

SOUTHEAST COMMUNITY COLLEGE
DIVISION OF ARTS AND SCIENCES
Humanities
Revision Date: 07-01-21

I. CATALOG DESCRIPTION

Course Number: PHIL2300
Course Title: Philosophy of Law
Prerequisite(s): A grade of "C" or higher in ENGL1010.
Catalog Description: An examination of philosophical questions arising from the law and legal systems, including the relationship between the law and morality, the correct understanding of concepts such as equality before the law, proof beyond a reasonable doubt, just punishment, and legal responsibility, the appropriate standards to use when interpreting the law and the Constitution, the place of political protest and civil disobedience within civil society, and the scope of rights to free speech, privacy, and autonomy granted by the US Constitution. Students will read essays by philosophers and lawyers, as well as judicial opinions in several important US Supreme Court cases.

Credit Hours: 3.0
Class Hours: 45
Lab Hours: 0
Total Contact Hours: 45

II. COURSE OBJECTIVES: *Course will:*

- A. Explore philosophical problems arising from the law and legal systems.
- B. Provide opportunities to develop and sharpen critical thinking skills.
- C. Broaden students' knowledge of the US legal system, Constitution, and legal history.
- D. Provide practice reading, interpreting, and analyzing philosophical and legal texts.
- E. Encourage students to critically examine and defend prior or new views on these matters in writing and discussion.

III. STUDENT LEARNING OUTCOMES AND GENERAL EDUCATION LEARNING OUTCOMES

- A. Student Learning Outcomes: *Student will be able to:*
 - 1. Define philosophical and legal terminology commonly used in the philosophy of law.
 - 2. Explain philosophical problems arising from the law and legal systems, including the main proposed solutions and their downsides.
 - 3. Defend a position in the philosophy of law in writing and discussion.
 - 4. Understand the historical, legal, political, and social contexts in which these problems arise.
 - 5. Appraise, assess and/or critique issues in the philosophy of law using specific and appropriate standards and criteria.
- B. General Education Learning Outcomes
 - 1. GELO #2: Written Communication
 - Outcome: Comprehend, analyze, and evaluate a given text.
 - Outcome: Develop a focused thesis statement and write with a clear purpose, using relevant examples, claims, and evidence.
 - 2. GELO #3: Critical Thinking & Problem Solving
 - Outcome: Evaluate ideas presented in writing, media, speech, or artistic presentations.
 - Outcome: Evaluate the validity of arguments, alternatives, data, outcomes, and/or impacts of actions.
 - 3. GELO #4: Global Awareness and Citizenship

Outcome: Identify and evaluate different theoretical or philosophical perspectives and their relevance to ethical decision-making.

IV. CONTENT/TOPICAL OUTLINE (*course outline may provide more detailed information*)

- A. LEGAL REASONING**
 - 1. The interpretation of legal texts
 - 2. Reasoning from precedent
 - 3. Critical perspectives on legal reasoning.
- B. MORALITY AND THE LAW**
 - 1. Is there a moral obligation to obey the law?
 - 2. Civil disobedience
- C. THE NATURE AND CONTENT OF RIGHTS**
 - 1. The nature of rights
 - 2. The right to liberty
 - 3. The right to free speech
 - 4. The right to privacy
 - 5. The right to property
 - 6. The right to religious freedom
- D. JUSTICE AND EQUALITY**
 - 1. Theories of justice
 - 2. Discrimination
 - 3. Equality before the law
- E. PUNISHMENT**
 - 1. Theories of punishment
 - 2. Race and incarceration
 - 3. Capital punishment
- F. RESPONSIBILITY**
 - 1. Legal causation
 - 2. Responsibility for omissions
 - 3. *Mens Rea* and strict liability
 - 4. The insanity defense
- G. LEGAL PROCEDURE AND EVIDENCE**
 - 1. The burden of proof
 - 2. Probability and the law of evidence
 - 3. The exclusionary rule

V. INSTRUCTIONAL MATERIALS

- A. Required Text(s):**
 - 1. Schauer, Frederick and Sinnott-Armstrong, Walter. *Philosophy of Law: Classic and Contemporary Readings with Commentary*, Oxford University Press, 1995. ISBN: 978-0195155129.
- B. Other resources:**
 - 1. Handouts supplied by instructor or internet links for appropriate philosophy and legal websites.
 - 2. Outside reading/research required.

VI. METHODS OF PRESENTATION/INSTRUCTION

- A. Methods of presentation typically include a combination of the following:**
 - 1. Lectures
 - 2. Small and large discussion groups
 - 3. Collaborative projects
 - 4. Research

5. Peer response
6. Student presentations on assigned topics.

VII. METHODS OF EVALUATION

A. Methods of evaluation typically include a combination of the following:

1. Class and group participation
2. Testing
3. Papers

The instructor will distribute and discuss grading policies with students at the beginning of the quarter.

B. SCC GRADING SCALE

A+	95-100	C+	75-79	F	59 or less
A	90-94	C	70-74		
B+	85-89	D+	65-69		
B	80-84	D	60-64		

VIII. SPECIFIC COURSE REQUIREMENTS

A. General requirements

1. In order to receive a passing grade for PHIL2300, students must complete all work assigned by their instructor and attend class.
2. Content, assessment, and schedule determined by instructor.