Instructor and office information:  Stefan Sencerz, Ph.D.
Office: Faculty Center 261; phone 825-2392; hours: MW 3:15-4:30, TR10:45-12, 1:30-4:30 and BA.
E-mail: stefan.sencerz@tamucc.edu;

Course description: This course is an introduction to contemporary views about the nature and applications of the law. We will begin with an overview of various philosophical theories about what law and legal reasoning are. Subsequently, we will analyze various philosophical, legal, and moral problems related to 1) the right to privacy and autonomy and its relation to the problem of abortion; 2) theories of punishment and the justification for death penalty; and 3) the scope of personal liberty and the limits of legal paternalism. Class meetings will consist of both lectures and discussions. The emphasis will be put on rational procedures for evaluating controversies, both within philosophy and elsewhere.

Learning outcomes: Students taking the course will be expected to
1) demonstrate (on test questions) the understanding of legal theories and principles;
2) apply those theories and principles to discussed practical issues, in essays and case study analyses;
3) develop their reasoning skills, and demonstrate that development on test questions;
4) construct and evaluate arguments related to legal reasoning in papers and essays.


Additional readings may be distributed in class as handouts. If you miss a class, make sure that you have copies of all additional handouts distributed in the class. Please remember that outlines and handouts do not cover all of the material on which you may be tested, and they do not contain complete accounts of the topics that are covered in lectures and readings. Merely memorizing the handouts will not enable you to pass the course.

Attendance & participation: All materials discussed in the lectures and covered in the readings are potential bases for test and exam questions. Students are therefore expected to attend all class meetings and keep up with assigned readings. In general, if you don’t attend class or don’t read required texts, don’t expect to pass.

Every M (and perhaps other days), there will be an attendance quiz testing a material to be discussed on a given day. Two worst grades will be dropped; the rest will contribute 25% to your final grade.

You can miss 2 classes without penalty. Each additional unexcused absence will result in the loss of credit you would have earned during that class. Notice, you have two free passes. Use them wisely. Except for the cases of demonstrable emergency I do not accept late work.

Make up tests & incompletes: Students who miss a test for a good (e.g. medical) reason will have a chance to take a make-up test, during a few days after the original test, at a time arranged with the instructor. An incomplete for the course is possible only in cases where course work is nearly complete, and the student has a legitimate reason for not completing the course work by the end of the semester.

GRADED ASSIGNMENTS AND ATTENDANCE. Tests will include a combination of multiple-choice questions and short essays. Attendance quizzes will consist be mostly of multiple-choice questions.
2 tests 25% each = 50%
A paper (draft – 5%, due, final version – 20%) = 25%
Attendance quizzes/homework 25%
Grading will be on the standard 90-100% = A, 80-89% = B, etc.
Plagiarism and academic dishonesty: As a student at TAMU-CC, you are bound by the student code of conduct. Cheating, plagiarism or any other form of academic dishonesty is grounds for failing the course. Plagiarism is the presentation of work as one’s own while, in fact, it was authored by someone else. In particular, if you rely on someone’s work please cite the source of the material. University policy strictly prohibits plagiarism and other forms of academic dishonesty. The penalty for an act of academic dishonesty is 0 as a grade for the assignment in question.

Freedom of speech and classroom etiquette: You are free to ask any questions about the material. In many cases, if you do not understand something, this is because it has not been explained clearly to you. So, you will be doing your colleagues and yourself a service if you request clarification. You are also free to argue for any ethical position you find compelling, as long as you provide reasons for your point of view. It is inevitable that during discussions individual points of view will differ. When they do, our reaction will always be to patiently listen to the reasons offered for a particular ethical conclusion and cooperatively evaluate those reasons.

E- etiquette: Please turn off all cell phones, pagers, etc. If your cell phone rings (or sings) during class, I will stop the lecture and answer it for you. If you feel the urge to text message or make a call, please leave the classroom and do not return (until next class). The lectures are for lecturing and discussion. Any student who disrupts a lecture by using a personal electronic device will be asked to leave.

Advisement: Professional academic advisors are available to assist students with course selection, degree plans, and other academic matters. In our college the undergraduate advisor is Natasha Crawford (825-3466; Natasha.crawford@tamucc.edu). The graduate advisor is Rachelle Stanley (825-5896; Rachelle.stanley@tamucc.edu). Both are located on the second floor of Driftwood. Students who have yet to declare a major are advised by the Academic Advising Transition Center. For more information please call (361) 825-5931 or log on to http://www.tamucc.edu/~aac.

Notice to Students with Disabilities: TA&MU-CC complies with the Americans with Disabilities Act (ADA) in making reasonable accommodations for qualified students with disabilities. If you suspect that you may have a disability (physical impairment, learning disability, psychiatric disability, etc.), please contact the Services for Students with Disabilities Office, located in Driftwood 101, at 825-5816. If you need disability accommodations in this class, please see me as soon as possible.

Grade Appeal Process: As stated in University Rule 13.02.99.C2, Student Grade Appeals, a student who believes that he or she has not been held to appropriate academic standards as outlined in the class syllabus, equitable evaluation procedures, or appropriate grading, may appeal the final grade given in the course. The burden of proof is upon the student to demonstrate the appropriateness of the appeal. For complete details, including the responsibilities of the parties involved in the process and the number of days allowed for completing the steps in the process, see University Rule 13.02.99.C2, Student Grade Appeals, and University Procedure 13.02.99.C2.01, Student Grade Appeal Procedures. These documents are accessible at: http://www.tamucc.edu/provost/university_rules/index.htm. For assistance and/or guidance in the grade appeal process, students may contact the Office of Student Affairs.

The fine print: For all matters concerning course withdrawal, appeal of grades, academic misconduct, etc, students are strongly advised to consult the rules outlined in the Texas A&M University-Corpus Christi Student Handbook and on the web at: http://studentaffairs.tamucc.edu/.
PHILOSOPHY OF LAW -- TENTATIVE COURSE SCHEDULE  (this schedule may be further updated after the first meeting when we take a vote about what topics we want to discuss in class in depth)


WEEK 2 (08/27): The Theory of Natural Law
Thomas Aquinas, from Summa Theologiae; John Finnis, from “Natural Law and Natural Rights”
Leon Fuller, from “The Morality of Law”

WEEK 3 (09/03): Legal Positivism. John Austin, from “Province of Jurisprudence”
H.L.A. Hart, from “The Concept of Law”

Duncan Kennedy, “Freedom and Constraint in Adjudication”

WEEK 5 (09/17): Ronald Dworkin and Law as Integrity.
Dworkin, from “Taking Rights Seriously” and “Law’s Empire”
Schauer, from “Playing by the Rules”

WEEKS 6-7 (09-24 - 10/01): The Moral Force of Law
Rawls, “The Justification of Civil Disobedience”, Singer, from “Democracy and Disobedience”

A draft of a paper is due 10/08
The First Test 10/15

WEEKS 8-10 (10/17 – 10/29): The Structure of Rights and the Right to Liberty
Feinberg, “The Nature and Value of Rights”
Feinberg, from “Offense to Others”
Paternalism: Mill, from “On Liberty”; Dworkin, “Paternalism”
Moralism: Devlin, from “The Enforcement of Morals”
Hart, from “law, Liberty, and Morality”

WEEKS 11-12 (11/05-11/12): A Right to Free Speech
Schauer, from Free Speech

WEEKS 13-14 (11/19-11/26) Punishment and the Death Penalty
Retributivism: Kant, “On the Right to Punish”
Van Den Haag: “The Collapse of the Case Against Capital Punishment”
Jeffrey Reiman: “Justice, Civilization, and the Death Penalty”
Stephen Nathanson: “Does it matter… is Arbitrarily Administered”

WEEK 15 (12/03) Privacy

W16 The Final Test: M, Dec 10, 1:45-4:15