

ARIZONA STATE UNIVERSITY EAST/TEMPE CAMPUS

GENERAL STUDIES PROGRAM COURSE PROPOSAL COVER FORM

Courses submitted to the GSC between 2/1 and 4/30 if approved, will be effective the following Spring.

Courses submitted between 5/1 and 1/31 if approved, will be effective the following Fall.

(SUBMISSION VIA ADOBE.PDF FILES IS PREFERRED)

DATE October 28, 2008

1. ACADEMIC UNIT: Sandra Day O'Connor College of Law
2. COURSE PROPOSED: Law 194 Introduction to Law, Philosophy and Politics 3
(prefix) (number) (title) (semester hours)

3. CONTACT PERSON: Name: Tammy Vavra Phone: (480)965-4637

Mail Code: 7906 E-Mail: Tammy.Vavra@asu.edu

4. ELIGIBILITY: New courses must be approved by the Tempe Campus Curriculum Subcommittee and must have a regular course number. For the rules governing approval of omnibus courses, contact the General Studies Program Office at 965-0739.

5. AREA(S) PROPOSED COURSE WILL SERVE. A single course may be proposed for more than one core or awareness area. A course may satisfy a core area requirement and more than one awareness area requirements concurrently, but may not satisfy requirements in two core areas simultaneously, even if approved for those areas. With departmental consent, an approved General Studies course may be counted toward both the General Studies requirement and the major program of study.

Core Areas

Awareness Areas

- Literacy and Critical Inquiry-L
Mathematical Studies-MA CS
Humanities, Fine Arts and Design-HU
Social and Behavioral Sciences-SB
Natural Sciences-SQ SG

- Global Awareness-G
Historical Awareness-H
Cultural Diversity in the United States-C

(Note: one course per form)

6. DOCUMENTATION REQUIRED.
(1) Course Description
(2) Course Syllabus
(3) Criteria Checklist for the area
(4) Table of Contents from the textbook used, if available

7. In the space provided below (or on a separate sheet), please also provide a description of how the course meets the specific criteria in the area for which the course is being proposed.

CROSS-LISTED COURSES: [X] No [] Yes; Please identify courses:

Is this a multisection course?: [X] No [] Yes; Is it governed by a common syllabus?

Paul Schiff Berman, Dean Chair/Director (Print or Type)

Arizona State University Criteria Checklist for
HUMANITIES, FINE ARTS AND DESIGN [HU]

Rationale and Objectives

The humanities disciplines are concerned with questions of human existence and meaning, the nature of thinking and knowing, with moral and aesthetic experience. The humanities develop values of all kinds by making the human mind more supple, critical, and expansive. They are concerned with the study of the textual and artistic traditions of diverse cultures, including traditions in literature, philosophy, religion, ethics, history, and aesthetics. In sum, these disciplines explore the range of human thought and its application to the past and present human environment. They deepen awareness of the diversity of the human heritage and its traditions and histories and they may also promote the application of this knowledge to contemporary societies.

The study of the arts and design, like the humanities, deepens the student's awareness of the diversity of human societies and cultures. The fine arts have as their primary purpose the creation and study of objects, installations, performances and other means of expressing or conveying aesthetic concepts and ideas. Design study concerns itself with material objects, images and spaces, their historical development, and their significance in society and culture. Disciplines in the fine arts and design employ modes of thought and communication that are often nonverbal, which means that courses in these areas tend to focus on objects, images, and structures and/or on the practical techniques and historical development of artistic and design traditions. The past and present accomplishments of artists and designers help form the student's ability to perceive aesthetic qualities of art work and design.

The Humanities, Fine Arts and Design are an important part of the General Studies Program, for they provide an opportunity for students to study intellectual and imaginative traditions and to observe and/or learn the production of art work and design. The knowledge acquired in courses fulfilling the Humanities, Fine Arts and Design requirement may encourage students to investigate their own personal philosophies or beliefs and to understand better their own social experience. In sum, the Humanities, Fine Arts and Design core area enables students to broaden and deepen their consideration of the variety of human experience.

Revised October 2008

Proposer: Please complete the following section and attach appropriate documentation.

ASU - [HU] CRITERIA			
HUMANITIES, FINE ARTS AND DESIGN [HU] courses must meet <i>either</i> 1, 2, or 3 <i>and</i> at least one of the criteria under 4 in such a way as to make the satisfaction of these criteria A CENTRAL AND SUBSTANTIAL PORTION of the course content.			
YES	NO		Identify Documentation Submitted
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Emphasize the study of values, of the development of philosophies, religions, ethics or belief systems, and/or aesthetic experience.	See attached syllabus
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Concerns the comprehension and interpretation/analysis of written, aural, or visual texts, and/or the historical development of textual traditions.	See attached syllabus
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Concerns the comprehension and interpretation/analysis of material objects, images and spaces, and/or their historical development.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. In addition, to qualify for the Humanities, Fine Arts and Design designation a course must meet one or more of the following requirements:	See attached syllabus
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Concerns the development of human thought, including emphasis on the analysis of philosophical and/or religious systems of thought.	See attached syllabus
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Concerns aesthetic systems and values, literary and visual arts.	See attached syllabus
<input type="checkbox"/>	<input checked="" type="checkbox"/>	c. Emphasizes aesthetic experience in the visual and performing arts, including music, dance, theater, and in the applied arts, including architecture and design.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. Deepen awareness of the analysis of literature and the development of literary traditions.	See attached syllabus
		THE FOLLOWING ARE NOT ACCEPTABLE:	
		<ul style="list-style-type: none"> • Courses devoted primarily to developing a skill in the creative or performing arts, including courses that are primarily studio classes in the Herberger College of the Arts and in the College of Design. 	
		<ul style="list-style-type: none"> • Courses devoted primarily to developing skill in the use of a language – <u>However, language courses that emphasize cultural study and the study of literature can be allowed.</u> 	
		<ul style="list-style-type: none"> • Courses which emphasize the acquisition of quantitative or experimental methods. 	
		<ul style="list-style-type: none"> • Courses devoted primarily to teaching skills. 	

Course Prefix	Number	Title	Designation
LAW	194	Introduction to Law, Philosophy and Politics	HU

Explain in detail which student activities correspond to the **specific** designation criteria.
Please use the following organizer to explain how the criteria are being met.

Criteria (from checksheet)	How course meets spirit (contextualize specific examples in next column)	Please provide detailed evidence of how course meets criteria (i.e., where in syllabus)
Criteria 1, 2	Discussion of the development of law, emphasis will be to explore the values that support a fault system and the values that might be used to challenge such a system.	See Part I, II, III, IV, & V of attached syllabus
Criteria 4a and 4d	Provide an opportunity to get students to think about why we feel we are justified in punishing fellow human beings.	See Part I, II, III IV & V of attached syllabus
Criteria 4b	What are Values? A discussion of the first attempt in Western civilization to conduct a philosophical exploration of these questions.	See Part I, II, IV, & V

**LAW 194: INTRODUCTION TO LAW, PHILOSOPHY, AND POLITICS
(3 CREDITS, NO PREREQUISITES)**

**INSTRUCTOR: JEFFRIE MURPHY, REGENTS' PROFESSOR OF LAW,
PHILOSOPHY, AND RELIGIOUS STUDIES**

COURSE DESCRIPTION: This course will familiarize students with some of the basic principles of American law (such as constitutional rights and criminal law doctrines) and will, as its primary emphasis, discuss these principles in the light of the moral and political values in terms of which they might be defended or criticized. Readings will be drawn primarily from moral and political philosophy and from works of imaginative literature that dramatize the value conflicts at the heart of law and its development. Ideal for pre-law students and for all students seeking the kind of understanding of law and its evaluation that all educated citizens should possess.

GENERAL SYLLABUS OUTLINE OF COURSE:

PART I: THE DEVELOPMENT OF LAW, AN EXAMPLE::

The course will open with a discussion of the last two of Sophocles' *Theban Plays* (*Antigone, Oedipus the King, and Oedipus at Colonus*). The two Oedipus plays portray the gradual progression of a society that moves from a system in which people are condemned and punished without any moral fault (intention, for example) to a society (as represented by Oedipus as an old man) that seeks to make fault a central element of punishment. We will discuss a few brief excerpts from current legal cases that illustrate how our current criminal law system is primarily a fault system but that pockets of strict liability (liability without moral fault) still remain. The emphasis of all of these discussions will be to explore the values that support a fault system (e.g., fairness) and the values that might be used to challenge such a system (utility over fairness in some cases). We will note that what we think of as the stable and fair *process* associated with the *rule of law* are not present in either of the Oedipus plays. The lecturer will show how the development of legal process, in a preliminary form, was portrayed in Aeschylus' *Oresteia* trilogy. This will be placed on reserve and recommended (but not required) for interested students. **(This illustrates 1, 2, 4a, 4b, and 4d of HU Criteria)**

PART II: CRIME AND PUNISHMENT:

This section will continue some of the themes opened in Part I but will focus mainly, not on the fairness of the administration of punishment (fault or no fault?) but rather on the practice or institution of punishment itself: What, if anything, justifies punishment? The section will begin with a discussion of what is perhaps the most famous legal case in the history of Anglo-American criminal law: the 19th Century English case *Regina v. Dudley and Stephens*. This is a case of murder and cannibalism on the high seas, and the students will read the full text of the 5 page House of Lords opinion on whether the threat of imminent starvation justifies murder and cannibalism. This will provide a perfect opportunity to get the students to think about why we feel we are justified in punishing

fellow human beings: to deter them from wrongdoing, to give wrongdoers what they deserve, to express shared community values, to reform wrongdoers, or some other reason? Is it possible that we are not justified in punishing? We will discuss these questions of evaluation in the light of readings from Plato, Bentham, Kant, and Marx. We will also draw on the novella *Traps* by Friedrich Durrenmatt—a novel about a man who regards his basic human dignity as being threatened when he is regarded as unworthy of punishment. **(This illustrates 1, 2, 4a, 4b and 4d of HU Criteria)**

PART III: LIBERTY AND THE FREE SOCIETY:

In this section the students will read excerpts from important (and often controversial) US Supreme Court cases on free speech, freedom of religion, and privacy (a concept used to protect certain freedoms). The students will read most of J. S. Mill's *On Liberty* that states in general a utilitarian case for liberty—the claim that freedom must be protected because it produces good social consequences. Opposed to the utilitarian case is the argument that freedom is not simply instrumentally good but is good in itself as a way of respecting human dignity and autonomy. The readings here will be excerpts from essays by contemporary moral and political philosophers John Rawls and Ronald Dworkin. In the light of these readings the lecturer will explore the pros and cons of cases on flag burning, hate speech, abortion, and sexual liberty. The lecturer might even presume to assign his own brief essay “Freedom of Expression and the Arts.” **(This illustrates 1, 2, and 4a of HU Criteria)**

PART IV: CIVIL DISOBEDIENCE AND OBEDIENCE TO LAW: To open this section there will be a discussion of three readings: e. e. cummings' poem “I Sing of Olaf,” Sophocles' play *Antigone* (the first of the three *Theban Plays* noted in Part I) and Herman Melville's novella *Billy Budd—Sailor*. *Antigone* is torn between the duty to obey the law that forbids the burial of her brother, and her religious duty to bury her brother. What should she do? (This play also raises the question “what is law?” Does a mere order from a dictator count as law? If so, does it merit allegiance and obedience?) Captain Vere in the Melville story feels it is his duty to enforce a law that many would regard as evil. Should he? To see what philosophy might contribute to this discussion, Plato's dialogues *Apology* and *Crito* will be discussed—plus excerpts from later writings such as Martin Luther King's “Letter from Birmingham Jail.” **(This illustrates 1, 2, 4a, 4b, and 4d of HU Criteria)**

PART V: WHAT ARE VALUES? Up to this point the course has explored attempts to justify or criticize aspects of law in the light of values that most people in our society probably share. But what is the origin of these values? In what sense, if any, are they objective? Do they depend on religion? The course will close with a discussion of the first attempt in Western civilization to conduct a philosophical exploration of these questions: Plato's dialogue *Euthyphro*. **(This illustrates 1, 2, 4a and possibly—given that Plato is a great writer as well as a great philosopher (he writes philosophy in dialogue form)—4b and 4d as well)**