

JURISPRUDENCE
Political Science 380
Maybank Room 307
M/W: 3:25 – 4:40
Fall 2022

Instructor: Elizabeth Meny, J.D.
Pronouns: she/her

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Office Hours: M/5pm – 6pm in person; Th/ 5pm – 6pm by phone, Facetime or Zoom;
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I. OBJECTIVES AND STUDENT LEARNING OUTCOMES

This class is designed for upper-level undergraduates and is intended to familiarize them with the historical and theoretical development of the concept of law. It will examine both analytical and normative theories and apply those theories to the fundamental questions of Jurisprudence. Students will examine problems in the field ranging from the general principles on which legal rules are based to an analysis of fundamental concepts and normative theories.

At the conclusion of the course, students will be able to: 1) Identify the major questions in jurisprudence; 2) Critically assess the contributions made by various schools of thought in answering these questions; and, 3) Develop their own insight about legal systems in light of the various theories and issues surrounding them.

Students will take a theoretical approach as they examine the various schools of thought and the historical development of the field of Jurisprudence. The course will address what it means to call something a law; why we have law; what law accomplishes; and what law ought to accomplish. They will use the tools of ontological analysis, metaphysical analysis, logic and epistemology in this examination.

II. PREREQUISITE(S):

Political Science 101 or permission of instructor.

III. REQUIRED TEXTS

Each student must purchase/borrow:

Ratnapala, Suri. 2017. *Jurisprudence, 3rd ed.* Cambridge University Press:
Cambridge, U.K.

There will also be a **number** of additional readings drawn from outside sources. I will post these readings on OAKS or Google Classroom, and will also provide online links where available. Please read all listed material BEFORE the class session unless otherwise stated. When a topic runs over several class sessions, please read the first half of the listed assignments for the first session and the second half for the second session.

IV. EVALUATION

Grades will be based upon a mid-term and a final examination, two written assignments, and class participation. The mid-term will constitute 25% of the final grade; the final will constitute 25%; the written assignments will constitute 15% of the final grade each; class participation will constitute 20%.

Examinations will likely be a combination of objective, short answer, and essay questions. Exams must be taken at the scheduled time unless arrangements have been made with the instructor at least 48 hours prior to the exam. Make-up exams will only be offered once and will be more difficult than the regular test.

I will distribute information about the written assignments at a subsequent date, but please note it will involve application of the theories studied, analysis of particular theories, and/or a comparative analysis of theories as applied to a particular case.

Class participation is highly encouraged, as reflected in its contribution to the final grade. The class participation grade will be based upon how actively you participate in the course. Active participation means that, at a minimum, you come to class having completed the reading(s) assigned for that day. You will be evaluated based upon both the frequency and substance of your involvement in class discussions. There will also be (informal) small group work during certain class sessions. Your performance and contributions in these sessions will also factor into your participation grade.

The grading system is based upon the following scale: 93-100% A; 90-92 A-; 87-89% B+; 83-85% B; 80-82% B-; 77-79%: C+; 73-76% C; 70-72% C-; 67-69% D+; 63-67% D; 60-62% D-; 0-59%: F. Extra credit is not permitted.

I also reserve to right to give random pop quizzes if it appears that students are not reading the material and coming to class well-prepared. If instituted, these quizzes will be factored into your class participation grade.

V. ATTENDANCE AND CLASS BEHAVIOR

Attendance is **required** for all classes; attendance will be taken. Only **documented** illness, family emergency, or institutional permission constitute excused absences. Please let me know of any such absences **in advance** whenever possible; if you will be missing class for a school-related reason (activity, athletics etc.), you **must** let me know at least twenty-four hours before your absence. Any student who has more than two unexcused absences may

be assigned a lower or failing final grade. Students will be assigned one unexcused absence for every two times they are late to class.

The rules of the student code of conduct apply in this class. Appropriate behavior is always required. Students are expected to attend class prepared and on time. Students may not speak while other students or the instructor is speaking. Classroom debate is **highly** encouraged, but students are expected to conduct themselves with decorum and respect.

Laptops and cell phones are prohibited in the classroom, unless otherwise required for completion of an assignment. Please see me if you have questions about this policy or need accommodations.

VI. ACADEMIC INTEGRITY

Lying, cheating, attempted cheating, and plagiarism are violations of our Honor Code that, when identified, are investigated. Each incident will be examined to determine the degree of deception involved.

Incidents where the instructor determines the student's actions are related more to a misunderstanding will be handled by the instructor. A written intervention designed to help prevent the student from repeating the error will be given to the student. The intervention, submitted by form and signed both by the instructor and the student, will be forwarded to the Dean of Students and placed in the student's file.

Cases of suspected academic dishonesty will be reported directly by the instructor and/or others having knowledge of the incident to the Dean of Students. A student found responsible by the Honor Board for academic dishonesty will receive an XXF in the course, indicating failure of the course due to academic dishonesty. This grade will appear on the student's transcript for two years after which the student may petition for the XX to be expunged. The F is permanent. The student may also be placed on disciplinary probation, suspended (temporary removal) or expelled (permanent removal) from the College by the Honor Board.

Students should be aware that unauthorized collaboration--working together without permission-- is a form of cheating. Unless the instructor specifies that students can work together on an assignment, quiz and/or test, no collaboration during the completion of the assignment is permitted. Other forms of cheating include possessing or using an unauthorized study aid (which could include accessing information via a cell phone or computer), copying from others' exams, fabricating data, and giving unauthorized assistance. Research conducted and/or papers written for other classes cannot be used in whole or in part for any assignment in this class without obtaining prior permission from the instructor.

Students can find the complete Honor Code and all related processes in the Student Handbook at <http://studentaffairs.cofc.edu/honor-system/studenthandbook/index>.

VII. STUDENTS WITH DISABILITIES

The College of Charleston policy regarding students with disabilities and reasonable accommodations will apply in this class and accommodations will be provided for those students with documented disabilities. Please speak with me as soon as possible if you need assistance.

VIII. ASSIGNMENTS AND LECTURE TOPICS

Please note that I reserve the right to alter these assignments as necessary. Additional readings will be added. Notice of such changes will be provided in advance and students are expected to alter their reading as necessary.

Also, please be aware the exams and written assignments will be based upon information contained in **both the text and the lectures**. Focusing upon solely the text or the lecture material will be insufficient to perform well in this class.

1. August 24: Introduction

2. August 29, 31, September 5, 7: The History of Natural Law and it's Evolution

Readings:

Ratnapala: Introduction; pp. 1-20; Chapter 6: pp. 141 – 186

Martin Luther King, Jr., "Letter from a Birmingham Jail."

https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html

<https://youtu.be/Di05SvJ8utI>

L.W. King "Code of Hammurabi"

<https://avalon.law.yale.edu/ancient/hamframe.asp>

Lon Fuller's "The Case of the Speluncean Explorers"

<https://pennstatelaw.psu.edu/file/TheCaseOfTheSpelunceanExplorers.pdf>

Ratnapala: Chapter 7: pp. 187 – 203 : John Finnis' restatement of classical natural law

3. September 12, 14: Intro to Legal Positivism

Readings:

Ratnapala: Chapter 2: pp. 23 – 52

4. September 19, 21, 26, 28: Modern Legal Positivism

Readings:

Ratnapala: Chapter 3: pp. 53 – 68; Chapter 4: pp. 69 – 108

5. October 3: Review for Mid-term

6. October 5: Mid-Term Exam

7. October 10: The Separation of Law and Morality

Readings:

Ratapala: Chapter 8: pp. 204 – 228

8. October 12, 17, 19, 24: Law and Society

Readings:

Ratapala: Chapter 9: pp. 231 – 262

9. October 26, 31, November 2, 9: “Radical” Jurisprudence

Readings:

Ratapala: Chapter 10: pp. 263 – 300

10. November 14, 16, 21, 28: Rights and Justice

Readings:

Ratapala: Chapter 13: pp. 263 – 388; Chapter 14: pp. 389 – 434

11. November 30, December 5: Review

12. December 7: Final Exam