Curriculum Committee Proposals

Departments of Philosophy and Political Science

February 2012

The following forms are being submitted:

1. Change/Delete Program Form

Requests that the Philosophy and Political Science majors each be changed to create a new concentration in Politics, Philosophy, and Law (PPLW)

2. Course Form

Requests permission for a new course: PPLW 400, Seminar in Politics, Philosophy, and Law

3. Course Form

Requests permission for a new course: PHIL 210, Philosophy, Law, and the Arts
Contact Name: Larry Krasnoff  
Email: krasnoff@cofc.edu  
Phone: 953-4987

Department and School Name: Philosophy/Political Science, HSS

Name and Acronym of Program: Politics, Philosophy, and Law (PPLW)

Date (Semester/Year) changed/deleted program will take effect: Fall 2012

I. CATEGORY OF REVIEW (Check all that apply)

☐ Terminate Program (check one):  ☐ Degree  ☐ Major  ☐ Emphasis (concentration/track)
(if checked, skip section II, IV, V, and VII below)

☒ Change Request (attach details):
  ☐ Add existing course or courses to requirements or electives
  ☐ Add new course(s) to requirements or electives (complete and attach COURSE FORM for each)
  ☒ Delete courses from requirements or electives
  ☒ Add new emphasis (check one):  ☐ concentration  ☐ track  Total # of hours: 18
(note: any emphasis involving more than 18 credit hours will also require CHE approval)

☐ Interdisciplinary (attach evidence of compliance with guidelines and acknowledgement from relevant departments. Guidelines can be found: http://curriculum.cofc.edu/guidelines-interdisc/index.php)

II. DESCRIPTION OF CHANGES: If a changed program—please explain changes here; if a new emphasis—please provide the details here.

The proposed new emphasis is a concentration within either the philosophy or political science majors, devoted to the study of theoretical issues related to the law. Besides completing all existing requirements for at least one of the majors, students would complete eighteen hours of course work in the concentration, including a senior seminar.

Because we are adding a new capstone seminar for the PPLW concentration, we also want to change the requirements for the PHIL and POLI majors as follows:

<table>
<thead>
<tr>
<th>Current Requirement</th>
<th>New Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHIL 450</td>
<td>PHIL 450 or PPLW 400</td>
</tr>
<tr>
<td>POLI 405</td>
<td>POLI 405 or PPLW 400</td>
</tr>
</tbody>
</table>
III. RATIONALE or JUSTIFICATION For changes or termination, please provide a detailed justification. For a new emphasis, briefly address the goals/objectives for the new emphasis, provide evidence of student interest (i.e., has the program offered special topics courses in this area? has the program interviewed student focus groups as part of an internal assessment? etc.), and explain how the emphasis supports the liberal arts tradition and the mission of the institution.

As the proposed curriculum shows, the two departments already offer a good many courses in this area. Within the area, courses between the two departments often have a closer affinity to one another than to other courses in the same department. Both departments also have a great many graduates who go on to law school, suggesting a natural (though certainly not exclusive) audience for the concentration. Students and faculty in both departments have often complained that their senior seminars are populated with students who may not have a special interest in, or preparation for, the specific topic. So we believe that there is a potential audience for students who are already interested in the law, and who are already interested in taking certain courses, to be able to take courses together with other similarly minded students, giving them a more focused, more communal, and thus richer academic experience.

Programs of this sort have proved very successful at other institutions, such as SUNY Binghamton and the University of Virginia. They tap into an existing student interest in going to law school, and use it to motivate increased undergraduate study of legal issues, which in turn leads to better preparation for law school. The result is a kind of virtuous cycle in which academic rigor and career success are both enhanced, and in which students become part of a deeper kind of intellectual community that can extend beyond their undergraduate years. Ultimately we believe that the intellectual focus of this concentration can attract the interest of not just current students but also alumni and lawyers practicing in the area, who could serve as mentors or as audiences for public programming – and perhaps eventually as sources of financial support.

It should be noted that we do have an existing interdisciplinary minor in Crime, Law and Society. But that minor is more sociologically and institutionally focused, with particular emphasis on the institutions of the criminal law. The proposed concentration would be more theoretically focused, but would still range over different areas of the law. We see these two programs as complementary rather than in any sort of tension or competition.

IV. CURRICULUM

A. Provide the complete curriculum for the changed program and/or new emphasis distinguishing between required and elective courses. Note pre-requisite courses where appropriate. Note any sequencing of courses or requirements in the program.

B. Provide the COMPLETE curriculum for the changed program and/or new emphasis distinguishing between required and elective courses. Note pre-requisite courses where appropriate. Note any sequencing of courses or requirements in the program, listed exactly as it should appear in the catalog. Attach the completed COURSE FORM and a sample syllabus for each new course.

Students in the concentration would be required to complete all existing requirements for the philosophy or political science major (or both), except that PPLW 400 would substitute for the existing senior seminars in the major (PHIL 450 and POLI 405). Students would also be required to complete 18 hours, as follows:

PHIL 209 (Political Philosophy) or POLI 150 (Introduction to Political Thought), but not both
POLI 320 (Constitutional Law)
PHIL 270 (Philosophy of Law) or POLI 380 (Jurisprudence), but not both
PPLW 400 (Seminar in Politics, Philosophy and Law)
Two additional courses from PHIL 206 (Topics in Law and Morality), PHIL 210 (Philosophy, Law, and the Arts), PHIL 315 (Topics in Political and Social Philosophy), POLI 295 (Law and Society), POLI 321 (Civil Liberties), POLI 390 (Contemporary Liberalism), POLI 292 (Topics in Gender, Theory, and Law), POLI 331 (Geography of Native Lands/Indian Law), POLI 360 (International Human Rights Law), POLI 363 (International Law and Organization), POLI 332 (The Judiciary). Additional courses on suitable topics may be approved for credit with the approval of the director.

POLS majors must take at least 3 of their 18 hours for the PPLW concentration in PHIL.

V. STUDENT LEARNING OUTCOMES and ASSESSMENT

<table>
<thead>
<tr>
<th>Program-Level Student Learning Outcomes</th>
<th>Assessment Method and Performance Expected</th>
</tr>
</thead>
<tbody>
<tr>
<td>What will students know and be able to do when they complete the program/emphasis? Attach Curriculum Map.</td>
<td>How will each outcome be measured? Who will be assessed, when, and how often? How well should students be able to do on the assessment?</td>
</tr>
</tbody>
</table>

1. Students will be able to explain major American constitutional doctrines and theories of constitutional interpretation. | Sample set of exams or papers in the Constitutional law class. |

2. Students will be able to identify and critically evaluate theoretical issues raised by legal cases. | Sample set of exams or papers in the philosophy of law or jurisprudence class. |

3. Students will be able to frame and pursue independent research projects about theoretical issues related to the law. | Sample set of papers in the seminar class. (We expect >75% of students to be rated as proficient according to rubrics we will develop, for all three outcomes.) |

VI. IMPACT ON EXISTING PROGRAMS and COURSES Please briefly document the impact of this changed/deleted program or new emphasis on other programs and courses; if changing/deleting a program—list all programs that will be impacted (and how); if adding a new emphasis—explain any overlap with existing programs or courses in the same or different departments.

Since the program is an option within the existing political science and philosophy majors, there should be little effect on those programs; students within the majors can elect to pursue the concentration or not, as they so choose. There might be a modest increase in the number of majors in either of both programs, if students interested in law school pick their major specifically because of the concentration. Some of these pre-law students might choose this concentration over the Crime, Law, and Society minor, reducing enrollment in that program, but since that minor is relatively small and different in focus, that effect is likely to be very modest.

VII. COSTS ASSOCIATED WITH THE ACTION REQUESTED List all of the new costs or cost savings, (including new faculty/staff requests, library or equipment, etc.) associated with the action requested.

None expected. The program can staff its courses with existing faculty.
VIII. APPROVAL and SIGNATURES

1. Signatures of Department Chairs:
   
   [Signature] Date: 1/20/12
   
   [Signature] Date: 1/21/12

2. Signature of Academic Dean:
   
   __________________________ Date: __________

3. Signature of Provost:
   
   __________________________ Date: __________

4. Signature of Curriculum Committee Chair:
   
   __________________________ Date: __________

5. Signature of Budget Committee Chair:
   
   __________________________ Date: __________

6. Signature of Academic Planning Committee Chair:
   
   __________________________ Date: __________

7. Signature of Faculty Senate Secretary:
   
   __________________________ Date: __________

Date Approved by Faculty Senate: __________________________
Following Senate approval, the Faculty Senate Secretary will forward the entire packet to the Registrar.

**Curriculum map:** Concentration in Politics, Philosophy, and Law

*Note: I, R, and D describe the students' experiences with the learning outcome. I = Student Introduction to the learning to occur; R = Student Reinforcement of the learning; D = Student Demonstration that learning has occurred. Every course should contribute to at least one learning outcome.*

<table>
<thead>
<tr>
<th>Course</th>
<th>Students will be able to explain major American constitutional doctrines and theories of constitutional interpretation.</th>
<th>Students will be able to identify and argue about theoretical issues raised by legal cases.</th>
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<td></td>
<td>I</td>
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<td>D</td>
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<td>PPLW 400</td>
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<td>R</td>
<td>D</td>
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<tr>
<td>PHIL XXX</td>
<td></td>
<td>I/R</td>
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<tr>
<td>PHIL 206</td>
<td></td>
<td></td>
<td>D</td>
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<tr>
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<td></td>
<td>I</td>
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<td>I</td>
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<td></td>
<td>I/R</td>
<td>I</td>
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<tr>
<td>POLI 363</td>
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<td>I/R</td>
<td>I</td>
</tr>
<tr>
<td>POLS 383</td>
<td></td>
<td>I/R</td>
<td>I</td>
</tr>
<tr>
<td>POLI 390</td>
<td></td>
<td>I/R</td>
<td>I</td>
</tr>
</tbody>
</table>

I/R: Will vary depending whether the course is taken before or after the course indicated as D.
FACULTY CURRICULUM COMMITTEE COURSE FORM

Contact Name: Jonathan A. Neufeld  
Email: neufeldja@cofc.edu  
Phone: 3-3961

Department or Program Name: Philosophy

Course Prefix, Number, and Title: PHIL 210: Philosophy, Law, and the Arts

I. CATEGORY OF REVIEW (Check all that apply)
(Note: For changes to course, if you check more than two separate changes, you must create a new course.)

<table>
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<td></td>
<td>□ Edit Description</td>
<td></td>
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</table>

☐ Approve for Cross-listing (attach rationale and written permission from relevant department)

☐ Intended to fulfill a General Education requirement (new courses only). If this box is checked, the course must also be submitted for review by the General Education Committee using this form.

Date (Semester/Year) the course will first be offered: Spring 2013

What are the prerequisites AND OTHER RESTRICTIONS (e.g., class level, major, co-requisite, credit for a mutually exclusive course)?

None. Like a number of 200-level Philosophy courses, we do not wish to restrict access to interested students in cognate disciplines.

Will this course be added to the Degree Requirements of a Major, Minor, Concentration or List of Approved Electives?

a) ☑ Yes □ No  
   Listed on Program Form as an approved elective in new PPLU Concentration.

b) If yes, complete and attach the CHANGE DEGREE REQUIREMENT form(s) for each affected program. List the name(s) of each program affected below:

II. NUMBER OF CREDITS and CONTACT HOURS per week

A. Contact Hours  
   Lecture  Lab  Seminar  Ind. Study
   3

B. Credit Hours  
   3

Is this course repeatable? ☑ yes □ no  
If so, how many credit hours may the student earn in this course?
III. CATALOG DESCRIPTION Limit to 50 words EXACTLY as you want it to appear in the catalog; include prerequisites, co-requisites, and other restrictions.

A philosophical exploration of various connections between law and the arts. Topics may include any of the following: interpretation in law and art, law as it is presented in the arts, theories of art in law, art and expression in legal writing, the relationship of morality to law and art, and the ontology of law and art.

IV. RATIONALE or JUSTIFICATION: If course change or deletion—please provide reasons for change(s) to or deletion of a course. If a new course—briefly address the goals/objectives for the course, how the course supports a major or minor program, etc. For non-major courses address how the course supports the liberal arts tradition and the mission of the institution.

The goal of the course is both to familiarize students with actual encounters between law and the arts, and to teach them to critically engage with the theoretical issues raised by these encounters in the philosophy of art, philosophy of law, and political philosophy. It will teach students to analyze concrete examples involving the application of philosophical principles, enabling them to spot explicit philosophical arguments and to uncover implicit ones, in the practices of art and law. The course broadens and complements the department’s popular offerings in aesthetics and philosophy of law, and would also serve the proposed new concentration in Politics, Philosophy, and Law.

V. STUDENT LEARNING OUTCOMES and ASSESSMENT

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<tr>
<td>What will students know and be able to do when they complete the course?</td>
<td>How will each outcome be measured? Who will be assessed, when, and how often? How well should students be able to do on the assessment?</td>
</tr>
<tr>
<td>1. Students will be able to explain ways in which forms of interpretation in law is similar to and differs from forms of interpretation in the arts.</td>
<td>Each outcome will be evaluated by three measures: weekly classroom participation, a formal classroom presentation, and two papers. We expect &gt;75% of students to be rated as proficient according to the rubrics we develop.</td>
</tr>
<tr>
<td>2. Students will be able to identify and argue theoretical issues raised by actual legal encounters with the art, and artistic treatments of law.</td>
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<td>3.</td>
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<tr>
<td>4.</td>
<td></td>
</tr>
</tbody>
</table>

How does this course align with the student learning outcomes articulated for the major, program, or general education? What program-level outcome or outcomes does it support? Is the content or skill introduced, reinforced, or demonstrated in this course?

The course will reinforce and demonstrate the following two learning outcomes of the philosophy major:

1. Students will compose clear, cogent, and well-crafted essays
   a. compose grammatically correct, fluent, and properly cited academic prose,
   b. clearly explain philosophical theses,
   c. provide a substantive and cogent assessment of philosophical claims in light of alternative positions,
   d. extract an argument from a primary text and defend this interpretation with relevant quotations, and

2. Students will demonstrate critical reasoning skills.
   a. reconstruct arguments presented in natural English, identify unstated premises and/or conclusions, and defend this reconstruction relative to other possible reconstructions.
b. use the method of counterexamples to critically evaluate proposed definitions and to demonstrate the invalidity of an argument form.

These each align with more general program-level outcomes.

VII. IMPACT ON EXISTING PROGRAMS and COURSES: Please briefly document the impact of this new/changed/deleted course on other programs and courses; if deleting a course—list all programs that include the course; if adding/changing a course—explain any overlap with existing courses in the same or different departments.

None. Course is however intended to count toward the proposed PPL Concentration, as well as counting as an elective offering for the Philosophy major.

VIII. COSTS ASSOCIATED WITH THE ACTION REQUESTED: List all of the new costs or cost savings, (including new faculty/staff requests, library or equipment, etc.) associated with the action requested.

None.

IX. APPROVAL AND SIGNATURES

1. Signature of Department Chair or Program Director:

   [Signature] Date: 1-20-12

2. Signature of Academic Dean:

   [Signature] Date: 1-26-12

3. Signature of Provost:

   Date: __________________

4. Signature of Curriculum Committee Chair:

   Date: __________________

5. Signature of Faculty Senate Secretary:

   Date: __________________

Date Approved by Faculty Senate: __________________

Following Senate approval, the Faculty Senate Secretary will forward the entire packet to the Registrar.
Philosophy 210

Philosophy, Law, and the Arts

Jonathan A. Neufeld

This course is a philosophical exploration of various connections between law and the arts. Topics may include interpretation in law and art, law as it is presented in the arts (e.g., law in literature, theatre, and film), theories of art embedded in law (e.g., in intellectual property and First Amendment law), art and expression in legal writing, the relationship of morality to law and art, and the ontology of law and art.

Course Requirements:

1. Daily reading and Participation: Your participation is crucial for the course’s success, so I expect you to have read the materials assigned by the day they are assigned. The readings will, in general, focus on actual examples of art (literature, music, film, visual art, drama, dance, etc.) and actual examples from law (cases and legislation). You should not only have a good grasp of the examples used (I will provide relevant excerpts and examples on OAKS), but you should try to keep in mind other examples that might be relevant. On occasion, I will ask you to come to class armed with your own examples, especially from the arts. (15%)

2. Formal class presentation (with a partner), followed by your leading class discussion. (25%)

3. Two 1300-1500 word papers. (30% each)

Readings (this is only a sampling for the purposes of the proposal. Other texts may be included, many of these will certainly be excluded. In particular, the focus on particular works—Billy Budd and A Jury of Her Peers here—will change.)

- Plato, selections from Republic, The Laws
- Aristotle, selections from Politics
- Adams, Art on Trial
- Articles on the controversy surrounding Richard Serra’s Tilted Arc (Kelly, Horowitz, Hein)
- Adler, “Against Moral Rights” (legally enshrined rights of artists over the integrity of their works, even after they have been sold)
- Posner, Law and Literature
- Nussbaum, Poetic Justice
- Billy Budd: Melville
- Cover, Of Creon and Billy Budd in Justice Accused
- Billy Budd: Ustinov Movie
- Kael: “Billy Budd, the movie”
- Billy Budd: Britten Opera
- Whitall: “Twisted Relations,”
- Emslie: “Fear of Words”
- Beau Travail: Movie
• Grant: “Recognizing Billy Budd in Beau Travail”
• Glaspell, A Jury of Her Peers
• Minow, “Words and the Door to the Land of Change: Law, Language, and Family Violence “
• Massaro, “Peremptories or Peers?—Rethinking Sixth Amendment Doctrine, Images and Procedures”
• Frank: “Words and Music”
• Taruskin: “The Pastness of the Past”
• Levinson and Balkin: “Law, Music and Other Performing Arts”
• Levinson and Balkin: “The Banjo Serenader”
• C.C. Langdell “Preface to Cases on the Law of Contracts;”
• Frederick Schauer, “Formalism;”
• Home Building and Loan Association v. Blaisdell
• Dworkin: “How Law is like Literature” and “Law as Interpretation”
• Fish: “Working on the Chain Gang”
• Dworkin: Response (and Fish’s Response).
• Raz: “Interpretation Without Retrieval”
• Gadamer: “Composition and Interpretation”
• Danto: “Deep Interpretation”
• Sontag: “Against Interpretation”
• Carrier: “Art Museum Narratives”
• Sartre: “Why Write?”
FACULTY CURRICULUM COMMITTEE COURSE FORM

Contact Name: Larry Krasnoff          Email: krasnoff@cofc.edu   Phone: 3-4987

Department or Program Name: Philosophy

Course Prefix, Number, and Title: PPLW 400  *Seminar in Political Philosophy and Law*

I. CATEGORY OF REVIEW (Check all that apply)
(Note: For changes to course, if you check more than two separate changes, you must create a new course.)

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☐ Approve for Cross-listing (attach rationale and written permission from relevant department)

☐ Intended to fulfill a General Education requirement (new courses only). If this box is checked, the course must also be submitted for review by the General Education Committee using this form.

Date (Semester/Year) the course will first be offered: Fall 2012

What are the prerequisites AND OTHER RESTRICTIONS (e.g., class level, major, co-requisite, credit for a mutually exclusive course)?

Students must be declared Philosophy or Political Science majors; those who have declared enrollment in the Politics, Philosophy, and Law concentration will be given priority in registration.

Will this course be added to the Degree Requirements of a Major, Minor, Concentration or List of Approved Electives?

a) X Yes  No

b) If yes, complete and attach the CHANGE DEGREE REQUIREMENT form(s) for each affected program. List the name(s) of each program affected below:

Philosophy
Political Science

II. NUMBER OF CREDITS and CONTACT HOURS per week

<table>
<thead>
<tr>
<th>Lecture</th>
<th>Lab</th>
<th>Seminar</th>
<th>Ind. Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Contact Hours</td>
<td>3</td>
<td></td>
<td></td>
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</tbody>
</table>

B. Credit Hours | 3 |

Is this course repeatable? ☐ yes X no  If so, how many credit hours may the student earn in this course?
III. CATALOG DESCRIPTION  Limit to 50 words EXACTLY as you want it to appear in the catalog; include prerequisites, co-requisites, and other restrictions.

A intensive research seminar on a particular topic in politics, philosophy, and law.

IV. RATIONALE or JUSTIFICATION: If course change or deletion—please provide reasons for change(s) to or deletion of a course. If a new course—briefly address the goals/objectives for the course, how the course supports a major or minor program, etc. For non-major courses address how the course supports the liberal arts tradition and the mission of the institution.

The course is a capstone seminar for students enrolled in the concentration in Politics, Philosophy, and Law. Such students must be either philosophy or political science majors, and this seminar will replace their usual departmental seminar (PHIL 450 or POLI 405). Because there is now no guarantee in either department that the seminar topic will align with a student’s particular interests or background, we believe that this new seminar, which will always be on a topic relevant to the concentration, will provide students with a more focused and richer capstone experience.

V. STUDENT LEARNING OUTCOMES and ASSESSMENT

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<tr>
<td>1. Students will be able to frame and pursue independent research projects about theoretical issues related to the law.</td>
<td>Sample set of papers. (We expect &gt;75% of students to be rated as proficient according to rubrics we will develop.)</td>
</tr>
<tr>
<td>2. Students will display skills in critical reasoning and effective communication.</td>
<td>Same as above.</td>
</tr>
</tbody>
</table>

How does this course align with the student learning outcomes articulated for the major, program, or general education? What program-level outcome or outcomes does it support? Is the content or skill introduced, reinforced, or demonstrated in this course?

Outcome #1 is one of the program learning outcomes (see PPL concentration proposal). Outcome #2 expresses program learning outcome for both PHIL and POLI.

VII. IMPACT ON EXISTING PROGRAMS and COURSES: Please briefly document the impact of this new/changed/deleted course on other programs and courses; if deleting a course—list all programs that include the course; if adding/changing a course—explain any overlap with existing courses in the same or different departments.

Some of the students who now take PHIL 450 or POLI 405 for their majors will now take this seminar instead. It may be that more philosophy professors end up teaching more political science majors, but the impact on workload and staffing is not expected to be large. The seminar will be offered once each year, with each department contributing the faculty member in alternate years.

VIII. COSTS ASSOCIATED WITH THE ACTION REQUESTED: List all of the new costs or cost savings, (including new faculty/staff requests, library or equipment, etc.) associated with the action requested.

None.
IX. APPROVAL AND SIGNATURES

1. Signature of Department Chairs:
   
   Date: 1/20/12

2. Signature of Academic Dean:
   
   Date:

3. Signature of Provost:
   
   Date:

4. Signature of Curriculum Committee Chair:
   
   Date:

5. Signature of Faculty Senate Secretary:
   
   Date:

Date Approved by Faculty Senate: _________________________________

Following Senate approval, the Faculty Senate Secretary will forward the entire packet to the Registrar.
COURSE SYLLABUS (Sample 1)

Instructor

Larry Krasnoff 16 Glebe Street, Room 300
953-4987 krasnoff@cofc.edu
Office Hours: Monday and Wednesday, 11:00-1:00 p.m.

Description

In quite different ways, Kant and Hegel each try to derive a normative framework for a kind of modern, liberal state from the very idea of human freedom. We will examine whether and how these derivations could possibly work, and the sort of liberalism each thinker endorses. We will investigate these questions through close readings of Kant’s and Hegel’s texts, accompanied by readings from two contemporary commentaries.

Required Texts

Kant, *Grounding for the Metaphysics of Morals*, trans. Ellington (Hackett)
Hegel, *Elements of the Philosophy of Right*, trans. Nisbet (Cambridge)
Robert Pippin, *Hegel’s Practical Philosophy* (Cambridge)

Course Requirements

Two short textual analyses (each 10% of grade)
Research paper (60% of grade)
Attendance and class participation (10% of grade)
PPLW 400: Seminar in Politics, Philosophy and Law
Law as Institutional and Normative

L. Krasnoff

COURSE SYLLABUS (Sample 2)

Instructor

Larry Krasnoff
953-4987
Office Hours: Monday and Wednesday, 11:00-1:00 p.m.

16 Glebe Street, Room 300
krasnoff@cofc.edu

Description

Most modern theories of law are positivist or institutional: they regard law as a set of social facts that exist in certain institutional structures. To speak of the moral force of the law is, from this point of view, is to appeal to a kind of natural law that is hard to accept without relying on religious assumptions. But law is a particular sort of social institution that exercises normative authority over individuals. How can a modern theory of law capture this normative dimension without appealing to an older sort of natural law. We will examine this question by examining two especially prominent recent theories of law, the modified legal positivism of H. L. A. Hart and the communicative legal theory of Jürgen Habermas.

Required Texts

H. L. A. Hart, *The Concept of Law*
Jürgen Habermas, *Between Facts and Norms*

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