

# PHILOSOPHY 510

# PHILOSOPHY OF LAW

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Professor of Philosophy  
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<http://www-rohan.sdsu.edu/~corlett/Welcome.html>

(Professor Corlett's Website)

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**Office Location:** Arts and Letters Building, 432.

**Office Telephone Number:** (619) 594-6251.

**Office Hours:** M, W, 6:45-8:15pm. Students are encouraged to utilize the campus escort service given that office hours are often at night. **The campus escort service can be reached at: 619-584-6659.** Students may use Professor Corlett's office phone to contact the escort service during office hours. **Campus security may be reached at (619) 594-1991.**

**Course Description:** (Outcomes) A philosophical exploration of key legal concepts such as the nature of law, liberty, justice, rights, responsibility, and punishment. Various theories of these concepts are explored, and arguments for and against such theories.

**Course Requirements:** This *graduate-level course* is offered for graduate and undergraduate credit. All students are required to take two in-class essay-type examinations. The two examinations are designed to test and measure the student's knowledge of the contents of the textbook readings and classroom discussions, and to test and measure the student's competency in English grammar, spelling and usage. But the two essay-type course examinations are the same for all enrolled students. In addition to taking the two examinations, graduate students are required to write a 20-30-page term paper in conformity with the "Requirements for Philosophy Term Papers." All term papers are due strictly on the last day of regular class (before finals week). Late papers are accepted only with a penalty that the highest grade (after assessment) that the student can earn is a grade of "C" for the term paper, regardless of the reason for the tardiness.

This course is taught and students are graded according to standards at highly respected academic institutions throughout the U.S.. Each student is required, for a passing grade in the course, to complete two closed-book and closed-notes, in-class essay-type examinations that are designed to test and measure students' general and philosophical comprehension of the informational contents of the assigned readings especially with regard to philosophical analysis and argumentation. Examination questions and their answers are based on the required readings. Lectures and discussions track many of the highlights of the assigned readings. Course grading will be made according to the following grading scale with each examination counting between 0-50 points for undergraduate students:

93-100=A  
90-92=A-  
88-89=B+  
83-87=B  
80-82=B-  
78-79=C+  
73-77=C  
70-72=C-  
68-69=D+  
63-67=D  
60-62=D-  
0-59=F

Again, graduate students are required to write a term paper according to the "Requirements for Philosophy Term Papers." Each graduate student must have her term paper proposal approved by Professor Corlett no later than immediately after class on the 12<sup>th</sup> session of the term. Failure to do so will result in a score of "0" for the term paper assignment. Students must submit a title, an abstract (1-page, single-spaced), a detailed description of the argument of the paper (3-4-page, single-spaced) and the argument or analysis the paper's argument is targeting (1-page, single-spaced), and a 2-page (single-spaced) bibliography of sources consulted for the project. Obviously, students are required to do much more than a small amount of preparation and study before they devise the term paper proposal. As much as anything else, students must consult and follow the "Requirements for Philosophy Term Papers." It is highly advised that graduate students begin to submit their proposals by week 10 in case their proposal is rejected or requires further work for approval. Simply turning in a proposal is insufficient for satisfying this requirement. It must be a qualitatively good proposal, philosophically speaking.

Graduate students are assigned letter grades for each examination and the term paper, the average of such *grades* will constitute their course grade:

93-100=A  
90-92=A-  
88-89=B+  
83-87=B  
80-82=B-  
78-79=C+

73-77=C  
70-72=C-  
68-69=D+  
63-67=D  
60-62=D-  
0-59=F

There is no extra credit offered for this course.

**Content Advisory:** Due to the extremely sensitive nature of the topics that are covered in this course, and the manner in which they are sometimes presented, students are forewarned that the provocative contents of this course, both in the assigned readings and the lectures, could possibly be construed as being offensive especially to those not having sufficient background in ethics and philosophy. Students are reminded that the First Amendment to the Constitution of the United States most certainly protects such expression, and that with equal certitude ethics requires students to utilize with due diligence their moral and civic responsibility to judge reasonably the diversity of views presented in this course.

**Expected Outcomes and Outcomes Assessment:** The expected outcome of this course is that the students who apply themselves and study well and diligently will master the contents of the assigned readings on this subject and be conversant in subjects of the nature of law, liberty, justice, rights, responsibility and punishment, as well as with many of the leading philosophical perspectives on such issues. The extent to which students apply themselves in quality and diligent study will be assessed in terms of the two examinations, which will test basic reading and depth of philosophical comprehension of the contents of the assigned readings. How conversant graduate students are in philosophy will also be assessed by way of the term paper, which is intended to measure a student's ability to *understand, know and do philosophy*, not just to understand some facts about it.

**Expectations of Students:** Pursuant to standards at academically respectable universities throughout the U.S., students are expected to study the assigned readings and notes for this course at least 6 hours per week on average throughout the entire term. This assumes that the student has a better than average philosophical aptitude, analytically speaking.

Students are expected to attend class sessions on a regular basis and to be prepared to discuss the assigned readings in-depth. *Students are encouraged to engage in classroom discussion, though only if they are current on the assigned readings.* Mid-term examinations may be re-scheduled only if the student obtains approval from Professor Corlett *prior to* the examination to be re-scheduled. A re-scheduled examination might not have the same content as the one given to the rest of the class on the original date of testing. The final examination cannot be re-scheduled unless the student has 2 or more other final examinations scheduled for the day on which the final examination for this course is scheduled.

**Important Notes:** *Each student is responsible for understanding everything said in class by the professor even if the student is absent from class. It is highly recommended that students take notes well and continuously during each class period. Absolutely no permission is granted to*

**electronically tape or otherwise electronically duplicate class lectures for any purpose whatsoever as they are the copyrighted property of Professor Corlett.**

The examinations are designed to measure the student's knowledge of the contents of the assigned readings and lectures. **Students caught cheating on examinations or term papers shall be awarded a grade of "F" for the course and shall be prosecuted to the fullest extent of SDSU regulations.** **There is no tolerance for unethical behavior in this course!**

Students with special documented medical needs should avail themselves of Disabled Student Services, SS 1661, and should discuss such needs with the Professor so that such needs might be accommodated for testing purposes.

Eligible students may qualify to undergo an examination, without penalty, at a time when that activity would not violate the student's religious creed. By the end of the second session of classes, eligible students should notify Professor Corlett of planned absences for religious observances. At that time, appropriate documentation of such observances must be presented to Professor Corlett. The same rule applies to members of SDSU non-intramural athletic teams.

SDSU Counseling & Psychological Services. If any student feels the need to talk to someone or seek confidential guidance for the benefit of their personal, academic, or social well-being, professionals are here to help. For more information, contact: (619) 594-5220. Address: 5700 Hardy Ave., Suite 4401, San Diego, CA 92115 (4th floor of the Calpulli Center) Hours: Mon.-Fri. 8am-4:30pm. Website: <http://www.sa.sdsu.edu/cps/>.

### **Required Readings:**

J. Angelo Corlett, *Race, Rights, and Justice* (Springer, 2009).

J. Angelo Corlett, *Responsibility and Punishment*, 4<sup>th</sup> Edition (Springer, 2014).

It is recommended that students access these readings legally at the lowest prices.

**NOTE: Students are advised that it is illegal to violate federal copyright laws which prohibit the illegal downloading or otherwise accessing of copyrighted materials. Publishers are aggressive and increasingly successful in filing and winning lawsuits against students and others who violate such laws.**

### **Tentative Course Outline:**

Session 1: Introduction to the Course and to Philosophy of Law. The Nature of Law.

Session 2: Constitutional interpretation.

Session 3: Constitutional interpretation.

Session 4: International law and global justice.

Sessions 5-6: Individual and Collective Rights

Session 7: **Examination #1.**

Session 8: The Problems of Responsibility and Punishment.

Session 9: Socrates, Kant, Bentham, and Punishment.

Session 10: Retributivism.

Session 11: Retributivism.

Session 12: Forgiveness, Mercy and Punishment.

Session 13: Capital Punishment.

Session 14: Collective Responsibility, Punishment, and Compensation.

Session 15: U.S. Responsibility for War Crimes in Iraq. **Graduate student term papers due.**

Final exam week: **Examination #2. See final examination schedule for exact day and time.**

The content of examination #2 is not cumulative of the earlier section of the course.