

Section 3. Provide a Detailed Reason for the Proposed Change

For the 2018 catalog, USD deleted two PHIL courses meeting SGR #4, PHIL 233 Philosophy and Literature and PHIL 287 Philosophy of Art. PHIL 242: Ethics, Law, and Literature is a new course offering at USD similar in orientation to PHIL 233 Philosophy and Literature, but it is designed to fit into the curriculum of the new Ethics, Law, and Society Degree Specialization. The proposed change would assign PHIL 242 to the list of courses that fulfill SGR #4.

PHIL 242 is like PHIL 233 in that it will increase opportunities for undergraduates to achieve a deeper understanding of human experience through multidisciplinary methods, but it differs in that it was intentionally designed to reinforce themes across sequence of courses especially with the degree option in Ethics, Law, and Society and the Professional Ethics Certificate.

This proposal effectively recoups the opportunity for students exploring intellectual connections across disciplinary lines to qualify for a Gen-Ed by taking PHIL 242 (Ethics, Law, and Literature) as they formerly would have by taking PHIL 233 (Philosophy and Literature).

Section 4. Provide Clear Evidence that the Proposed Modification will Address the Specified Goals and Student Learning Outcomes

GOAL #4: Provide clear evidence that the proposed modification will address the specified goals and student learning outcomes

As a result of taking PHIL 242, students will meet each of the first two Student Learning Outcomes required by SGR #4:

SLO 1. Demonstrate knowledge of the diversity of values, beliefs, and ideas embodied in the human experience

The core goal of the course is to explore the values required to organize a society around the institutions of law and justice. This approach to political life differs from empirical accounts of how societies are structured because the focus is not to describe social forms but to evaluate their costs and benefits. In other words, if an empirical account asks how to describe a social form objectively (as if from the outside, looking in), an evaluative account asks how the social form affects its members subjectively (as if from the inside). The question is “what is it like” to be a member of this kind of group. Do its members have reasons to affirm or reject its institutions? The reason why the course centering on values uses literature or fiction more broadly is that while theoretical accounts adopt an objective, third-personal (outside-in) perspective, it requires a different kind of method to consider the subject, first-personal (inside-out) perspective. Fiction is uniquely suited to explore from the inside what it is like to be a member of a society organized by law and justice. This course highlights that theme by focusing on fiction about the transition from pre-political social forms to legal institutions in various historical contexts, e.g., ancient Greece, medieval Iceland, and modern America. A diversity of values is integral in two related senses (i) diverse values associated with affirming or critiquing social institutions and (ii) diverse historical and cultural contexts in which this debate plays out.

SLO 2. Identify and explain basic concepts of the selected disciplines within the arts and humanities

Because of the multidisciplinary approach of combining questions of law and ethics together with the methodology of fiction and literature, this course is especially well suited for introducing students to the comparative strengths of the humanities and arts. To understand the basic claim that fiction (and art more broadly) plays a crucial role in the formation of social and political life, students have to learn core concepts of aesthetics (e.g., its essential subjective and affective elements) in addition to core concepts of the humanities (e.g., which values make human life worth living). Moreover, students have to learn basic concepts of justice such as moral injury and retribution in order to evaluate responses as different as vengeance, punishment, and forgiveness.

In addition, as a result of taking PHIL 242, students will be able to do the following, any one of which satisfies the remaining requirements of SGR#4:

SLO 3. Identify and explain the contributions of other cultures from the perspective of the selected disciplines within the arts and humanities

A central concern of the course is to evaluate what it is like to live within a society that understands itself as organized around notions of law and justice. A crucial technique for getting critical distance from our own familiar values is to inhabit imaginatively lives structured in other ways. Thus a major theme of the class is to examine stories told about the transitions out of pre-political forms into societies organized around legal and moral norms. This theme requires cross-cultural and cross-historical perspectives in order to compare and contrast the cultural reflection of this transition in the literature of ancient Greece, medieval Iceland, and post-bellum United States. Using fiction, the course identifies other cultures both beyond the historical and geographical borders of the United States and within them.

SLO 4. Demonstrate creative and aesthetic understanding

This class requires students to appreciate what aesthetic form in particular can provide that a theoretical or scientific form does not. For example, legal theory and history can inform a student on what the law says or how an institution is structured, both of which are proper and fitting questions. They are, however, different in kind from another type of question: *why* should *I* follow the law? That latter question is an irreducibly first-personal matter. Aesthetic understanding is essential because the narrative form of fiction and literature requires a reader to inhabit a first-personal perspective on the events in the plot. Likewise a legal or juridical investigation can define what rules and norms members of a given community follow. But that is a different kind of question from who should count as a member of that community to being with. For the latter question, aesthetic understanding is again essential because of the way the plurality of perspectives inherent to drama affords intellectual resources to contest and compare competing claims. In short, a central premise of this course is that students need the resources of aesthetic understanding in order to evaluate social and political institutions.

SLO 5. Explain and interpret formal and stylistic elements of the literary or fine arts

A central premise of the course is that stylistic elements of fiction are not incidental to an examination of the values of law and justice. For instance, a value such as retribution may appear attractive when stated in theoretical form but may show limits and costs when cast in a narrative form as one witnesses how punishments play out in practice. Likewise, one and the

same value may appear consistent and complete when presented from the first-personal view of an implied narrator but may appear inconsistent and incomplete when presented in the context of a multi-character dialogue or play. The value attributed to various ethical and legal concepts cannot be separated from the literary form in which it is presented.

Student Learning Outcomes: As a result of taking courses meeting this goals, students will:

1. Demonstrate knowledge of the diversity of values, beliefs, and ideas embodied in the human experience	<i>Daily reading quizzes, class participation, and three tests.</i>
2. Identify and explain basic concepts of the selected disciplines within the arts and humanities.	<i>Daily reading quizzes, class participation, and three tests.</i>

In addition, as a result of taking courses meeting this goal, students will be able to do at least one of the following:

3. Identify and explain the contributions of other cultures from the perspective of the selected disciplines with the arts and humanities.	<i>Daily reading quizzes, class participation, and three tests.</i>
4. Demonstrate creative and aesthetic understanding.	<i>Daily reading quizzes, class participation, and three tests.</i>
5. Explain and interpret formal and stylistic elements of the literary or fine arts.	<i>Daily reading quizzes, class participation, and three tests.</i>

Section 5. Provide a Copy of all Course Syllabi and Other Supporting Documentation

See attached.

Ethics, Law, and Literature

PHIL 242
 Fall 2017
 Tuesday-Thursday
 9:30-10:45
 Delzell #212

Instructor: Joe Tinguely
 Office: East Hall #304
 Office phone: 605-677-5218
 email: joseph.tinguely@usd.edu
 Office Hours: Tue/Thrs 3:30-4:30

Course Description:

This course is a philosophical investigation into the origins and limitations of a law-abiding society. Great works of classical literature and contemporary film are used to explore themes of vengeance, the foundations of law, privacy, forgiveness, and violence. This introductory level class is designed to invite a conversation between students interested in law, literature, political theory, social psychology, and ethics who are coming to philosophy for the first time.

Course Materials:

<u>Books (Required):</u> (available at bookstore)	<u>Electronic Files:</u> (posted to d2l)	<u>Video:</u> (on reserve at library)
<ul style="list-style-type: none"> • <i>Hollywood Westers and American Myth</i> Robert Pippin • <i>The Merchant of Venice</i> (Pelican Edition) William Shakespeare • <i>The Children Act</i> Ian McEwan 	<ul style="list-style-type: none"> • “A Spark Neglected...” Tolstoy • “An Odor of Verbena”, Faulkner • <i>The Story of Sam</i>, Sundman • “Runaway”, Alice Munro <p style="text-align: center;">Supplemental/Recommended</p>	<ul style="list-style-type: none"> • <i>Red River</i> • <i>The Man Who Shot Liberty Valence</i> • <i>The Searchers</i> • <i>The Forgotten Pistolero</i> • <i>Iphigenia</i> • <i>Brother’s Keeper</i>
<p>The following items are <i>required reading</i>. It is recommended that you purchase hard copies, available at the bookstore. However, free electronic versions are posted to d2l.</p>		<p>There are links to the following audiobooks posted to d2l.</p>
<p style="text-align: center;"><u>Books (Recommended)</u></p> <ul style="list-style-type: none"> • <i>The Oresteia</i> (Penguin edition) ← → <i>The Oresteia</i> = Eumenides Aeschylus, Fagles translation • <i>Three Theban Plays</i> (Penguin edition) ← → <i>Three Theban Plays</i> =Antigone Sophocles, Fagles translation • <i>Billy Budd</i> (Enriched Classics Series), Herman Melville ← → <i>Billy Budd</i> (Electronic Classics), Herman Melville 	<p style="text-align: center;"><u>Audio files or links</u></p> <ul style="list-style-type: none"> • <i>The Oresteia</i> = Eumenides Aeschylus, Moreshead translation • <i>Three Theban Plays</i> =Antigone Sophocles, Storr translation • <i>Billy Budd</i>, Herman Melville 	

All required books are on order at the USD bookstore, but relatively cheap and easily attainable copies can also be found online. (Double-check with me to make sure you are getting the right editions.)

Be sure to bring the assigned text to class each day.

Class Format

The format of this class is seminar-style which means that we read books and watch films before class and we talk about them as a group during class.

Daily Assignments

A calendar of assignments corresponding to each class day is listed at the end of syllabus and posted to d2l. The assignments listed for any given class period are to be completed *prior* to the class meeting.

Daily Quizzes

For all classes for which a story or film is assigned, class begins at the top of the hour with a short, 5 pt. quiz over the assigned material. Since quizzes occur prior to class discussion, they are not meant to test your comprehension or philosophical acumen but rather to gauge your participation and preparation. The questions are designed so that if you did the assignment you couldn't possibly get them wrong, but if you did not do the assignment you couldn't possibly get them right.

“Tough Love” on the daily quizzes.

Tough: The grades on these quizzes are meant to reflect your having come to class prepared and on times. For that reason quizzes **cannot be made up if a student is late or has an unexcused absence.**

Love: You may use your “Answer Drafts” (see below) as notes on the quizzes. Also, there are 6 questions on each quiz but they are graded out of 5 points, which means you can get one wrong each time and still get 100%. So there is no need to stress or obsess over any one question. You can get one or two wrong every now and then and you'll still be just fine. Three or four wrong on a regular basis, and you'll find yourself in trouble. Simply do the assignment prior to class, and you'll do well. (You cannot exceed 100% on any given quiz.)

In addition, there are a total of 22 quizzes of 5 points each (for a total of 110 points) but the total score is calculated out of 100. That means, in effect, you can get 1 or 2 wrong on every single quiz and still get 100% or, alternatively, you can have two unexcused absences and still end up with 100%. You cannot, however, have two unexcused absences and get two wrong on every quiz and still end up with 100%

Class Notes

There is a document posted to d2l titled “Ethics, Law, and Literature Class Notes”. Corresponding to each day's assignment there is short discussion (about 1500-2000 words) which aims to establish the context and draw your attention to the themes most important to our class. While these notes in no imaginable scenario replace the readings, they should augment them by giving you some guidance through what can sometimes be difficult texts. It is **highly recommended** you read these notes before each class for at least two reasons.

1. They will prepare you for class discussion and largely replace the need for lecture
2. They list which questions on the exam correspond to that day's reading

Daily Exam Questions / Answer Drafts

For each day the “Class Notes” include one or more questions which will be on the exam. Students may prepare up to a one page (front and back) draft answer to any exam question **listed for that specific day only** to be handed in **at the beginning of class only** that answer. Those “Answer Drafts” will be returned to students **at the time of the exam only** and can be used during the exam as notes. The exams are otherwise closed-note and closed-book.

* After handing in your daily “Answer Draft” at the beginning of any given class, you will not have access to them until the time of the exam. It is therefore highly recommended that you save your own copy of your responses to use as notes and study aids. It is also recommended that you treat them as drafts rather than your final, considered answer. You will likely want to change, modify, or develop your responses in light of class discussion and further assignments.

* The submitted “Answer Drafts” must be each student’s own individual work (i.e., no collaboration or sharing).

Exams

There are three essay exams, one at the end of each unit of the course. The exams are posted within the “Class Notes” and are posted separately to d2l. The exams are closed-note and closed-book *except* for the “Answer Drafts”.

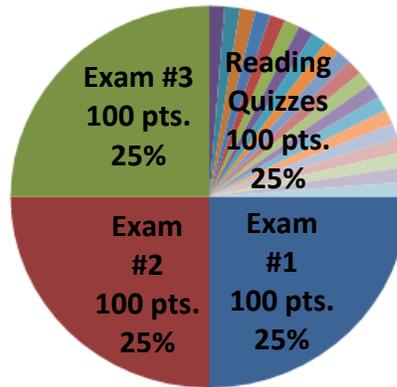
Evaluation

A running tally of the current grade posted within the grade page of d2l.

Graded Assignments

Daily Reading Quizzes	100 pts
Exam #1	100 pts
Exam #2	100 pts
Exam #3	100 pts
Total	400 pts

Weighting of Assignments



Final Grade Scale

Points	Percent	Grade
400 - 360	100 - 90	A
359 - 320	89 - 80	B
319 - 280	79 - 70	C
279 - 240	69 - 60	D
239 - 0	59 - 0	F

* There are 22 quizzes of 6 questions worth 5 points each. There is a max score of 5 points on each quiz. There is a max score of 100 points total on the quizzes combined. *(The scoring on the last four items on d2l gets a little unusual in order to make the math work out.)*

Attendance and Participation

It is expected that you attend and participate in each class, having done the assignment ahead of time. The daily quizzes are the primary mechanism for measuring and rewarding attendance and preparation. In addition to losing points on missed quizzes, the following attendance policies are in effect:

Chronic Absentee Policy

1. Any more than 4 unexcused absences results in the automatic reduction of one letter grade from the semester total.
2. Any more than 7 unexcused absences results in the automatic reduction of two letter grades from the semester total.
3. 10 or more unexcused absences causes student to be automatically dropped from the course.

Holiday or Long Weekend Attendance Policy

There is an additional 5 point deduction for absences on class periods adjacent to a holiday or other class break.

Class Evaluation and the IDEA surveys:

In terms of the rubric established by the IDEA surveys, the following objectives are:

Essential:

- Developing ethical reasoning and ethical decision making
- Learning to *analyze* and *critically evaluate* ideas, arguments, and points of view

Important:

- Gaining a broader understanding and appreciation of intellectual/cultural activity (music, science, **literature**, etc.)
- Learning to apply knowledge and skills to benefit others or serve the public good

(1) Academic Integrity

The College of Arts and Sciences considers plagiarism, cheating, and other forms of academic dishonesty inimical to the objectives of higher education. The College supports the imposition of penalties on students who engage in academic dishonesty, as defined in the “Conduct” section of the University of South Dakota Student Handbook.

No credit can be given for a dishonest assignment. A student found to have engaged in any form of academic dishonesty may, at the discretion of the instructor, be:

- a. Given a zero for that assignment.
- b. Allowed to rewrite and resubmit the assignment for credit.
- c. Assigned a reduced grade for the course.
- d. Dropped from the course.
- e. Failed in the course.

(2) Freedom in Learning

Under Board of Regents and University policy student academic performance may be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled. Students who believe that an academic evaluation reflects prejudiced or capricious consideration of student opinions or conduct unrelated to academic standards should contact the dean of the college or school that offers the class to initiate a review of the evaluation.

(3) Disability Accommodation

Any student who feels s/he may need academic accommodations or access accommodations based on the impact of a documented disability should contact and register with Disability Services during the first week of class or as soon as possible after the diagnosis of a disability. Disability Services is the official office to assist students through the process of disability verification and coordination of appropriate and reasonable accommodations. Students

currently registered with Disability Services must obtain a new accommodation memo each semester.

Please note: if your home institution is not the University of South Dakota but one of the other South Dakota Board of Regents institutions (e.g., SDSU, SDSMT, BHSU, NSU, DSU), you should work with the disability services coordinator at your home institution.

Ernetta L. Fox, Director
Disability Services, Room 119 Service Center
(605) 677-6389
Web Site: www.usd.edu/ds
E-mail: disabilityservices@usd.edu

(5) Diversity and Inclusive Excellence

The University of South Dakota strives to foster a globally inclusive learning environment where opportunities are provided for diversity to be recognized and respected.

1. Class Overview: Ethics, Law, and Literature

Tuesday, August 22

Unit 1: Origins of Law and Foundation Myths

2. Literature and Law (how can fiction help us understand law?)

Thursday, August 24 Assignment: *Read*

Pippin, *Hollywood Westerns*: Chapter 1 “Introduction” and Chapter 5 “Conclusion”

3. *Red River* (day 1)

Tuesday, August 29 Assignment: *Watch*

Red River (on reserve in library and rentable on itunes)

4. *Red River* (day 2)

Thursday, August 31 Assignment: *Read*

Pippin, *Hollywood Westerns*, Chapter 2: “*Red River and the Right to Rule*”

5. *Liberty Valence* (day 1)

Tuesday, September 5

Assignment: *Watch*

The Man Who Shot Liberty Valence (on reserve in library and rentable on itunes)

6. *Liberty Valence* (day 2)

Thursday, September 7 Assignment: *Read*

Pippin, *Hollywood Westerns*, Chapter 3: “Who Cares Who Shot Liberty Valence”

7. *Searchers* (day 1)

Tuesday, September 12 Assignment: *Watch*

The Searchers (on reserve in library and rentable on itunes)

8. *Searchers* (day 2)

Thursday, September 14 Assignment: *Read*

Pippin, *Hollywood Westerns*, Chapter 4: “Politics and Self-Knowledge in *The Searchers*”

9. In Class Exam #1

Tuesday, September 19

Unit 2: Revenge, Punishment, and Forgiveness

10. *The Forgotten Pistolero*

Thursday, September 21 Assignment: Watch

The Forgotten Pistolero (on reserve in library, rentable on Amazon.com)

Optional: “The Logic of Revenge” *Law and Literature* pp 75-86 (posted to d2l)

11. *Eumenides*

Tuesday, September 26 Assignment: Read

Aeschylus, *Eumenides*

Penguin Edition, Fagles translation (“recommended” at bookstore)

□ *Eumenides* by Aeschylus (trans. Moershead) <posted to d2l>

Optional: “Revenge Literature” *Law and Literature* pp 86-92 (posted to d2l)

12. “A Spark Neglected Burns the House”

Thursday, September 28 Assignment: Read

Leo Tolstoy, “A Spark Neglected Burns the House” (posted to d2l)

Optional: Posner, *Law and Literature* pp 107-114 (posted to d2l)

13. “An Odor of Verbena”

Tuesday, October 3 Assignment: Read

Faulkner, “An Odor of Verbena” (posted to d2l)

Optional: Posner, *Law and Literature* pp 114-5 (posted to d2l)

14. *The Merchant of Venice* (day 1)

Thursday, October 5 Assignment: Read

Shakespeare, *The Merchant of Venice*, Acts I-II (begin Act III)

Optional: Posner, *Law and Literature* pp 137-150 (posted to d2l)

15. *The Merchant of Venice* (day 2)

Tuesday, October 10 Assignment: Read

Shakespeare, *The Merchant of Venice*, finish Act III + Acts IV-V

Optional: Posner, *Law and Literature* pp 137-50 (posted to d2l)

16. *Billy Budd* (day 1)

Thursday, October 12 Assignment: Read

Melville, *Billy Budd*, Chapters 1-16

Enriched Classics Series (“recommended” at bookstore)

□ *Billy Budd* (Electronic Classics) <posted to d2l>

Optional: Posner, *Law and Literature* pp 211-22 (posted to d2l)

17. *Billy Budd* (day 2)

Tuesday, October 17 Assignment: Read

Melville, *Billy Budd*, Chapters 17-end

Enriched Classics Series (“recommended” at bookstore)

□ *Billy Budd* (Electronic Classics) <posted to d2l>

Optional: Posner, *Law and Literature* pp 211-22 (posted to d2l)

18. *The Story of Sam* (day 1)

Thursday, October 19

Assignment: Read

Sundman, *The Story of Sam*, Chapters 1-3 (posted to d2l)

<NB: there are formatting errors that causes a page numbers to be inconsistent>

Optional: Posner, *Law and Literature* pp 82-6 (posted to d2l)

Study Aid: Hrafnkel’s Saga, main characters (posted to d2l)

19. *The Story of Sam* (day 2)

Tuesday, October 24 Assignment: Read

Sundman, *The Story of Sam*, Chapters 4-5 (posted to d2l)

Optional: Posner, *Law and Literature* pp 82-6 (posted to d2l)

20. *The Story of Sam* (day 3)

Thursday, October 26 Assignment: *Read*

Sundman, *The Story of Sam*, Chapters 6-7 (posted to d2l)

Optional: Nietzsche's *GM* II.10 (on mercy) (posted to d2l)

21. *The Story of Sam* (day 4) + Study/Review Day

Tuesday, October 31 Assignment: *Read* (all posted to d2l)

Sundman, *The Story of Sam*, Chapters 8-11

Optional: Kirstin Wong, *Why It's So Hard to Admit You're Wrong*

Optional: Okimoto, et. al., "Refusing to apologize can have psychological benefits"

22. In Class Exam #2

Thursday, November 2

Unit 3: Private and Public

23. *Iphigenia*

Tuesday, November 7 Assignment: *Watch*

Iphigenia (on reserve in library, *not* streaming on Netflix itunes or Amazon)

Optional: *Fragility of Goodness* by Martha Nussbaum pp 33-7

24. *Antigone*

Thursday, November 9 Assignment: *Read*

Sophocles, *Antigone*,

Penguin Edition, Fagles translation ("recommended" at bookstore)

Antigone by Sophocles (trans. Storr) <posted to d2l>

Law & Literature by Richard Posner, pp 133-5

25. *Brother's Keeper*

Tuesday, November 14 Assignment: *Watch*

Brother's Keeper (on reserve in library, streaming on Netflix, and rentable on itunes)

26. *Runaway*

Thursday, November 16 Assignment: *Read*

Munro, "Runaway" <posted to d2l>

27. *The Children Act* (day 1)

Tuesday, November 21 Assignment: *Read*

McEwan, *The Children Act* (pp 3-41) pp 1-70

28. *The Children Act* (day 2)

Tuesday, November 28 Assignment: *Read*

McEwan, *The Children Act* (pp 45-91) 71-150

29. *The Children Act* (day 3)

Thursday, November 30 Assignment: *Read*

McEwan, *The Children Act* (pp 91-133)

30. In Class Exam #3

Tuesday, December 5

"Ethics, Law, and Literature" Exam #3

Finals

FINAL WEEK, Thursday December 7 – Wednesday December 13

There is no final exam and no meeting during finals week.