

OCT 26 2007

LSC Use Only No: 07-25	LSC Action-Date:	UWUCC USE Only No. 07-25	UWUCC Action-Date: App-1/15/08	Senate Action Date: App-1/29/08
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Curriculum Proposal Cover Sheet - University-Wide Undergraduate Curriculum Committee

Contact Person Bradley Rives	Email Address rives@iup.edu
Proposing Department/Unit Philosophy	Phone 7-5613

Check all appropriate lines and complete information as requested. Use a separate cover sheet for each course proposal and for each program proposal.

1. Course Proposals (check all that apply) <input checked="" type="checkbox"/> New Course <input type="checkbox"/> Course Prefix Change <input type="checkbox"/> Course Deletion <input type="checkbox"/> Course Revision <input type="checkbox"/> Course Number and/or Title Change <input type="checkbox"/> Catalog Description Change	
PHIL 110: Reasoning and the Law	
<u>Current Course prefix, number and full title</u>	<u>Proposed course prefix, number and full title, if changing</u>
2. Additional Course Designations: check if appropriate <input checked="" type="checkbox"/> This course is also proposed as a Liberal Studies Course. <input type="checkbox"/> Other: (e.g., Women's Studies, Pan-African) <input type="checkbox"/> This course is also proposed as an Honors College Course.	
3. Program Proposals <input type="checkbox"/> New Degree Program <input type="checkbox"/> Program Title Change <input type="checkbox"/> Program Revision <input type="checkbox"/> New Minor Program <input type="checkbox"/> New Track <input type="checkbox"/> Other <input type="checkbox"/> Catalog Description Change	
<u>Current program name</u>	<u>Proposed program name, if changing</u>
4. Approvals	
Department Curriculum Committee Chair(s)	<i>Bradley Rives</i> 9/18/07
Department Chair(s)	<i>Sherill Begues</i> 9/18/07
College Curriculum Committee Chair	<i>Gail Sedquist</i> 10/25/07
College Dean	<i>B. Ann</i> 10/29/07
Director of Liberal Studies *	<i>Thayl Soder</i> 11/16/07
Director of Honors College *	
Provost *	
Additional signatures as appropriate: (include title)	
UWUCC Co-Chairs	<i>Gail Sedquist</i> 1/15/08

* where applicable

Received
JAN 09 2008

Received
NOV 16 2007

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OCT 29 2007

Liberal Studies Liberal Studies Liberal Studies

SAMPLE SYLLABUS OF RECORD

I. Catalogue Description

PHIL 110: Reasoning and the Law

Hour Designation: 3c-01-3cr

Credits: 3.0

Emphasizes development of critical thinking in the context of legal reasoning. Students are exposed to issues in the Law, and to modes of reasoning required in that domain and others. Application of principles and methods to detailed analysis of well-known judicial cases.

College: College of Humanities/Soc Sci

Department: Philosophy

Pre-requisites: None

II. Course Objectives

At the end of the course students will be able to:

- A. Recognize, analyze, and evaluate arguments.
- B. Understand the nature of legal reasoning.
- C. Analyze relevant legal concepts and arguments in a careful, sustained manner.
- D. Demonstrate analytical and synthesis techniques.

III. Detailed Course Outline

Week 1-2: Statements and Arguments

Words, Meaning, and Definition (R&L Ch. 1.1-1.2)

Sentences, Language Uses, and Truth (R&L Ch. 1.3)

The Nature of Arguments (R&L Ch. 2.1-2.2)

Week 3-5: Deduction, Induction, and Reasoning in Law

Deductive vs. Inductive Reasoning; Deduction and Validity (R&L Ch. 2.3-2.4)

Inductive Reasoning and Methods of Appraising Strength (R&L Ch. 2.5)

Deductive Reasoning and the Law (R&L Ch. 3.1-3.2)

Inductive Reasoning and the Law (R&L Ch. 3.3)

Week 6: How Judges Reason

Reasoning from Statutory Rules (R&L Ch. 3.4.1)

Reasoning from Cases; The Nature and Legitimacy of Judicial Adjudication (R&L Ch. 3.4)

Week 7: Case Analysis

The Written Opinion (R&L Ch. 4)

Analysis of *Riggs v. Palmer* and *Palsgraf v. Long Island Railroad* (R&L Ch. 5)

Week 8: Battered Woman's Defense

"Justification and Excuse" (PPL, 406-410)

State v. Leidholm (PPL, 421-423)

Catheryn Rosen "The Battered Woman's Defense" (PPL, 421-430)

Week 9: Insanity Defense

“Justification and Excuse” (PPL, 411-413)

State v. Cameron (PPL, 430-433)

Norval Morris “The Abolition of the Insanity Defense” (PPL, 433-436)

Stephen Morse “Excusing the Crazy: The Insanity Defense Reconsidered” (PPL, 437-439)

Week 10: Obscenity and Pornography

“Obscenity and Pornography” (PPL, 230-233)

American Booksellers Association v. Hudnut (PPL, 237-241)

Joel Feinberg “Obscenity as Pornography” (PPL, 241-247)

Catherin MacKinnon “Pornography: On Morality and Politics” (PPL, 248-253)

Week 11: Capital Punishment

“The Death Penalty” (PPL, 466-471)

Atkins v. Virginia (PPL, 471-476)

McCleskey v. Kemp (PPL, 490-493)

Randall Kennedy “Homicide, Race, and Capital Punishment” (PPL, 494-500)

Ernest van den Haag “The Death Penalty Once More” (PPL, 476-482)

H.A. Bedau “A Reply to van den Haag” (PPL, 482-489)

Week 12: Privacy

“Legal Reasoning and Constitutional Interpretation” (PPL, 165-172, especially 168ff.)

Griswold v. Connecticut (PPL, 254-259) OR *Lawrence et al. v. Texas* (PPL, 259-265)

Robert Bork “The Right of Privacy” (PPL, 188-189)

Antonin Scalia “The Role of U.S. Federal Courts in Interpreting the Constitution”(PPL, 178-184)

Week 13: Affirmative Action

“Equal Protection Law, Racial Discrimination, and Affirmative Action” (PPL, 277-284)

Barbara Grutter v. Lee Bollinger et al. (PPL, 284-292)

Peter Westen “Puzzles About Equality” (PPL, 293-295)

Naomi Zack “What is Race?” (PPL, 295-300)

Thomas Nagel “A Defense of Affirmative Action” (PPL, 300-303)

Shelby Steele “Affirmative Action” (PPL, 303-308)

Week 14: Same-Sex Marriage

“Introduction” (PPL, 314-319)

Baehr v. Lewin (PPL, 319-322)

Cass Sunstein “Homosexuality and the Constitution” (PPL, 322-326)

Exam 3 will take place during the final exam period.

IV. Evaluation Methods:

Evaluation methods may vary. The following is a sample Evaluation Method:

Three in-class examinations will test students' ability to locate and analyze arguments in a text, differentiate between different kinds of arguments (e.g. deductive, inductive, abductive) and their use in legal contexts, and recognize and evaluate the legal reasoning in well known judicial cases. Examinations will be combination of true/false, multiple choice, and short answer questions. Assessment for the course breaks down as follows:

Exam 1: 30%

Exam 2: 30%

Exam 3: 30%

Class Participation: 10% (Class participation will be measured primarily by attendance, but also by actively listening and engaging in class discussions; students will be provided with clear guidelines about this at the start of the semester.)

V. Example Grading Scale

90-100% A, 80-89% B, 70-79% C, 60-69% D, 59% or less F.

VI. Undergraduate Course Attendance Policy

It is expected that students will attend every scheduled class. Particulars for penalizing missed classes will be left to individual instructors. (See undergraduate catalog for Undergraduate Course Attendance Policy.)

VII. Required Textbooks, Supplemental Books and Readings.

Required texts will vary by semester according to instructor preference. The above syllabus is based on the following texts:

Savellos, E. (2001). *Reasoning and the Law: The Elements*. Belmont, CA: Wadsworth. [R&L]

Adams, D. (2005). *Philosophical Problems in the Law*. Belmont, CA: Wadsworth. [PPL]

VIII. Special Resource Requirements: None.

IX. Bibliography

Adams, D. (2005). *Philosophical Problems in the Law*. Belmont, CA: Wadsworth

Alexy, R. (1989). *A Theory of Legal Argumentation*. Oxford: Oxford University Press.

Altman, A. (2000). *Arguing About Law: An Introduction to Legal Philosophy*. Belmont: Wadsworth.

Burton, S. (1995). *An Introduction to Law and Legal Reasoning*. New York: Little, Brown.

Feinberg, J. and H. Gross (1995) *Philosophy of Law*. Belmont, CA: Wadsworth.

Fletcher, G. (1996). *Basic Concepts of Legal Thought*. Oxford: Oxford University Press.

Fogelin, R. and W. Sinnott-Armstrong (2005) *Understanding Arguments: An Introduction to Informal Logic*. Belmont, CA: Wadsworth.

Golding, M.P. (1984). *Legal Reasoning*. New York: Knopf.

Honore, T. (1995). *About Law: An Introduction*. Oxford: Clarendon Press.

Hurley, P. (1988). *A Concise Introduction to Logic*. Belmont, CA: Wadsworth.

Kolodner, J. (1993). *Case Based Reasoning*. Los Altos, CA: Kaufmann.

Levi, E. H. (1949). *An Introduction to Legal Reasoning*. Chicago: University of Chicago Press.

Levin, J. (1992). *How Judges Reason: The Logic of Adjudication*. New York: Peter Lang.

- Moore, B. and R. Parker (1995) *Critical Thinking*. Mountain View, CA: Mayfield.
- Pincoffs, E. (1991). *Philosophy of Law: A Brief Introduction*. Belmont, CA: Wadsworth.
- Savellos, E. (2001). *Reasoning and the Law: The Elements*. Belmont, CA: Wadsworth.
- Schauer, F. and W. Sinnott-Armstrong (1996). *The Philosophy of Law: Classic and Contemporary Readings with Commentary*. Fort Worth TX: Harcourt Brace.
- Smith, P. (1993). *The Nature and Process of Law: An Introduction to Legal Philosophy*. Oxford: Oxford University Press.
- Vandavelde, K. (1998). *Thinking Like A Lawyer: An Introduction to Legal Reasoning*. Boulder, CO: Westview.

COURSE ANALYSIS QUESTIONNAIRE

A. Details of the Course.

- A1. The course will be open to all IUP students.
- A2. This course does not require changes in any existing Philosophy department courses.
- A3. This course has not been offered on a trial basis.
- A4. This is not a dual-level course.
- A5. This course may not be taken for variable credit.
- A6. Institutions that offer similar courses include:
 Union College: Reasoning and the Law
 SUNY Geneseo: Reasoning and the Law
 University of Northern Colorado: The Nature of Legal Reasoning
- A7. This specific course is not required by the American Philosophical Association.

B. Interdisciplinary Implications.

- B1. This course will be taught by one instructor.
- B2. This course does not duplicate or affect courses offered by other departments.
- B3. This course will not be cross-listed.
- B4. This course will be made available to Continuing Education students.

C. Implementation.

- C1. The department can work this course into its rotation of courses.
- C2. No additional space, equipment, supplies, or library materials are needed.
- C3. None of the resources for this course is based on a grant.
- C4. The course will be offered once a year.
- C5. We expect to offer two sections each semester the course is offered.
- C6. Forty-two students is the present enrollment we set for lower-level classes.
- C7. The American Philosophical Association does not recommend maximum enrollments for this type of course.
- C8. This is not a distance education course.

D. Miscellaneous.

None