

JURISPRUDENCE
COURSE INFORMATION AND SYLLABUS

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Class Meeting Times and Location

Tuesday, Thursday 10:30-11:45am. ALS 608.

Office Hours

TBA

In addition to formal office hours, I welcome informal “drop ins” or pre-scheduled meetings at times convenient for you. Just reach out – in person via email or whatever else works for you!

Required Texts

- Chaim Perelman, *The Realm of Rhetoric* (William Kluback trans., 1982).
- Frederick Schauer & Walter Sinnott-Armstrong, *The Philosophy of Law: Classic and Contemporary Reading with Commentary* (1996).

GOALS AND LEARNING OUTCOMES

This course is designed to serve as a general introduction to jurisprudence – the philosophy of law. During the semester, we will consider the philosophical nature of law, legal reasoning and argument, legal rights, as well as justice and equality under the law. For theory, we will read a mix of classic and modern jurisprudential texts. Applying theory to practice, we will also engage in a series of case studies examining major Supreme Court majority and dissenting opinions that turn on deeper jurisprudential debates. Ultimately, we will explore the philosophical implications of understanding law as a rhetorical practice. By the end of this course, successful students will be able to: (1) explain the differences between the major historical schools of jurisprudence concerning the nature of law; (2) identify the major and minor premises of legal arguments and analyze legal debates using appropriate rhetorical vocabulary; (3) invent and defend arguments about the requirements of justice in legal disputes that reference and extend the themes of the course.

POLICIES

- 1. Attendance** – Regular class attendance is mandatory. Students who have more than five absences will not be eligible to complete the course. Please note that under this policy, there are no “excused” or “unexcused” absences (with the exception for religious holidays). Attendance is established by signing the class attendance sheet. A student who is more than 5 minutes late may stay for class but may not sign the attendance sheet and be counted as present for that day.
- 2. Preparation** – This class relies on everyone arriving fully prepared to participate in the day’s discussion. At the most basic level, this means completing the assigned reading. Prior to each class, I will distribute study questions that focus on particular aspects of the texts we are reading. I expect you to carefully consider these questions as they will usually form the basis of my Socratic method. Some of our readings will be challenging and I certainly do not expect that you will grasp every nuance. When I call on you to answer a question, getting answers “wrong” is entirely forgivable – and often there is no single “right” answer at all. On the other hand, class discussion is impoverished if we are not all familiar with the day’s texts and therefore “on the same page.” As a general rule, failing to read the day’s assignment is not forgivable.
- 3. Professionalism** – Learning cannot effectively take place in an environment that is unprofessional or uncivil. To that end, I expect that you will observe basic professional courtesies such as arriving on time and turning off your cell phone. Given our subject matter on focus on rhetoric, it is my hope that we can have lively class debates where all students feel comfortable participating and expressing their opinions. Respect for your colleagues is vital to fostering a healthy debate environment. At all times, remain mindful of the diversity of perspectives and experiences in our classroom and be respectful as you articulate your arguments. We need not agree on everything, but we do need to disagree professionally.

Note: Please contact me if something related to our class debates or discussions makes you feel uncomfortable or otherwise interferes with your ability to learn. I will make every effort to address any issues raised.
- 4. Computers + TWEN** – The use of laptops to take notes is permitted in our class. However, laptops must not be used to browse the Internet, check email, Tweet, and etc. I thus reserve the right to ban laptops if the temptations of the Internet cause disruptions or distractions. Meanwhile, each of you must enroll in the TWEN site for this course, which is available through Westlaw. Please regularly monitor the TWEN site for course updates, handouts. You will also be encouraged to post to the TWEN discussion boards.
- 5. Methods of Evaluation** –The final grade will be based on the following: Participation (5%); Debates + Quizzes (15%); Midterm (20%); Final (60%).

PARTIAL SYLLABUS ONLY:
I AM REORGANIZING THE CLASS AND SO WILL SUPPLEMENT THIS SYLLABUS
EARLY IN THE SEMESTER

SYLLABUS – WEEKS 1-3

Please find below the reading assignments for the first 3 weeks of the semester. For readings, please note that **Rhetoric** refers to the Perelman text, **Philosophy** refers to the Schauer & Sinnott-Armstrong text and **HO** means that at Handout will be made available on TWEN.

	Content	Reading
Week 1		
1/16/18 (Tu) [1]	Introduction: What is law? What is the Rule of Law?	Philosophy: pp. 1-7 HO: Rule of Law weblinks
1/18/18 (Th) [2]	Natural Law	Philosophy: 8-11, 18-28 HO: Declaration of Independence
Week 2		
1/23/18 (Tu) [3]	Rhetoric and Argument I - <i>Logos, Ethos, Pathos</i>	Rhetoric: Chs. 1-2, (pp. 1-20) HO: DNA of an Argument (excerpt)
1/25/18 (Th) [4]	Legal Positivism	Philosophy: pp. 29-49
Week 3		
1/30/18 (Tu) [5]	Debate I <i>Is international law “law”?</i>	TBD
2/1/18 (Th) [6]	Rhetoric and Argument II - Syllogisms	HO: Thinking Like a Lawyer