

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**From:** Sharon Elise <[selise@csusm.edu](mailto:selise@csusm.edu)>  
**Date:** Tuesday, January 27, 2015 3:38 PM  
**To:** Michael McDuffie <[mcduffie@csusm.edu](mailto:mcduffie@csusm.edu)>  
**Subject:** Re: C-form proposal, Philosophy of Law

Hi Michael,

I approve and have no objections to your Philosophy of Law course!

Best,

Sharon

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**From:** Sharon Elise <[selise@csusm.edu](mailto:selise@csusm.edu)>  
**Date:** Saturday, January 24, 2015 at 8:07 AM  
**To:** Michael McDuffie <[mcduffie@csusm.edu](mailto:mcduffie@csusm.edu)>  
**Cc:** Cyrus Masroori <[cmasroor@csusm.edu](mailto:cmasroor@csusm.edu)>, Jill Watts <[jwatts@csusm.edu](mailto:jwatts@csusm.edu)>  
**Subject:** Re: C-form proposal, Philosophy of Law

Thanks Michael.  
Sharon

Sent from my iPhone

On Jan 23, 2015, at 3:47 PM, "Michael McDuffie" <[mcduffie@csusm.edu](mailto:mcduffie@csusm.edu)> wrote:

Dear Cyrus, Jill, and Sharon,

Please find attached a C-form and course outline for our proposed new course, Philosophy of Law, submitted for your commentary and (hopefully) approval. Please send your response directly to me and I'll forward it to the Dean's Office.

Thanks for your time and consideration.

Michael McDuffie, Ph.D.  
Associate Professor  
Department Chair

**Gretchen Sampson**

Political Science  
approval

**From:** Michael McDuffie  
**Sent:** Thursday, February 19, 2015 3:04 PM  
**To:** Gretchen Sampson  
**Subject:** FW: C-form proposal, Philosophy of Law

Michael McDuffie, Ph.D.  
Associate Professor  
Department Chair  
Department of Philosophy  
California State University San Marcos

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**From:** Cyrus Masroori <[cmasroor@csusm.edu](mailto:cmasroor@csusm.edu)>  
**Date:** Friday, January 23, 2015 7:30 PM  
**To:** Michael McDuffie <[mcduffie@csusm.edu](mailto:mcduffie@csusm.edu)>  
**Subject:** Re: C-form proposal, Philosophy of Law

Dear Michael,

I am fin with the proposed course.

Cyrus

Cyrus Masroori  
Professor and Chair  
Department of Political Science  
California State University San Marcos

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**From:** Michael McDuffie  
**Sent:** Friday, January 23, 2015 3:47 PM  
**To:** Cyrus Masroori; Jill Watts; Sharon Elise  
**Subject:** C-form proposal, Philosophy of Law

Dear Cyrus, Jill, and Sharon,

Please find attached a C-form and course outline for our proposed new course, Philosophy of Law, submitted for your commentary and (hopefully) approval. Please send your response directly to me and I'll forward it to the Dean's Office.

Thanks for your time and consideration.

Michael McDuffie, Ph.D.  
Associate Professor  
Department Chair  
Department of Philosophy  
California State University San Marcos

Angela Baggett

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HIST  
approval.

**From:** Michael McDuffie  
**Sent:** Monday, April 04, 2016 5:44 PM  
**To:** Angela Baggett  
**Cc:** Rebecca Lush  
**Subject:** Fwd: Philosophy course proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Angie,

Please find below a "signature approval" for one of our new course proposals, PHIL 430.

Thanks,  
Michael

Sent from my iPad

Begin forwarded message:

**From:** Carmen Nava <[cnava@csusm.edu](mailto:cnava@csusm.edu)>  
**Date:** April 4, 2016 at 11:50:02 AM PDT  
**To:** Michael McDuffie <[mcduffie@csusm.edu](mailto:mcduffie@csusm.edu)>  
**Subject:** Re: Philosophy course proposal

Dear Michael,  
The History Department supports this class—PHIL 430.

Will this email suffice or do you need an actual signature?

Sincerely,  
Carmen Nava  
Professor & Chair  
Department of History

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**From:** Michael McDuffie <[mcduffie@csusm.edu](mailto:mcduffie@csusm.edu)>  
**Date:** Monday, March 14, 2016 at 3:11 PM  
**To:** cnava <[cnava@csusm.edu](mailto:cnava@csusm.edu)>  
**Subject:** Philosophy course proposal

Dear Carmen,

I'm attaching a new course proposal (Philosophy of Law) that is part of our new major. I think I sent this to Jill when it was first proposed, last spring, but never heard back. (History has already signed off in support of our P-form, thank you very much!) Would you share this with your colleagues and send a note of support, concerns, whatever? The P-form is almost ready to leave CAPC and we are sweeping up some last details like this one. Thanks for your time and attention (and support)!

Michael McDuffie, Ph.D.  
Associate Professor  
Department Chair  
Department of Philosophy  
Vice Chair, Academic Senate  
California State University San Marcos

PHIL 430 Philosophy of Law  
COURSE OUTLINE

**Catalog Description**

Philosophical study of issues related to the law and legal institutions. Examines notions of the basic nature of law, its origins in society, and its validity as a system of social norms. Compares law to other normative social institutions like convention, morality, and religion. Topics include: liberty-limiting principles; origin of legal rights; individual and corporate obligations to obey the law; the justification of legal punishment; problems of paternalistic interference into the lives of citizens ~~is justified~~.

**Student Learning Outcomes**

Students who complete this course will be able to:

1. Demonstrate basic familiarity with the standard themes and issues associated with the philosophy of law.
2. Apply a critical appreciation of the philosophers discussed in this course, in order to discuss these themes and issues from the different perspectives provided by different thinkers.
3. The students should be able improve their verbal and writing skills in expressing the complex themes and issues to be discussed.

**Required Text (to be purchased from the bookstore):**

R. M. Dworkin, ed. *The Philosophy of Law*. London: Oxford University Press, 1984. This book will be supplemented by other articles from other various sources.

**Course Expectations**

1. Careful study of all readings prior to the class meetings for which they are assigned. **This is your primary assignment, which will be supplemented by other assignments in the course of the semester.** You will be held accountable for all materials given, syllabus adjustments or modifications, announcements made, and discussions conducted, in class, even those that would most likely be missed because a student fails to show up in class.
2. **Sustained, active** participation in class, which includes each of the following:
  - a) First and foremost, your regular class attendance. Of course, you cannot actively participate in a class if you are not there, or are there only sporadically. Your regular presence in class is your most substantial evidence that you are actively involved in the course, so don't become invisible or otherwise fade away.
  - b) For your class attendance to really count, you must actively participate in all the class and group discussions and activities, e.g. by asking or answering questions, by offering or requesting clarifications, and so on. You must join and actively participate in the small group discussions that will be a regular activity in the classroom. The quality of your attendance is as important as your physical presence. You are required to be fully engaged in whatever is going on in class from beginning to end. For this, coming to class prepared is key: **You must show evidence of having read and studied the assigned matter carefully before each class meeting.**
3. Satisfactory completion of all assignments and other requirements at the deadlines specified. Nothing will be accepted late without prior notification. If you think you cannot accomplish a requirement on time, you may get an extension in advance if you ask me and I see that you have a legitimate reason. But, again, you need to communicate with me ahead of time.
4. In all tests, papers, or discussions, you do not have to agree with me on any issue or with any of the philosophers or positions discussed in class, but you are expected to know thoroughly everything that has been discussed and explained in the course pertinent to the issue, **especially in the Powerpoint presentations and lectures**, and to present cogent reasons or arguments for any views you wish to advocate. Above all, you must make sure that you do not attack a "straw man" when you dispute a position



contrary to yours. Positively, you are expected to apply the Principle of Charity in regard to positions you want to criticize. A self-critical attitude, which is manifested in an openness to and respect for ideas contrary to your own, as well as in the willingness to listen attentively to people with views different from yours, is *the* fundamental expectation for this course.

5. Academic honesty. **Any evidence of cheating, including plagiarism, constitutes sufficient reason for a failing grade for the assignment or exam, or even the entire course.** To avoid any appearance of plagiarism, be sure to document the sources for your work, using any standard citation format (MLA, APA, Chicago/Turabian's, etc.). All quotations and paraphrases require a citation.

### **Course Requirements and relative weights**

1. You will be required to keep a personal journal throughout the course, which is intended to enhance your personal interaction with the course readings. It is going to be a running written record of your "real-time" thoughts in response to the assigned matter, unless I specify otherwise. Your lecture notes must not be used and submitted as journal entries.

The journal is a loosely structured set of thoughts and observations. Unlike an essay or a regular research paper, organization is not very important, although it is strongly encouraged. The journal is primarily meant to aid you, not to inform an outside reader. Putting your thoughts in writing will allow you to think more clearly, help reinforce concepts learned, increase your recall and comprehension of the readings, apart, of course, from the obvious benefit of helping to improve your writing fluency. This exercise, if you take it seriously, will also help in preparing you for the course exams as well as for your regular paper.

For your journal entries, use only regular-sized ruled pad. Write an entry of *at least* 1 page per week on a single topic or set of topics in the syllabus.. You should have a total of 11 pages at the end of the course in order to get the full credit for this requirement . You are expected to write each journal entry *while* you accomplish or *immediately after* you accomplish each reading assignment, with each entry expressing your understanding of, as well as your personal feedback, on the text, including problems, questions, and personal insights in your encounter with it. No late submission is allowed for any of these individual entries. It should be clear, therefore, that you cannot submit all of your 11-page journal on all the different topics at any single time.

I will be collecting your one-page journal entry every Wednesday, and *only* before the start of the class. No journal entry may be submitted during or after class. Each entry must be dated and have your name clearly spelled. To aid in the evaluation of your journal entries, you are expected to write legibly in handwritten form, and use complete sentences in regular essay format. Each journal entry will not be graded on spelling, grammar, structured content, or the correctness of your views. The main criterion used in checking your journal will be: Do you have the appropriate entry in the appropriate form (handwritten, full page, essay format) at each meeting? If so, then you can receive the full credit of 1 point for the entry; if not, you will get less than the full credit. In order to ensure that you have the appropriate entry, I will be randomly reading parts of each of your journal entry—and occasionally reading all of it-- to check on evidence of honest effort in trying to understand the assigned text material. If you fail to submit a journal entry on any given Wednesday, you lose 1 full point. (Total maximum points: 10% of your final grade.)

2. Unannounced quizzes will be given during the first five minutes of the class period to ensure readings are completed prior to class. Quizzes cannot be made up. (Total maximum points: 10% of your final grade.)

3. A midterm exam (essay type) will be held on the 8<sup>th</sup> week of the semester. The coverage will include all matter taken up during the first eight weeks of the semester. (Total maximum points: 15% of your final grade.)

4. A 5-page paper or a pre-final exam (essay type). Students who choose to write a paper need to see me in my office for details. The topics for the pre-final exam will cover all matter not included in the coverage of the midterm exam. (Total maximum points: 20% of your final grade.)



5. Final exam (essay type). Since the final exam will cover the matter of the entire course, it will be preceded by a general review a full week before it occurs. (Total maximum points: 25% of your final grade.)

6. Sustained, active class participation, as defined above in Course Expectations, Item # 2. (Total maximum points: 20% of your final grade.)

To summarize:

Journal	10%
Quizzes	10%
Midterm exam	15%
Pre-final exam	20%
Final exam	25%
<u>Class participation</u>	<u>20%</u>

100%: TOTAL MAXIMUM POINTS FOR FINAL GRADE

### Standard Grading Scale

A	100-93%	C+	79-77	D-	62-60
A-	92-90	C	76-73	F	59-00
B+	89-87	C-	72-70		
B	86-83	D+	69-67		
B-	82-80	D	66-63		

### Course Schedule

Week 1: **Introduction**

Week 2: H.L.A Hart, "Positivism and the Separation of Law and Morals," in *The Philosophy of Law*, (PL), ed. R.M. Dworkin, pp. 17-37.

Week 3: R.M. Dworkin, "Is Law a System of Rules?" in PL, pp. 37-65.

Week 4: Lord Patrick Devlin, "Morals and the Criminal Law," in PL, pp. 66-82).

Week 5: H.L.A. Hart, "Immorality and Treason," in PL, pp. 84-88).

Week 6: Smith, M. B. E. "Is There a Prima Facie Obligation to Obey the Law?" *The Yale Law Journal* 82, no. 5 (1973): 950-76.

Week 7: Rawls, John. "The Justification of Civil Disobedience," in Hugo Adam Bedau, ed. *Civil Disobedience: Theory and Practice*, New York: Pegasus Books, 1969, pp. 240-255

Week 8: **Midterm exam.**

Week 9: [Feinberg] Dworkin, Gerald. "Paternalism," *The Monist*, vol. 56, Issue 1, Jan. 1972 pp. 64-84.

Week 10: T. Scanlon, "A Theory of Freedom of Expression," *Philosophy and Public Affairs*, Vol. 1, No. 2 (Winter 1972), pp. 204-226.

Week 11: Robin West, "Jurisprudence and Gender," *The University of Chicago Law Review*, vol. 55 No. 1 (Winter 1988), pp. 1-72.

Week 12: Ernest van den Haag, "The Death Penalty Once More," *UC Davis Law Review*, Vol 18, no 4 (Summer 1985), pp. 254-274.

Week 13: Hugo Bedau, "Reply to Van den Haag," in *The Death Penalty in America: Current Controversies*, ed. Hugo Bedau, New York: Oxford University Press, 1997, pp. 457-461

Week 14: Hannah Arendt: "Ideology and Terror: A Novel Form of Government," *The Review of Politics*, Vol. 15, No.3 (July 1953), pp. 303-327.

Week 15: Jurgen Habermas: "On the Internal Relation Between the Rule of Law and Democracy," *European Journal of Philosophy* 3 (1) 12-20 (1988).

Week 16: **Submission of paper or prefinal exam.**

Week 17: Jacques Derrida: "Force of Law: The Mystical Foundation of Law," in *Deconstruction and the Possibility of Justice*, transl. Mary Quaintance, ed. Drucilla Cornell et al. New York: Routledge,

1993, p. 3-67.

Week 18: **Final exam.**