

JURISPRUDENCE – SUMMER 2020 COURSE INFORMATION AND SYLLABUS

Professor
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Class Meeting Times: Tuesday, Thursday 6:15-9 pm (Meet via Zoom)

Key Links

Class TWEN page: <https://tinyurl.com/yargjtrx>

Class Zoom link: <https://ubalt.zoom.us/j/96836132286> [password required]

Panopto link: <https://tinyurl.com/yaor97yz>

Virtual Office Hours: Tuesday, Thursday 4-5pm

Zoom link: <https://ubalt.zoom.us/my/colinstarger>

Also, I am also very happy to make appointments via email to chat at other times.

Required “Texts”

- Chaïm Perelman, *The Realm of Rhetoric* (William Kluback trans., 1982).
- Larry Solum, Legal Theory Lexicon Entries – Network Map of All Entries Available at http://home.ubalt.edu/id86mp66/legal_lexicon_network.html
- Additional Materials Posted on TWEN

GOALS AND LEARNING OUTCOMES

This course introduces students to the philosophy of law and provides a special focus on rhetoric and argument. During the semester, we will consider abstract questions about the nature of law and engage in concrete debates about contemporary jurisprudential issues. 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 premise, minor premises and backings 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.

METHODS OF ASSESSMENT

The final grade will be based on the following: Participation (5%); Debates (15%); Midterm (20%); Final (60%).

SYLLABUS

Please find below the topics, reading, and viewing assignments for the course. Note that you will ordinarily need to watch a recorded lecture and then be prepared to answer study questions in our live class. Debates will ordinarily occur on Thursdays. For readings, please note that **Rhetoric** refers to the Perelman text, **Theory** refers to an entry in the Legal Theory Lexicon, and **HO** means that at Handout will be made available on TWEN.

	Topics	Reading + Viewing
Class 1		
6/9/20 (Tu)	What is law? Natural Law	Class_01_Lecture Theory: Entry 65 – The Nature of Law HO: Declaration of Independence
Class 2		
6/11/20 (Th)	The Rule of Law Introduction to Perelman	Class_02_Lecture Rhetoric: Intro (vii-xiv only), Ch 1 Theory: Entry 17 – The Rule of Law HO: Rule of Law – Flynn Debate
Class 3		
6/16/20 (Tu)	Logos, Ethos, Pathos Formalism/Instrumentalism	Class_03_Lecture Rhetoric: Ch. 2 Theory: Entry 43- Formalism HO: <i>DeShaney v. Winnebago County</i>
Class 4		
6/18/20 (Th)	Argument Syllogisms <i>Debate I</i>	Class_04_Lecture HO: Logic for Law Students (p. 100-111, 120-121) HO: Debate Rules + Topics
Class 5		
6/23/20 (Tu)	Utilitarianism Privacy and Technology	Class_05_Lecture Theory: Entry 8 - Utilitarianism HO: <i>Olmstead v. United States</i> HO: <i>Maryland v. King</i>
Class 6		
6/25/20 (Th)	Justice <i>Debate II</i>	Class_06_Lecture Theory: Entry 18 - Justice Rhetoric: pp. 64-70 HO: Justice Figure Info, Political Cartoons HO: Debate topics

	Topic	Reading
Class 7		
6/30/20 (Tu)	Equality Argument Presence	Class_07_Lecture Rhetoric: Chs. 3-4 HO: MLK, “I Have a Dream” HO: <i>Griffin v. Illinois</i> HO: <i>Bradwell v. State</i>
Class 8		
7/2/20 (Th)	Integrity, Fit, Justification Equality v. Justice	Class_08_Lecture Theory: Entry 32 – Fit and Justification HO: <i>McCleskey v. Kemp</i>
Midterm Distributed		
Class 9		
7/7/20 (Tu)	Metaphor Sexual Privacy	Class_09_Lecture Theory: Entry 59 – Law is a Seamless Web HO: New Wine in Old Wineskins HO: <i>Griswold v. Connecticut</i>
Class 10		
7/9/20 (Th)	Example, Model, Analogy <i>Debate III</i>	Class_10_Lecture Rhetoric: Chs. 9-10 HO: Debate Topics
Class 11		
7/14/20 (Tu)	Stare Decisis	Class_11_Lecture Theory: Entry 5 - Holdings HO: <i>Burnet v. Coronado Oil</i> HO: <i>Payne v. Tennessee</i>
Class 12		
7/16/20 (Th)	Structure of Rights <i>Debate IV</i>	Class_12_Lecture Theory: Entry 34 - Hohfeld HO: Debate Topics
Class 13		
7/21/20 (Tu)	Right to Free Speech	Class_13_Lecture HO: <i>Snyder v. Phelps</i> HO: <i>Brown v. Entertainment Merchants</i>
Class 14		
7/23/20 (Th)	Realm of Rhetoric <i>Debate V</i>	Class_14_Lecture Rhetoric: Ch. 14 HO: Constitutional Law and Rhetoric HO: Debate Topics

CLASS POLICIES

- 1. Attendance/Zoom** – Regular class attendance is mandatory. Zoom automatically records attendance (including duration). **However, for this to work, you must use your ubalt email and make sure your Zoom account is configured with your real name.** Students who have more than two 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). Please make sure you log on promptly. Of course, I understand technical issues may arise from time to time. With that said, I reserve the right to count as “absent” a student who logs on late repeatedly or without a valid explanation.
- 2. Preparation** – This class relies on everyone arriving fully prepared to participate in the day’s discussion. At the most basic level, this means watching the recorded lecture, completing the assigned reading, and attempting the study questions that I will distribute prior to each class. Study questions seek the guide you through close readings of our assigned texts. 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. **In this Zoom-based environment, I expect students to have their video on whenever possible.** Of course, I understand that life in quarantine sometimes interferes and expect all of us will be tolerant when interruptions and other mishaps occur. When necessary, turning off video is permissible.

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. TWEN + Panopto.** Please regularly monitor the TWEN site for course updates, handouts. Links to Panopto recordings of our live sessions, as well as recorded content, will be available there. You will also be encouraged to post to the TWEN discussion boards.
- 5. Class Cancellation-** If the instructor must cancel a class, notices will be sent to students via email.

- 6. Academic Integrity-** Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/
- 7. Title IX Sexual Misconduct and Nondiscrimination Policy-** The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix> .
- 8. Disability Policy-** If you are a student with a documented disability who requires an academic accommodation, please contact Keri Hickey, Director of Student Support at khickey@ubalt.edu.