

Philosophy 50: Law and Society

Spring 2025

Center Hall 214

MWF 9-9:50 AM

Instructor:

Yuan Yuan

Office Hours: Wednesday 11-12, Friday 11-12, and by appointment

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The best way to contact me is by email (I don't check Canvas messenger).

Teaching Assistants:

Faron Ray

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Course Description:

Law is present in almost every aspect of our lives. It requires us to stop at the red light and pay taxes. It empowers us to acquire properties, make binding contracts, form political associations, and vote for our representatives. On what basis does law claim this ubiquitous authority to structure our lives? What principles should inform the content of law? Those are the questions that we will grapple with together in the class. The class is divided into two units, regarding private and public law. By private law, I mean law that governs the interaction of private persons. In the first unit, we will look into the philosophical foundations of and vital doctrines in the prominent branches of private law, including property, contract, and tort law. By public law, I mean law that governs the functioning of the government and the interaction between the government and the people who are subject to its power. In the second unit, we will look into critical principles that constitute the backbone of liberal democracy (especially in the US context). Specifically, we will attend to constitutional law, looking into the justification (or the lack thereof) for democracy, constitutional rights, and juridical review. By the end of the quarter, you will have developed a comprehensive picture of the legal system and acquired academic tools to engage with it critically.

Learning Outcomes:

- To develop a comprehensive understanding of the essential fields of law, including property, contract, tort, and the constitution.
- To practice communication skills for active participation and respectful collective deliberation amid profound disagreements.
- To critically read, discuss, and write about the philosophical scholarship.

Subject to Change Statement:

The syllabus and course schedule may be subject to change. Changes will be communicated via email and in Canvas. It is your responsibility to check email messages and course announcements to stay current in the course.

Course Materials:

- All the assigned readings will be available on the course page in Canvas.

Assignments and Assessment:

- Course performance will be evaluated as follows:
 - An in-class midterm exam, Friday, 5/2, 20 points.
 - A medium-length paper (1200-1500 words), due on Friday, 5/23, 30 points.
 - A final in-class exam, 30 points.
 - Attendance and engaged participation in in-class assignments, 20 points.
 - Regular in-person lecture attendance is mandatory unless you have a good reason to be absent from the lecture. As insurance against missing a lecture (for whatever reason), please arrange (ahead of time) to borrow notes from someone else in the course. I will make time in the first week for you to meet others in the class.
 - I will also post any handouts and slides, but please do not rely on these alone if you miss class as they provide a framework but not all the important details.
 - You will have at least one opportunity in every class period to participate in an assignment for which you can earn credit.
 - In-class assignments will not receive letter grades; instead, full points will be given for good faith participation that shows preparation and effort. Good participation will be determined in part by: (i) active engagement in pair-wise discussions, and (ii) short writing assignments that can take various forms, such as answering a question or sharing your reflections on an issue.
 - There are 27 class sessions that provide opportunities to earn points toward your participation grade (this excludes the first day of class, the midterm, and one holiday). To earn full participation points, you must participate in an engaged way in at least 20 classes after the first day. This means that everyone has 7 free passes, which do not require presenting a documented excuse. For each additional class missed after those free passes, you will lose one point from the 20 points allocated for this portion of the class.
 - Lecture participation norms: During class time, students are expected to be engaged and to participate in discussion when working in smaller groups and to be fully present. This means that you should not be doing anything else (e.g., on your phones or laptops) that will take your focus away from the lecture and discussion. In order to get something valuable from the course, it is crucial to follow the discussion and be actively involved in thinking about it. I also encourage you to participate by asking questions (or making comments) directly related to the course content under discussion.

- Late assignments will not be accepted without a legitimate excuse, provided in advance if at all possible. There will be no ‘make-up’ test. I will grant exemptions only in the case of serious emergencies provided suitable evidence is provided afterwards, and for religious observances provided I am informed beforehand.
- Grading Scale (measured by points):
 - A 94-100
 - A- 90-93
 - B+ 87-89
 - B 84-86
 - B- 80-83
 - C+ 77-79
 - C 74-76
 - C- 70-73
 - D 60-69
 - F Below 60

How to Excel in the Class

- Ahead of time: This is an intro-level class. On average, the reading for each week is about 30-40 pages. I refrain from assigning more volumes with the intention that you should read those dense philosophical texts carefully and potentially more than once. Reading with care ahead of the class at which the readings will be discussed is a key first step. Asking yourself questions as you go and taking notes in the margins will help you to be engaged and increase your understanding. For example, you can ask yourself questions such as the following: “What is the author’s main thesis?” “What reasons does the author provide to support their thesis?” “What position(s) is the author arguing against?” “What is at stake or important about the debate the author is engaged in?” “Are the author’s reasons convincing?” “How would an opponent best respond?” “What conclusion do I think is most plausible?” (Also, rereading and reviewing after class is a great way to solidify your learning.)
- In class: Being engaged during class and group discussion is crucial. Since you generally read one piece for each topic, I provide a lot of background and complementary or contrasting arguments in my lectures. Therefore, you should pay close attention during lectures. Please feel free to raise your hand to ask questions or offer comments while I am lecturing. Moreover, interacting with others in the class—listening to their questions and comments and engaging with them during group discussions—will help you engage with the material more deeply and learn more.
- Outside of class: Attend at least one office hour early in the quarter, just to introduce yourself, have a chat, and get to know what office hours are like. And check in during office hours or by appointment with any questions at all any time! It is important to let us know about any challenges you might be facing and that might create obstacles to your full engagement in the class. Your TAs and I will be very glad to help, and it will help us to do that if we know about your situation at an early stage.

Course Policies on Plagiarism

- Cheating and plagiarism, of any sort, are violations of the Academic Code of Conduct, and will be treated accordingly. Further details about what is required and permitted will be provided on each assignment. If there is a violation, the assignment in question will receive an F, and the matter will be referred to the Office of Academic Integrity. Please refer to the resources at AIO: <https://academicintegrity.ucsd.edu>.

Resources

- Basic Needs: This link takes you to a page with links to help with food security and off-campus housing resources: basicneeds@ucsd.edu, or call 858-246-2632.
- If you find yourself in need of psychological counseling and you do not already have a counselor, please check in with Counseling and Psychological Services (CAPS): <https://wellness.ucsd.edu/CAPS/Pages/default.aspx>

Schedule and Reading Assignments

Week 1 Property: Philosophical Foundation (3/31, 4/2, 4/4)

Jeremy Waldron, "Property Law," in *A Companion to Philosophy of Law and Legal Theory* 9, ed. Dennis Patterson (Blackwell Publishing, 2010) (21 pages)

Week 2 Taking (4/7, 4/9, 4/11)

Hanoch Dagan, "Takings and Distributive Justice," in *Virginia Law Review*, 85 (5), (1999): 741-804. Please read at least Introduction (pp. 742-747), I. (pp. 748-766), and III. Applications (pp. 792-804).

Week 3 Tort: Philosophical Foundation (4/14, 4/16, 4/18)

Arthur Ripstein, *Private Wrongs*, ch.2, "What You Already Have I: Your Body and Property" (Cambridge: Harvard University Press, 2016) (24 pages)

Week 4 Defamation (4/21, 4/23, 4/25)

Arthur Ripstein, *Private Wrongs*, ch.7, "What You Already Have II: Your Own Good Name" (48 pages)
Please read at least pp. 185-205 and pp. 216-232 (except section 5.4, i.e., pp. 219-225), and pay special attention to section 5.5 (Public figures and legal proceedings) and 5.6 (Responsible journalism).

Week 5 Contract: Philosophical Foundation (4/28, 4/30, **5/2 midterm exam**)

Charles Fried, *Contract as Promise* (2d. ed.), ch.2, "Contract as Promise" (Oxford: Oxford University Press 2015) (21 pages)

Week 6 Unconscionability (5/5, 5/7, 5/9)

Seana Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation," *Philosophy & Public Affairs*, 29 (2000): 205-250. (46 pages)

Week 7 The Rule of Law (5/12, 5/14, 5/16)

Jeremy Waldron, "The Concept and the Rule of Law," *Georgia Law Review* 43 (2008): 1–61.

Please read at least Sections I-V (pp. 3-36) and Section IX (pp. 54-61).

Week 8 Constitution I: Civil Liberties (5/19, 5/21, **5/23 Paper due**)

John Rawls, *Political Liberalism*, Lecture VIII, "The Basic Liberties and Their Priority" (New York: Columbia University Press, 2005) (83 pages)

Please read at least sections II-VII (pp. 8-46) and X-XII (pp. 55-79).

Week 9 Constitution II: Democracy (**5/26 no class Memorial Day**, 5/28, 5/30)

David Estlund, "Why Not Epistocracy?" in Naomi Reshotko & Terry Penner, *Desire, Identity, and Existence: Essays in Honor of T. M. Penner*. Kelowna, Canada: Academic Print (2003): 53-69.

Week 10 Constitution III: Judicial Review (6/2, 6/4, 6/6)

Jeremy Waldron, "The Core of the Case Against Judicial Review," *Yale Law Journal*, 115 (2006): 1346–1406. (61 pages)

Week 11 Final exam

6/11/2025, Wednesday, 8:00a-10:59a, Center Hall, room 214.