

**Political Science 790:373:81 Index: 19949**  
**Legal Philosophy, Rights, and Justice**  
**Fall 2020**  
**Tuesdays, 6-8:40**  
**Remote Synchronous on Zoom (via weekly link)**  
**Course Support via Canvas LMS (canvas.rutgers.edu)**

Instructor: Diane Rizzo  
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This course explores the philosophical underpinnings of the legal system and delves into how concepts such as law, rights, and justice form foundational principles of both political theory and U.S. jurisprudence. Throughout the semester we will examine how the assigned texts help us to understand and reflect upon these course themes. We will pursue answers to critical questions such as: What is justice? From where and from what sources do theories of rights and justice emerge? What relationship do concepts like justice and rights have to notions of liberty, equality, and freedom? To how law treats issues of gender, race and sexuality? What goals do legal and political systems aspire to with respect to justice? How do notions of rights and justice shape U.S. political institutions and U.S. social policy? The materials that we will use include theoretical texts, statutes, case law and case studies.

**Required Course Texts: Available at RU Bookstore**

- ❖ Dworkin, Ronald. *Taking Rights Seriously*. Harvard University Press, 1978. ISBN -13 9780674867116
- ❖ Hart, H.L.A. *The Concept of Law, 3rd edition*. Oxford University Press, 2012. ISBN-13: 9780199644704
- ❖ Sandel, Michael J. *Justice: A Reader*. Oxford University Press, 2007. ISBN-13: 978-0195335125

Additional readings will be posted on our course's Canvas site (under the Files and Modules tabs) as noted.

**\*\*\*Important COVID-19 Course Adaptations, Requirements and Information:**

This class will be offered in a remote-synchronous format. We will meet each week during our scheduled timeframe (via Zoom) on Tuesday evenings. Attendance at these sessions is mandatory. Students will receive a link to our class each week. In order to participate in the class, students will need to log in and remain visible for the entire class session. While there will be some asynchronous online course content, weekly class sessions will form the basis of the

course and will include a presentation of course material, group work, participatory assignments, and other learning activities. Failure to log in and participate will count as an absence. Note: If you and your family are facing financial difficulties resulting from Covid-19 or if you are trying to do your semester's work without a computer, Rutgers might be able to help. Please reach out to the following for assistance getting appropriate technology:

- Email: [deanofstudents@echo.rutgers.edu](mailto:deanofstudents@echo.rutgers.edu)
- For other financial aid hardships visit <http://financialaid.rutgers.edu>

### **Political Science Department Learning Goals:**

By the end of the semester, successful students will have:

- A solid foundational understanding of the critical theoretical issues underlying political life: the individual and community; political obligation; stability, revolution, and change; legitimacy and justice; and freedom and power.
- A solid foundational understanding of American political institutions, the principal political, economic, and social influences affecting American democracy, and major issues affecting federal, state, and local government.
- An exposure to the range of questions that social scientists pose and the tools and approaches they use to develop answers.

### **Course-Specific Objectives:**

Additionally, successful students will be able to:

- Identify major theories and contexts of law, philosophy, and politics.
- Explain the political and legal traditions that structure our understanding of rights.
- Develop techniques to analyze philosophical, political, and legal doctrines.
- Draw connections between legal theories and political ideas.
- Demonstrate effective oral and written communication skills.

### **Course Requirements:**

- Attendance

As already mentioned, this is a synchronous-remote class. We will meet each week during our allotted class time. I will take attendance at the beginning of class each evening. Late arrivals will also be documented. Class attendance is mandatory. You may miss two classes without penalty. After two absences, you risk failing the course. Please note that I do not distinguish between “excused” and “unexcused” absences beyond what the University recognizes, so plan on attending each scheduled class meeting. Regardless of your attendance, you will be responsible for missed work. *If you expect to miss one or two classes, please use the University absence reporting website <https://sims.rutgers.edu/ssra/> to indicate the date and reason for your absence. An email is automatically sent to me.*

➤ Exams

Students will complete one midterm exam. The exam will consist of an assortment of short answers and essay questions. The exam must be taken on the assigned date and time (listed below) and cannot be made up without documentation of an emergency from a dean.

➤ Paper Assignments

Students will complete three essays during the semester -- two "short" essays (2-3 pages each) and one longer research-based essay (approx. 8-10 pages). Short essays will require students to analyze and synthesize ideas from the assigned texts. The research paper will provide some flexibility so that students can pursue topics of individual interest related to the course themes. Students are expected to follow the conventions of formal essays for all written work. Papers turned in after the due date will receive a half letter grade reduction for each missed day.

➤ Quizzes

Surprise quizzes *may* be administered periodically to make sure that all students are keeping up with the assigned readings. The format of in-class quizzes may include short answers and/or multiple-choice questions. Quizzes will be given at the beginning of class and cannot be made up.

➤ Discussion Board Posts

Posts will be required of all students on a bi-weekly basis. These informal writings of approx 200 words will ask you to reflect on an issue or question raised by the assigned readings. You will be directed to respond to one another as well as to substantive questions posted by me. Students will not receive credit for material posted after the due date.

➤ Class Participation

Meaningful class participation is expected of all students. To participate in a productive way, you should attend our sessions with all of the assigned readings completed in advance of class and should be ready to discuss them with others; you should have developed questions and observations of your own about specific points and issues within them; and you should be prepared to direct us to portions of the texts that are especially important to understanding the readings' arguments and issues.

➤ Presentation

Each student will participate in a class presentation. Depending on the size of the class, these will either be individual presentations or team projects. I will give you choices at the middle of the term about the topics available for you to select for this assignment. Your presentations will be delivered via Zoom.

➤ Technological Devices

Since this class will be offered remotely, you are expected to be comfortable using computers and online learning platforms. Students will need to be visible during our class sessions and have access to both Zoom and a reliable internet connection. To ensure that all students are in

a position to make productive contributions to our class discussions, please refrain from other online activities during class time.

➤ Online Etiquette

Please use common sense and refrain from behaviors that might distract others from learning. You are expected to comport yourself in accordance with the university's anti-harassment and anti-discrimination policies.

**Grading:**

Midterm:	25%
Short (2-3 pages) essays (2@ 10% each):	20%
Essay 3 (8-10 pages):	25%
Class participation and class activities:	10%
Presentation:	10%
Discussion Posts:	10%

**Grade Points:**

A	=	90-100
B+	=	86-89
B	=	80-85
C+	=	76-79
C	=	70-75
D	=	64-69
F	=	64 and below

**Student Resources and Wellness Services:**

**\*\*Covid-19 restrictions might impede physical access to some of the services and locations listed below. Check with providers for further information.**

**Academic Integrity**

You will be held to the Rutgers Policy on Academic Integrity, which can be found online at <http://academicintegrity.rutgers.edu/academic-integrity-policy/> If you have any questions regarding plagiarism or related topics, please ask. Cheating, fabrication, facilitating academic dishonesty or plagiarism will be reported. Depending on the individual case, you might fail the assignment or the class, be required to take an ethics seminar, be placed on disciplinary probation, or be suspended from Rutgers for a semester or more.

**Disability Services**

**(848) 445-6800 / Lucy Stone Hall, Suite A145, Livingston Campus, 54 Joyce Kilmer Avenue, Piscataway, NJ 08854 / <https://ods.rutgers.edu/>**

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a

disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation: <https://ods.rutgers.edu/students/documentation-guidelines>. If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>.

### **[Just In Case Web App](http://codu.co/cee05e)**

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Access helpful mental health information and resources for yourself or a friend in a mental health crisis on your smartphone or tablet and easily contact CAPS or RUPD.

### **Counseling, ADAP & Psychiatric Services (CAPS)**

**(848) 932-7884 / 17 Senior Street, New Brunswick, NJ 08901/ [www.rhscaps.rutgers.edu/](http://www.rhscaps.rutgers.edu/)**

CAPS is a University mental health support service that includes counseling, alcohol and other drug assistance, and psychiatric services staffed by a team of professionals within Rutgers Health services to support students' efforts to succeed at Rutgers University. CAPS offers a variety of services that include: individual therapy, group therapy and workshops, crisis intervention, referral to specialists in the community and consultation and collaboration with campus partners.

### **Violence Prevention & Victim Assistance (VPVA)**

**(848) 932-1181 / 3 Bartlett Street, New Brunswick, NJ 08901 / [www.vpva.rutgers.edu/](http://www.vpva.rutgers.edu/)**

The Office for Violence Prevention and Victim Assistance provides confidential crisis intervention, counseling and advocacy for victims of sexual and relationship violence and stalking to students, staff and faculty. To reach staff during office hours when the university is open or to reach an advocate after hours, call **848-932-1181**.

### **Scarlet Listeners**

**(732) 247-5555 / <http://www.scarletlisteners.com/>**

Free and confidential peer counseling and referral hotline, providing a comforting and supportive safe space.

## Class Schedule

Below is the course calendar that we will follow this semester. Keep in mind that it is subject to change depending on the needs of the class and the vicissitudes of online learning. To best meet the educational needs of students, I reserve the right to add or remove materials as necessary. The University academic calendar is available at: <https://nbbregistrar.rutgers.edu/undergrad/f20ugcal.htm>

### Part I: Foundations

#### Week 1: 9/1

##### *Introductions*

Discussion of online course resources and familiarization of protocols for course participation and evaluation. Overview of key course topics, concepts, terms and methodologies.

#### Week 2: 9/15 (9/8 follows a Monday schedule)

##### *Philosophies of Law and Government:*

Hart, pgs. 1-78; Recommended: Rakove, excerpt from *Original Meanings: Politics and Ideas in the Making of the Constitution*, "The Politics of Constitution Making" on Canvas.

#### Week 3: 9/22

##### *Concepts of Law and Justice in Civil Society*

"Queen v. Dudley and Stephens" in Sandel pg. 3; "Justice and Morality" in Hart, pgs. 155-212; "Hard Cases" in Dworkin, pgs. 81-130.

#### Week 4: 9/29

##### *The Social Contract and the Aims of Justice*

Locke, "The Second Treatise of Government" in Sandel, pg. 83; DuBois, Chapter II from *The Souls of Black Folks* @ <http://www.gutenberg.org/files/408/408-h/408-h.htm>; Hobbes, "On the Contractual Origins of Society" on Sakai; Pateman, "Contract, the Individual, and Slavery," pgs. 39-77 on Canvas.

#### Week 5: 10/6

##### *Justice and Rights: Ethical and Moral Dilemmas*

King, "Letter from a Birmingham Jail" (PDF on Canvas); "Taking Rights Seriously" and "Civil Disobedience" in Dworkin, pgs. 184-222. **Short paper 1 due.**

#### Week 6: 10/13:

##### *Notions of Citizenship*

In Hart, "The Foundations of the Legal System," pgs. 100-123; Sonu Bedi, excerpt from *Rejecting Rights* on Canvas.

#### Week 7: 10/20:

*Creating the Just Society*

John Rawls, "A Theory of Justice," in Sandel pgs. 203-226; Dworkin, "Justice and Rights," pgs. 150-183; Rakove, "The Perils of Originalism" on Canvas.

**Week 8: 10/27**

**Midterm**

**Part II: Contemporary Dilemmas**

**Week 9: 11/3**

TBA

**Week 10: 11/10**

*Legal Philosophies of Minority Rights*

Wendy Brown, "Rights and Losses," from *States of Injury*, pgs. 96-134 on Canvas; *U.S. v. Carolene Products Co.* on Canvas. **Short paper 2 due.**

**Week 11: 11/17**

*The Politics of Equality*

Nozick, "Anarchy, State, and Utopia" in Sandel pgs. 226-235; Dworkin, "What Rights do We Have?" pgs. 266-278. Presentation guidelines and research paper 3 assignment distributed.

**Week 12: 11/24**

Group Presentation Preparation

**Week 13: 12/1**

Group Presentations

**Week 14: 12/8**

Group Presentations. Course Wrap-Up. **Paper 3 due.**