University Studies Cluster Proposal Cover Sheet
For Academic Year 2009-2010

Cluster Proposed for: Freedom, Privacy, and Technology

Title of course: Philosophy of Law

Course Number: PHL 333

Proposing Faculty: R. Kevin Hill

Cluster Coordinator: Jamie Ross

Proposal Type:
___ Cluster Course to New Cluster
X___ New Course to Cluster
___ Removal

Other clusters this course is assigned to:

Proposals are due to the University Studies office (CH 117) with 12 duplicate copies by Friday, November 9, 2007 so that they may be reviewed and forwarded to the UCC Committee for final approval.
University Studies
Cluster Course Addition
Adding a previously unapproved course to a cluster
(When addressing questions, please attach a separate sheet)

PROPOSING FACULTY (R. Kevin Hill, Philosophy)

1. THE COURSE

A. COURSE TITLE, NUMBER, AND CATALOG DESCRIPTION

PHILOSOPHY OF LAW, PHIL 333U. Examines the nature of law, legal obligation and legal interpretation. Is law a part of morality, or nothing more than an expression of social power? When are we permitted or required to disobey the law? What is the proper methodology for interpreting laws and deciding cases? Do judges discover or create law? Readings include classics of jurisprudence (e.g., Austin, Hart, Dworkin) as well as judicial opinions in a selected topic.

B. DEVELOPMENT

Is the course based upon an existing course, or is it a new course under development?

Based on an existing course, PHIL 333.

C. AVAILABILITY

With what regularity has the course been—or will the course be—offered?

Once per year in the spring.

D. PREREQUISITES

List any course prerequisites beyond the cluster Sophomore Inquiry course.

None required. Recommended: PHIL 308, 311 or 316

2. COURSE OUTLINE.

Provide a detailed outline of the proposed course, also including its preliminary reading list, and the name(s) of instructor(s) committed to teaching the course.

Instructor: R. Kevin Hill
Required Texts:

• Keith Culver, Readings in Philosophy of Law
• Akhil Amar, The Bill of Rights
• Xerox coursepack of legal cases

Reading Schedule:

Wk. 1. “The Lottery,” McBoyle, Shack, commentary on Shack (xerox)
Wk. 2. “Natural Law Theory” (Culver)
Wk. 3. “Legal Positivism” (Culver)
Wk. 4. “Integrity, Legal Realism” (Culver)
Wk. 5. “Feminism, Liberty” (Culver)

Midterm Examination on the Jurisprudential Theories - Due in class

Wk. 6. “Creation,” (Amar), Emerson (xerox)
Wk. 7. “Reconstruction,” (Amar), Barron, Slaughterhouse, Saenz, Twining, Palko, Adamson, Duncan (xerox)
Wk. 8. “Reconstruction,” (Amar), Allgeyer, Lochner, West Coast Hotel, Williamson (xerox)
Wk. 9. Before Roe: Meyer, Pierce, Buck, Skinner, Griswold, Eisenstadt (xerox)
Wk. 10. Roe v. Wade (xerox)
3. GENERAL EDUCATION GOALS.

A. COURSE CONTENT & SUITABILITY FOR CLUSTER
   The cluster, “Freedom, Privacy, and Technology,” deals with issues of freedom and privacy. Half of the course covers the development of Fourteenth Amendment caselaw culminating in Roe v. Wade, which is a central event in the history of American discussions of freedom and privacy.

B. UNST GOALS
   B.1. Inquiry and Critical Thinking: The jurisprudential methodologies section of the course contributes to developing critical thinking skills.
   B.2. Communication: A significant component of class activities consist of discussion about legal morality through cases and exams are written analyses.
   B.3. Diversity of Human Experience: The diversity of political views covered in the course represents the diversity of people in our population. Moreover, one of the central reasons for proposing the course for the general education curriculum is that from one increasingly popular standpoint in social philosophy, differences in political interest can be understood in terms of differing jurisprudential methodologies. This arguably promotes greater political tolerance among different political perspectives.
   B.4. Ethical and Social Responsibility: Given the key role of legal institutions in framing and executing social injustice, topics in ethical and social responsibility are central to the whole course. Moreover, the Fourteenth Amendment caselaw portion of the course contributes specifically to an understanding of a key ethical issue, reproductive freedom.

C. CLASSROOM ENVIRONMENT
   The midterm exam requires the students to write a paper about a hypothetical legal problem as if they were a lawyer or judge deciding the issue themselves. The emphasis is on the student learning to think jurisprudentially about social problems and issues for themselves, a central aspect of the active learning and student-centered dimension of the course. Also, during the second half of the course, in class case analysis through discussion is the primary method of learning, and the teaching methodology is Socratic dialogue (as in law school) rather than lecture. This is also student-centered, skill-based and active learning as opposed to declarative knowledge, lecture-oriented teaching styles one sees in many philosophy classes.

PROPOSING FACULTY: ____________________________________________
R. Kevin Hill

COURSE TITLE AND NUMBER: PHIL 333U

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OBTAIN CHAIR AND CLUSTER COORDINATOR SIGNATURES
BEFORE SUBMITTING TO UNIVERSITY STUDIES OFFICE

DEPARTMENT CHAIR(S): ____________________________ DATE: __/__/08

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DATE: ____________________________
All changes to Clusters must be approved by PSU’s Senate Curriculum Committee.

THE ORIGINAL + 12 COPIES OF THE PROPOSAL
MUST BE RECEIVED AT UNIVERSITY STUDIES (CH 117)
BY OCTOBER 31, 2007

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COURSE APPROVED FOR CLUSTER INCLUSION

CHAIR, CLUSTER COORDINATORS: ___________________ DATE: 12/01/08

CHAIR, UNST COMMITTEE: ___________________ DATE: 12/02/08