
**Fall 2024**

**COURSE AND INSTRUCTOR INFORMATION**

**Course Modality**: in-person

 Meeting room: DH 110

 Meeting time: M/W 1:30-2:45 p.m.

**Instructor**: Chong Un Choe-Smith, PhD, JD

**Instructor’s Contact Information**: choe-smith@csus.edu
**Office:** MND 3012

**Office Hours**: To provide any help that you need in the course, I am available to talk with you during “office hours.” My office hours this semester are M/W 12:30-1:30 p.m., and liberally by appointment.

**Course Description**

This course provides an introduction to jurisprudence, including a survey of important legal concepts and theories, an examination of important areas of American law, and a module on select issues in international law. This course is divided into the following six learning modules: introduction and legal positivism; natural law; rights, duties, and constitutional law; criminal law and punishment; civil law (covering torts, contracts, and property); and international law. As a philosophy course, students will have opportunities to practice critical thinking and writing by evaluating the arguments of historical and contemporary scholars and presenting their own arguments on important issues in the philosophy of law. As a course designed with pre-law students in mind, students also will learn the basics of legal research, learn to read and summarize cases, and write an “appellate brief” to defend a particular view on a pure question of law.

Course catalog description: Theories of the nature of law, e.g., natural law, legal positivism, legal realism. Selected controversies in contemporary law will also be studied, such as the justification of punishment, the legislation of morality, judicial activism vs. judicial restraint.

**COURSE CONTENT AND LEARNING OBJECTIVES**

This course is intended as an introduction to jurisprudence for philosophy and non-philosophy majors. Students who invest themselves and their time in this course should achieve the following:

1. Philosophical concepts and views – Demonstrate a solid understanding of important concepts and views in analytical, descriptive, and normative jurisprudence.
2. Philosophical issues – Develop a deeper understanding of historical and contemporary philosophical debates and issues related to the law; identify and discuss the philosophical issues and explain and discuss important approaches to the issues offered by historical and contemporary philosophers.
3. Philosophical and legal argument – Develop skills to think critically and independently to evaluate different arguments on the issues and develop the skills necessary to begin formulating their own views, defending them with reasons, anticipating objections, and responding to those objections. Begin to develop the skills necessary to read cases, evaluate the arguments presented in cases, and to construct their own arguments on pure questions of law.

**GENERAL COURSE LEARNING OBJECTIVES**

|  |  |  |
| --- | --- | --- |
| **OBJECTIVE** | **PRACTICAL SKILLS** | **ASSESSMENTS** |
| A. Gain a solid understanding of important concepts and views in analytical, descriptive, and normative jurisprudence. | 1. Identify, explain, and/or contrast different concepts and views in analytic jurisprudence, including natural law and legal positivism. 2. Identify and explain different concepts and approaches in descriptive jurisprudence, such *stare decisis*, *mens rea* in criminal law, and causation in torts.3. Identify and explain different concepts and views in normative jurisprudence, particularly, the philosophy of international law, such as different approaches to international human rights law. | 1. Regular assessments on readings and lecture materials.2. Regular section quizzes on the course materials.3. Writing assignments also should provide an opportunity for students to demonstrate their understanding of key concepts and views.  |
| B. Develop a deeper understanding of historical and contemporary philosophical debates and issues in the philosophy of law. | 1. Identify and explain important philosophical or ethical issues in the philosophy of law.2. Identify, explain, and/or contrast different historical and contemporary approaches to these issues, demonstrating an understanding of their differences and the reasons in support of them.  | 1. Précis writing assignments to demonstrate understanding of an author’s views and arguments.2. Regular assessments on readings and lecture materials.3. Regular section quizzes on the course materials. |
| C. Develop skills to think critically and independently to evaluate different arguments on the issues and develop the skills necessary to begin constructing their own arguments, formulating their own views, defending them with reasons, anticipating objections, and responding to those objections. Begin to develop the skills to read cases, evaluate the arguments presented in cases, and to construct their own arguments on pure questions of law. | 1. Demonstrate an accurate understanding of important concepts and theories.2. Critically evaluate the views and arguments presented by historical and contemporary philosophers. 3. Defend one’s own point of view through clear and well-supported argument.4. Demonstrate an ability to read and evaluate cases, in particular, demonstrating an understanding of the structure of legal writing and the content of legal argument.  | 1. Regular section quizzes on the course material to evaluate different views and arguments. 2. Précis writing assignments to demonstrate understanding of an author’s views and arguments.3. Critical analysis paper to critically evaluate an author’s arguments and develop and defend one’s own argument.4. An “appellate brief” writing assignment to demonstrate skill in further developing and defending one’s own arguments. |

**COURSE READINGS AND MATERIALS**

* Students should have reliable access to a computer with an internet connection. The reading quizzes, the course documents, and supplemental (required) readings will be available through Canvas.
* Textbook: Jeffrey Brand, *Philosophy of Law: Introducing Jurisprudence*, Bloomsbury Publishing, 2013.

**REQUIRED ASSIGNMENTS AND ASSESSMENTS**

* **Study Group Reports**

Students will meet, in person or virtually, with their assigned study groups on a regular basis to prepare a filled-in review sheet and study for the section quizzes, review and provide feedback on each other’s précis or summaries, and, as needed or desired, work together on the assigned readings and other assignments in this course. Each group member will submit Study Group Reports before each quiz (6) and before each member’s précis presentation (2). The Study Group Reports will be graded for completion only. Additional instructions for these Study Group Reports will be provided in Canvas under Course Documents.

* **Online Reading Quizzes**

Students will complete short weekly online quizzes with multiple-choice and true/false questions on the readings before the class discussion on the reading, as specified in the Schedule of Assignments. The lowest two (or two missing) quiz grades will be dropped.

* **Précis or Summaries**

Students will complete two short précis or written summaries of a case or academic article that will be turned in and presented in class. A summary of an academic article should accurately and completely describe the author’s claims and arguments and a summary of a case should follow the FIRAC format (the FIRAC format does not apply to readings that are not cases). Each précis should be no longer than 500 words, written in a word document, double-spaced, 12-Font, Times New Roman or similar, with one-inch margins, and submitted through Turnitin in Canvas. Students will present their short précis or summaries for the readings assigned for the day at the beginning of each course meeting. Complete instructions will be provided in Canvas under Course Documents.

* **In-Class Section Quizzes**

Students will take a closed-book, in-class quiz at the end of each section or learning module on the concepts, theories, and philosophical or legal arguments covered in each section. The section quizzes will consist of multiple choice, true/false, and short answer questions of varying lengths. Students will have about 30 minutes to complete the quiz at the beginning of the class on the dates specified on the schedule below. A review sheet (an outline of subjects covered on the quiz) and further instructions will be provided in class for each section quiz. You are allowed to rewrite certain short answer questions for up to two of the six section quizzes (choose wisely). Rewrites can be submitted in Canvas as attachments and are due before the next class meeting (e.g., if you receive your quiz grade on Monday, the rewrite is due before our next meeting on Wednesday). Rewrites are intended to provide an opportunity to learn from any mistakes and gain a clearer or more accurate understanding of the course material.

* **Critical Analysis Paper**

Students will complete one short critical analysis paper on one of the academic articles assigned in this course. The paper should include a very short summary of the author’s claims and arguments, the student’s critique of the author’s arguments, an objection to the student’s critique, and a response to the objection. Each paper should be no longer than 1500 words. Each paper should be written in a word document, double-spaced, 12-Font, Times New Roman or similar, with one-inch margins, and submitted through Turnitin in Canvas. Complete instructions will be provided in Canvas under Course Documents.

* **“Appellate Brief” Final Paper**

Students will have an opportunity to write a final paper on one of a few possible issues in jurisprudence. The brief should take a position on an issue, present reasons or argument in support of the position, and respond to at least one important objection. While a typical appellate brief relies heavily on statutes and caselaw, this practice “appellate brief” may include any relevant reasons or arguments to support your position. The paper should be a maximum of 2500 words. The paper must be double-spaced, 12-Font, Times New Roman or similar, with one-inch margins. The paper must be turned in through Turnitin in Canvas on the date specified in the schedule. Complete instructions will be provided in Canvas under Course Documents.

**GRADES**

**Grades will be calculated as follows:**

|  |  |
| --- | --- |
| **Assignment or Assessment** | **Point Value** |
| Study Group Reports (8 @ 1 pt each) | 8 |
| Reading Quizzes (best 12 out of 14 @ 1 pt each) | 12 |
| Précis (2 @ 6 pts each) | 12 |
| Section Quizzes (6 @ 6 pts each) | 36 |
| Critical Analysis Paper | 12 |
| “Appellate Brief” paper  | 20 |
| Extra Credit | (3) |
| **Total**  | **100** |

**Grading Scale** (standard rounding methods apply):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Proficient (A)**  | **Competent (B)**  | **Satisfactory (C)**  | **Poor (D)**  | **Unacceptable (F)**  |
| A (95-100)  | B+ (87-89)  | C+ (77-79)  | D+ (67-69)  | F (59-0)  |
| A- (90-94)  | B (84-86)  | C (74-76)  | D (64-66)  |   |
|   | B- (80-83)  | C- (70-73)  | D- (60-63)  |   |

I understand that you may be new to philosophy and this course may be challenging but there are resources available for you to help you along the way. The Philosophy Department website offers the following:

* Writing Guidelines for a philosophy paper [https://www.csus.edu/college/arts-letters/philosophy/\_internal/g3-department-of-philosophy-writing-guidelines1.pdf]
* Guidelines for analyzing a philosophy article [https://www.csus.edu/college/arts-letters/philosophy/\_internal/g5-how-to-analyze-a-philosophical-essay.pdf].
* Grading standards for philosophy papers [https://www.csus.edu/college/arts-letters/philosophy/\_internal/g4-grading-standards-for-philosophy-papers.pdf].

You should use these resources to the extent that you find them helpful (if they do not help you, you do not have to use them). As always, I will provide additional instructions and grading criteria for each assignment, and you can reach out to me if you have questions on any of this.

**EXTRA CREDIT**

Students may choose to complete one of the extra credit assignments offered during the course of the semester. The extra credit assignment must be related to this course and may include attending a philosophy or ethics conference or participating in a community service opportunity. For example, after attending a session of the Fall Ethics Symposium, students may write a short one-page, double-spaced reflection worth one percentage point (1%) (see the Center for Practical and Professional Ethics website for more information: <https://www.csus.edu/center/practical-professional-ethics/>). Students also may participate in a service opportunity offered by the Community Engagement Center and write a one-page, double-spaced reflection (see the Community Engagement Center website for more information: <https://www.csus.edu/experience/anchor-university/community-engagement-center/>). The instructor may announce extra credit opportunities as they arise, and students also may email the instructor and propose their own extra credit opportunity. All extra credit reflections must be turned in through Canvas and completed by the last day of instruction.

**OTHER COURSE AND UNIVERSITY POLICIES**

**Attendance**

Attendance for all course meetings is required. All absences for good cause such as medical or family emergencies may be excused on a case-by-case basis with advance written notice and appropriate documentation. Each student is allowed three free absences. Students will receive a half-grade deduction for every unexcused absence thereafter.

**Participation**

Students are expected to complete all required reading and course assignments and actively participate in discussions. Students will be asked to work in study groups outside the classroom or work in these or other groups in the classroom. Participation during course and study group meetings is required and students may be marked absent for any failure to participate in class discussion or group activities (see Attendance policy and penalties above). Although class participation is not included as a percentage of the grade, strong class participation (not just attendance) may provide grounds for bumping a grade that is on the border (i.e., adding .5 or less).

**Tech Requirements**

* Canvas. Most versions of Internet Explorer, Firefox, Chrome, Edge, and Safari, support the use of Canvas. To view specific Operating System and Browser compatibility with Canvas, please refer to: <https://community.canvaslms.com/docs/DOC-10720>.
* Zoom for Office Hours. You can download Zoom and find more information about using Zoom here:

https://www.csus.edu/information-resources-technology/zoom/student-resources.html.

* PowerPoint. If you do not have access to PowerPoint, you can download it for free here (scroll down to PowerPoint and click on “Access Online or Download from Office365”):

https://www.csus.edu/information-resources-technology/software-catalog/#business-productivity.

If you experience difficulties with your computer or connecting to the campus networks please contact the Information Resource Technology (IRT) Service Desk by e-mail: servicedesk@csus.edu or phone (916) 278-7337.

**Academic Honesty**

Students should conduct themselves with respect for others and perform their work with intellectual integrity and honesty, which includes giving proper attribution to sources. Please note that the use of Chat GPT, Grammarly, or other text generators is not allowed in this course and counts as an instance of plagiarism—passing off another’s work as one’s own. Each instance of academic dishonesty (e.g., plagiarism, cheating on quizzes or exams, etc.) will result in a grade of 0 (not just a failing grade) for that assignment/test and, as appropriate, referral to the college for disciplinary procedures consistent with the Academic Honesty Policies articulated in the University Policy Manual. Procedures for reporting and imposing sanctions are described in detail at: <http://www.csus.edu/umanual/student/stu-0100.htm>.

**Reasonable Accommodation**

Sacramento State is committed to ensuring an accessible learning environment where course or instructional content are usable by all students and faculty. If you believe that you require disability-related academic adjustments for this class, please immediately contact Services for Students with Disabilities (SSWD) to discuss eligibility. A current accommodation letter from SSWD is required before any modifications, above and beyond what is otherwise available for all other students in this class will be provided. You can contact Services for Students With Disabilities (SSWD) by calling 916-278-6955 (Phone) 916-278-7239 (TDD) or by email: sswd@csus.edu. For a complete listing of their services visit the SSWD website at: <https://www.csus.edu/student-affairs/centers-programs/services-students-disabilities/>. Please inform the professor of any necessary accommodations.

**Student Health & Counseling Services**

Your physical and mental health are important to your success as a college student. Student Health and Counseling Services (SHCS) in The WELL offers medical, counseling, and wellness services to help you get and stay healthy during your time at Sac State. SHCS offers: Primary Care medical services, including sexual and reproductive healthcare, transgender care, and immunizations; urgent care for acute illness, injuries, and urgent counseling needs; pharmacy for prescriptions and over-the-counter products; mental health counseling, including individual sessions, group counseling, support groups, mindfulness training, and peer counseling; athletic training for sports injury rehabilitation; wellness services, including nutrition counseling, peerled health education and wellness workshops, and free safer sex supplies; violence and sexual assault support services. Most services are covered by the Health Services fee and available at no additional cost. For helpful information and access to their services visit their website at: <https://www.csus.edu/student-life/health-counseling/>.

**Basic Needs Support**

If you are experiencing challenges with food, housing, financial or other unique circumstances that are impacting your education, help is just a phone call or email away! The CARES office provides case management support for any enrolled student. Email the CARES office at cares@csus.edu to speak with a case manager about the resources available to you. Check out the [CARES website](https://bit.ly/3fhQ1kY).

**Other University Support and Services**

Academic Advising: <https://www.csus.edu/student-life/academic-advising/>

Dreamer Resource Center: <https://www.csus.edu/student-affairs/centers-programs/dreamer-resource-center/>

Martin Luther King Center: <https://www.csus.edu/student-affairs/centers-programs/mlk-scholars/>

Multicultural Center: <https://www.csus.edu/student-affairs/centers-programs/diversity-inclusion/multicultural-center.html>

Peer and Academic Resource Center: <https://www.csus.edu/student-affairs/centers-programs/peer-academic-resource/>

Reading and Writing Center: <https://www.csus.edu/undergraduate-studies/writing-program/reading-writing-center.html>

Student Success Center: <https://www.csus.edu/college/health-human-services/student-success/>

**CALENDAR AND SCHEDULE OF ASSIGNMENTS**

 The reading selections below can be found in Brand’s Philosophy of Law (Brand), Canvas, or online, as specified. All graded elements in **red and bold**.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
|  | Aug 26Module 1 Intro & Legal PositivismLegal RealismOliver Wendell Holmes, The Path of the Law | Aug 27 | Aug 28**Reading Quiz 1 Due**Module 1 Intro & Legal PositivismBrand, pp. 1-5; Brian Bix, John Austin, SEP (2014), §§ 2, 3, 4: <https://plato.stanford.edu/entries/austin-john/> | Aug 29 | Aug 30 | Aug 31 |
| Sep 1 | Sep 2Labor Day Holiday (no class) | Sep 3 | Sep 4Module 1 Intro & Legal PositivismBrand, pp. 6-7;HLA Hart, Law as the Union of Primary and Secondary Duties | Sep 5 | Sep 6 | Sep 7 |
| Sep 8 | Sep 9**Reading Quiz 2 Due** Module 1 Intro & Legal PositivismHLA Hart, Positivism and the Separation of Law and Morals | Sep 10 | Sep 11**Section Quiz 1** Module 2 Natural LawAquinas, *Summa Theologica*, Part 1-2, Question 90-97: [http://www.newadvent.org/summa/2.htm](http://www.newadvent.org/summa/2.htmM)  | Sep 12 | Sep 13 | Sep 14 |
| Sep 15 | Sep 16**Reading Quiz 3 Due** Module 2 Natural LawFuller, The Morality That Makes Law Possible | Sep 17 | Sep 18**Reading Quiz 4 Due**Module 2 Natural LawDworkin, The Model of Rules | Sep 19 | Sep 20 | Sep 21 |
| Sep 22 | Sep 23**Section Quiz 2**Module 3 Rights, Duties, and Constitutional LawWenar, Rights, SEP (2015) (2.1 only): <https://plato.stanford.edu/entries/rights/#2.1> | Sep 24 | Sep 25**Reading Quiz 5 Due** Module 3 Rights, Duties, and Constitutional LawDworkin, Taking Rights Seriously  | Sep 26 | Sep 27 | Sep 28 |
| Sep 29 | Sep 30Module 3 Rights, Duties, and Constitutional LawDelmas, Political ResistanceRecommended: Delgado, About Your Masthead: A Preliminary Inquiry into the Compatibility of Civil Rights and Civil Liberties | Oct 1 | Oct 2**Reading Quiz 6 Due** Module 3 Rights, Duties, and Constitutional LawMarbury v. Madison; Brand, pp. 225-238Recommended: Wolcher, Philosophical Investigations into the Methods of Constitutional Interpretation, Pt. II only | Oct 3 | Oct 4 | Oct 5 |
| Oct 6 | Oct 7Module 3: Rights, Duties, and Constitutional Law*Citizens United* **Critical Analysis Paper Due** | Oct 8  | Oct 9**Reading Quiz 7 Due** Module 3 Rights, Duties, and Constitutional Law*Washington v. Glucksberg*; *Vacco v. Quill*  | Oct 10 | Oct 11 | Oct 12 |
| Oct 13 | Oct 14**Section Quiz 3**Module 4 Criminal Law and PunishmentBrand, pp. 152-173Feinberg, Unswept Debris from the Hart-Devlin Debate | Oct 15 | Oct 16**Reading Quiz 8 Due**Module 4 Criminal Law and Punishment *R v. Dudley and Stephens* | Oct 17 | Oct 18 | Oct 19 |
| Oct 20 | Oct 21**Reading Quiz 9 Due**Module 4 Criminal Law and PunishmentBrand, pp. 178-197Finkelstein, A Contractarian Approach to Punishment | Oct 22 | Oct 23Module 4 Criminal Law and PunishmentPunishment: Eighth Amendment*Rummel v. Estelle*, *Ewing v. California*  | Oct 24 | Oct 25  | Oct 26 |
| Oct 27 | Oct 28**Section Quiz 4**Module 5 Civil Law: TortsBrand, pp. 120-132*US v. Caroll Towing* Fletcher, Fairness and Utility in Tort Theory | Oct 29 | Oct 30**Reading Quiz 10 Due** Module 5 Civil Law:Torts and CausationBrand, pp. 132-139Hart and Honoré, Causation and Responsibility*Palsgraf v. Long Island Railroad* | Oct 31 | Nov 1 | Nov 2 |
| Nov 3 | Nov 4Module 5 Civil Law: ContractsBrand, pp. 140-150Shiffrin, The Divergence of Contract and Promise (esp. pp. 719-729) | Nov 5 | Nov 6**Reading Quiz 11 Due** Module 5 Civil Law: Contracts*Matter of Baby M.**Johnson v. Calvert*  | Nov 7 | Nov 8 | Nov 9 |
| Nov 10 | Nov 11Veterans Day Holiday (no class)  | Nov 12  | Nov 13Module 5 Civil Law: PropertyBrand, pp. 107-115*US v. Causby* | Nov 14 | Nov 15 | Nov 16 |
| Nov 17 | Nov 18**Reading Quiz 12 Due**Module 5: Civil Law: Intellectual PropertyBrand, pp. 115-120Rosen and Usui, The Social Structure of Japanese Intellectual Property Law  | Nov 19 | Nov 20**Section Quiz 5**Module 6 International LawRawls, The Law of PeoplesRecommended: Brand, pp. 245-259 | Nov 21 | Nov 22 | Nov 23 |
| Nov 24 | Nov 25**Reading Quiz 13 Due**Module 6 International LawRawls, The Law of Peoples cont. | Nov 26 | Nov 27Module 6 International LawKok-Chor Tan, The Need for Cosmopolitan Justice, pp. 19-39 | Nov 28-29Thanksgiving Holiday  | Nov 30 |
| Dec 1 | Dec 2**Reading Quiz 14 Due** Module 6 International LawInternational Law: Human RightsUDHR*Filártiga v. Peña-Irala* | Dec 3 | Dec 4**Section Quiz 6** | Dec 5 | Dec 6**Final Paper Due** | Dec 7 |
| Dec 8 | Dec 9Finals Week (no final exam) | Dec 10 | Dec 11 | Dec 12 | Dec 13  | Dec 14 |

The Instructor reserves the right to make changes to the syllabus with reasonable notice.