Wilkes University Curriculum Committee

PROPOSAL SUBMITTAL FORM

Directions:

- Use this set of forms for all proposals sent to the Curriculum Committee.
- Pages 1-3 of this document are required. Any unnecessary forms should be deleted from the packet before submissions. If multiple forms are needed (course addition, course deletion, etc), simply copy and paste additional forms into this packet.
- Note that all new programs (majors and minors), program eliminations, significant program revisions and all general education core revisions must be reviewed and approved by the Provost and Academic Planning Committee (APC) prior to submission to the Curriculum Committee. The Provost will make the decision if a program revision requires APC review.
- Completed and signed forms are due no later than the first Tuesday of every month. Submit one signed original hard copy and a scanned electronic copy with all signatures to the Chair of the Curriculum Committee.

1. Originator: Linda Paul
   Philosophy
   570-408-4243 linda.paul@wilkes.edu

2. Proposal Title: Addition of Philosophy of Law Course and 300-Level Topics Course

3. Check only one type of proposal: (double click on the appropriate check box and change default value to “checked”).

☐ New Program. (Major or Minor Degree Programs). This requires prior review and approval by the Provost and APC.

☐ Elimination of Program. (Major or Minor Degree Programs). This requires prior review and approval by the Provost and APC.

☐ Program Revision. Significant revisions to a program require review and approval by the Provost. The Provost determines if review and approval by APC is necessary.

☐ General Education Revision. Submissions only accepted from the General Education Committee (GEC). Must be reviewed and approved by the Provost.

☐ Creation of new departments, elimination of existing department. This requires prior review and approval by the Provost and APC.

☒ Course additions or deletions not affecting programs (such as elective courses, transition of “topics” courses to permanent courses).

☐ Change in course credit or classroom hours.

☐ Incidental Changes. Includes changes in course/program title, course descriptions, and course prerequisites. (Although these changes do require approval by the Curriculum Committee, they do not go before the full faculty for approval).

☐ Other (Specify)
4. Indicate the number of course modification forms that apply to this proposal:

2  Course Addition Form (plus syllabi)

Course Deletion Form

Course Change Form

5. Executive Summary of Proposal.

Briefly summarize this proposal. The breadth and depth of this executive summary should reflect the complexity and significance of the proposal. Include an overview of the proposal, background and reasoning behind the proposal and a description of how the proposal relates to the mission and strategic long-range plan of the unit and/or university. For incidental changes a one or two sentence explanation is adequate.

We want to add a Philosophy of Law class and a “Topics” course at the 300-level. The Philosophy of Law class will provide a valuable opportunity for students planning to attend law schools. This offering is in synch with our program’s focus and certainly is in line with the University mission of “educating students for lifelong learning and success.”

The 300-level Topics course is needed as we are trying out new courses and some are not best offered at the 200-level, due to the difficulty of the material involved. (Currently, we have only a 200-level Topics course.)

6. Other specific information. (Not applicable for incidental changes.)

What other programs, if any, will be affected by this proposal? Describe what resources are available for this proposal. Are they adequate? What would be the effect on the curriculum of all potentially affected programs if this proposal were adopted? Include any potential effects to the curriculum of current programs, departments and courses.

We have the faculty available for this. Dr. Zarpentine has developed a syllabus for Philosophy of Law and is willing to teach it regularly, beginning with Fall 2014. No other programs should be affected by this change.

Clearly, having a 300-level Topics course will not affect other programs either.

7. Program Outline. (Not applicable for incidental changes).

A semester-by-semester program outline as it would appear in the bulletin for a new program or any modified program with all changes clearly indicated.

These changes will not affect our current program outline at all. They are not courses required for majors or minors.
8. Signatures and Recommendations. (please date)
   - Signatures of involved Department chair(s) and Dean(s) indicate agreement with the proposal and that adequate resources (library, faculty, technology) are available to support proposal.
   - If a potential signatory disagrees with a proposal he/she should write "I disagree with this proposal" and a signed statement should be attached to this submission.

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<tr>
<th>Print Name/Title</th>
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<tbody>
<tr>
<td>Larry Kuhn</td>
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<td>Jerry Kuhn</td>
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Department chair(s) of all potentially affected programs

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<tr>
<td>Thomas J. Baldino</td>
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<td>Dean CAHSS</td>
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Dean(s) of any potentially affected College/School.

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<tr>
<td>Susan Hitzak</td>
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<td>Dusan Hitzak</td>
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Registrar

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Provost (For new programs, significant revisions and revisions to the General Education Program revisions only).

Provost should check here ___ if this proposal is a program revision AND the significance of the revision requires review and approval by APC prior to Curriculum Committee.

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For new programs, program revisions sent via the provost. Signature indicates that the proposal has been reviewed and approved by APC.

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For revisions to General Education program only. (Signature indicates that the proposal has been approved by GEC).
Wilkes University Curriculum Committee
COURSE ADDITION FORM – page 1

1. Course Title: Philosophy of Law

2. Course Number: PHL 334
   Coordinate with Registrar to insure course number is available

3. Course Credit Hours:
   Classroom Hours ___3___  Lab Hours _____  Other _____

4. Course Prerequisites: PHL 101 or permission of instructor

5. Course Description (as proposed for the Bulletin):
   Course descriptions provide an overview of the topics covered. If the course is offered on a scheduled basis, i.e. every other year, or only during a set semester, note this in the description. Course descriptions should be no more than two to three sentences in length.

   This course serves as an introduction to the central topics in the Philosophy of Law, including the nature and justification of the law, the relation between law and morality, the principles of legal interpretation and the justification and limits of criminal sanctions. The work of both classical and contemporary legal and political theorists will be explored, as well as a selection of legal cases that have shaped American law, including recent cases, and an investigation of some implications for legal cases arising from new developments in neuroscience.

6. Required Documentation:
   Proposed Syllabus Attach proposed syllabus immediately after this document. In some situations the official syllabus may contain information which is beyond the review needs of the Curriculum Committee (such as extensive rubrics, etc.). It is permissible to attach an abbreviated syllabus. In general, syllabi (whether full or abbreviated) should contain the following information: Course Title, Course Number, Credit hours, Faculty Information (name contact information, office hours), Course Description, Course Outcomes or Objectives, Assessment (grading) informations, required texts (or other things such as tools, software, etc), pertinent policies and a proposed schedule of topics.
Wilkes University Curriculum Committee
COURSE ADDITION FORM – page 1

7. Course Title: Topics

8. Course Number: PHL 398
   Coordinate with Registrar to insure course number is available

9. Course Credit Hours:
   Classroom Hours __3__    Lab Hours ______    Other ______

10. Course Prerequisites: PHL 101 or permission of instructor

11. Course Description (as proposed for the Bulletin):
   Course descriptions provide an overview of the topics covered. If the course is offered on a scheduled basis, i.e. every other year, or only during a set semester, note this in the description. Course descriptions should be no more than two to three sentences in length.

   The study of a topic of special interest not extensively treated in other courses. Because of its variable content, this course may be repeated for credit.

12. Required Documentation:
   Proposed Syllabus    Attach proposed syllabus immediately after this document. In some situations the official syllabus may contain information which is beyond the review needs of the Curriculum Committee (such as extensive rubrics, etc). It is permissible to attach an abbreviated syllabus. In general, syllabi (whether full or abbreviated) should contain the following information: Course Title, Course Number, Credit hours, Faculty Information (name contact information, office hours), Course Description, Course Outcomes or Objectives, Assessment (grading) informations, required texts (or other things such as tools, software, etc), pertinent policies and a proposed schedule of topics.

   I cannot attach a proposed syllabus as there is no particular course. It will be different each time.
PHL 334:
Philosophy of Law

Dr. Chris Zarpentine

christoph.zarpentine
@wilkes.edu

Breiseth 102

570-408-4597

Office Hours:

COURSE DESCRIPTION:
What is law? What is the relationship between law and morality? How should the U.S. Constitution be interpreted? What are the appropriate limits on political liberties? These and other questions are central to the Philosophy of Law. This course serves as an introduction to the central topics in the Philosophy of Law, including the nature and justification of the law, the relation between law and morality, the principles of legal interpretation and the justification and limits of criminal sanctions. Students will be introduced to both classical and contemporary legal and political theorists, as well as a selection of legal cases that have shaped American law, including recent Supreme Court cases involving corporate personhood and same-sex marriage. We will discuss new problems concerning the proper role of neuroimaging evidence in the courtroom and the legitimacy of neuroprediction. Students will develop an understanding of different schools of legal thought and improve their ability to defend their own views about key questions in the Philosophy of Law and to interpret legal opinions.

COURSE OBJECTIVES: By the end of the course, students will:
1) have an understanding of the central topics in philosophy of law,
2) have an understanding of a selection Supreme Court cases that are essential to contemporary American jurisprudence,
3) develop and improve their skills of interpretation, analytic reasoning and critically thinking and be able to apply these skills to problems in the philosophy of law, and
4) be able to clearly explain philosophical arguments and their own critical thoughts in formal writing assignments.

REQUIRED COURSE MATERIALS:

COURSE REQUIREMENTS:

12%  8 – 12 quizzes
22%  Mid-term Exam
22%  Final Exam
20%  Paper 1 (∼ 5 pages)
24%  Paper 2 (∼ 5 pages)

Quizzes – These quizzes will sometimes be announced, but often they will be unannounced. The goal of the quizzes is to test reading comprehension and general understanding of the material.

Mid-term and Final Exam – These exams will consist primarily of essay questions, with some short answer questions.

Papers – Each of these papers will be about 5 pages. Suggested topics will be given out 2-3 weeks before the due date, but students are encouraged to write papers on topics of their own choice, with the approval of the instructor. Students are encouraged to submit a draft of their paper and to confer with the instructor before handing in a final draft. Students will be required to clearly articulate a philosophical view and to offer substantial criticism of that view. These papers will be evaluated with respect to their demonstration of the student’s understanding of the material, their clarity and their critical engagement with the material.

POLICIES:

Attendance and Appropriate Conduct

I expect you to attend class. If you must miss class, please let me know in advance, if possible. If you are absent you are responsible for all material missed. Out of respect for me and your fellow classmates, do not engage in disruptive or distracting behaviors. Cellular phones should be made silent. You may use laptops, but they should not be used for checking e-mail, watching funny video clips on YouTube, etc.

Absences

Absences are excused when the instructor is provided with written documentation from a health care provider (or other appropriate source) or if the student has some other legitimate excuse (e.g., religious holiday, university obligation, etc.). When these conditions are satisfied, late work will be accepted without penalty, accommodations will be made for the student to make-up the assignment or examination, or the student will be excused from the assignment or examination. When these conditions are not satisfied, points will be deducted according to the following scale: after the due date, but before the end of the day, -5%; for each 24-hour period after the due date and time, -10%, up to 50%. Missed examinations due to unexcused absences will not be made up.
Academic Honesty

Do not plagiarize. I take academic honest very seriously. Academic dishonesty will result in failure of the course and may result in other additional disciplinary actions. If you are unsure whether what you are doing constitutes plagiarism or feel tempted to plagiarize, please come talk to me.

SAMPLE READING SCHEDULE:

Week 1: The nature of law
Nature of Law, p 1-8
Aquinas, "On the nature of Law, Morality and Politics" p 8-13
Fuller, "Eight Ways to Fail to Make Law" p 13-17

Week 2: Positivism
Austin, "A Positive Conception of Law" p 55-68
Hart, "Law as the Union of Primary and Secondary Rules" p 68—84

Week 3: Legal Realism
Holmes, "The Path of Law" p 120-126
R. Dworkin, "Integrity in Law" p 134-150

Week 4: Is there an obligation to obey the law?
Plato, "Crito" p 206-214
Riggs v Palmer (1889) [D2L]
King, "Letter from Birmingham Jail" p 213-220

Week 5: Liberty
Mill, "On Liberty" p 251-263
G. Dworkin, "Paternalism" p 281-291
Devlin, "The Enforcement of Morals" [D2L]

Week 6: Rights
Feinberg, "The Nature of Value and Rights" p 347-357
Hart, "Are There Any Natural Rights?" p 368-377

Week 7: Equality
Scheppelle, "The Reasonable Woman" p 322-327
State v Rusk p 327-331
State v Kelly p 331-335
Hollingsworth v. Perry (2013) [D2L]

Week 8: Privacy
Bork, "The Right of Privacy" p 377-380

3
Roe v Wade p 392-396
Planned Parenthood of S.E. Pennsylvania v Casey p 387-401
Lawrence v Texas p 401-408

Week 9: Free speech and offense
Feinberg, “Offensive Nuisances” p 438-53
Cohen v. CA p 426-429

Week 10: Punishment
Kadish & Schulhofer, “The Case of Lady Eldon’s French Lace” p 590-595
Feinberg, “The Classic Debate” p 624-629
Feinberg, “The Expressive Function of Punishment” p 629-640

Week 11: Capital Punishment
Nathanson, “Should we execute those who deserve to die?” p 665-674
Furman v Georgia p 674-682

Week 12: Luck
Honore, “Responsibility and Luck” p 574-589
Lewis, “The Punishment that Leaves Something to Chance” p 595-604

Week 13: Corporate Personhood
French, “Corporate Moral Responsibility” [D2L]
Reich, “Why BP Isn’t a Criminal” [D2L]

Week 14: Free will, neuroscience and the law
Morse, “New Neuroscience, Old Problems” [D2L]
Greene and Cohen “For the Law, Neuroscience Changes Nothing and Everything” [D2L]

Week 15: A Jurisprudence of Dangerousness
Slobogin “The Civilization of the Criminal Law” [D2L]
Nadelhoffer et al., “Neuroprediction, Violence and the Law: Setting the Stage” [D2L]