

In this course, we examine the ethical and political ideals underlying the rule of law, and controversies concerning what the law should be, in a liberal-democratic society. What is value of individual liberty and what justifies the imposition of legal restrictions of individual liberty? Does our ideal of equality justify or reject affirmative action, and the pursuit of diversity in key institutions? Does equality allow the recognition of certain special cultural group rights to protect ethnic and national minorities' ways of life (e.g. native American tribes)? What is the basis for the state's right to punish law-breakers? How do we determine just punishment and is the death penalty for certain crimes morally right? These issues are examined by discussing opposing philosophical points of view and key legal decisions.

Teaching Assistants:

John Lejeune Email: jlejeune@dssmail.ucsd.edu
Josh Shapiro Email: jshapiro@dssmail.ucsd.edu

Required Texts:

- *On Liberty*, J.S. Mill
- *Multicultural Citizenship*, W. Kymlicka
- Fall 2010 Law & Society Cal Copy Reader (CC), collection of articles

These texts are available in the University Bookstore. The collection is available at Cal Copy, which is located on Villa La Jolla Village Drive, one block south of La Jolla Village Drive (behind Mobile gas station, across from El Torito restaurant). The telephone number is (858) 452-9949. See also www.calcopy.net. **Students will need the Cal Copy Fall 2010 Reader to complete papers with appropriate references to this Fall 2010 text.** The syllabus and assignments for this course will be available on WebCT. **In order to avoid issues of plagiarism ALL papers must be submitted to TurnItIn.** To turn in your paper login onto the class WebCT and submit to the TurnItIn link there. After you have uploaded your paper a confirmation page will appear. Print out the confirmation page for your records in case your electronic submission is disputed.

Office Hours: Professor Gerald Doppelt: Muir Campus H&SS 7013; Mondays 1:00pm – 2:30pm
Tel: (858) 534-2933.

Discussion Sections: Each teaching assistant will hold office hours each week for interested students: time and place to be arranged.

Schedule of Readings and Topics:

Week 1 (September 27, 29; October 1): Individual Liberty and the Law—Classical Millian Liberalism

1. *On Liberty*, Mill

Week 2 (October 4, 6, 8): Liberalism vs. Legal Moralism

1. "The Enforcement of Morals," P. Devlin (CC).
2. "The Immorality of Treason," H.L.A. Hart (CC).
3. *Bowers v. Hardwick*, U.S. Supreme Court (CC).

Week 3 (October 11, 13, 15): Conflicts Over the Limits of Liberty and Law: The Case of Recreational Drugs and Hate Speech:

1. "Against the Legalization of Drugs," J.Q. Wilson (CC).
2. "Recreational Drugs and Paternalism," D. Husak (CC).
3. *R.A.V. v. City of St. Paul*, U.S. Supreme Court (CC).
4. "Words Which Wound: Burning Crosses and the R.A.V. Case," Matsuda and Lawrence (CC).

5. "Words Which Wound: A Tort for Racial Insults, Epithets, and Name Calling," Delgado (CC).
6. "Liberalism and Campus Hate Speech: A Philosophical Examination," Altman (CC).

First paper topic handed out Friday October 15th

Week 4 (October 18, 20, 22): Conflicts Of Liberty: The Case of Pornography

1. "Pornography, Civil Rights, and Speech," Mackinnon (CC).
 2. "False Promises: Feminist Anti-Pornography Legislation," Duggan, Hunter, and Vance (CC).
 3. *American Booksellers Association v. Hudnut*, U.S. Court of Appeals 7th Circuit (CC).
- *** Film showing in class TBD

First paper DUE Friday October 22nd

Week 5 (October 25, 27, 29): Equality and Group Rights: Racial Minorities and Affirmative Action

1. "Constitutional Equality and Preferential Treatment," Adams (CC).
2. "Battle Against Bias Waged on Shifting Legal Grounds," Savage (CC).
3. *University of California v. Bakke*, U.S. Supreme Court (CC).
4. "The Justification of Reverse Discrimination in Hiring," Beauchamp (CC).
5. "Reverse Discrimination and Compensatory Justice," Blackstone (cc)
6. "Reverse Discrimination: A Brief Against It," Van Den Haag (CC).
7. "Affirmative Action," Steele (CC).
8. "What People Deserve," Rachels (CC).
9. "Affirmative Action and the Dilemma of the 'Qualified'," Cose (CC).

Midterm Exam study Guide Questions handed out in lecture, Friday, October 29th

Week 6 (November 1, 3, 5): Equal Freedom and the Justification of Group Rights for National, Ethnic, and Religious Minorities

1. *Multicultural Citizenship* (Chapters 1-6), Kymlicka.
2. "Minnesota v. Mille Lacs Band of Chippewa Indians," Krogseng (CC).

Midterm Exam Friday, November 5th

Week 7 (November 8, 10, 12): Kymlicka's Multicultural Citizenship and the Problem of Illiberal Groups

1. "Tribal Courts' Failure to Protect Native American Women: A Reevaluation of the Indian Civil Rights Act," Christofferson (CC).
2. *Wisconsin v. Yoder*, U.S. Supreme Court (CC).
3. "Democratic Autonomy and Religious Freedom," Arneson and Shapiro (CC).
4. "Toleration and Its Limits" (Chapter 8 of *Multicultural Citizenship*, pp. 152-173).

Week 8 (November 15, 17, 19): Illiberal Groups in a Liberal State

1. "The Return of the Repressed," Stoltzenberg (CC).
2. "The Ties That Bind" (Chapter 9 of *Multicultural Citizenship*, pp. 173-192).

Week 9 (November 22, 24, 26): Justice and Punishment: The Death Penalty Debate

1. "In defense of Capital Punishment," Van Den Haag (CC).
2. "The Death Penalty on Trial" Newsweek (CC).
3. "A Matter of Life and Death," Bedau (CC).
4. *Furman v. Georgia*, U.S. Supreme Court (CC).
5. *McClesky v. Kemp*, U.S. Supreme Court (CC).

Second paper topic handed out Friday November 26th

Week 10 (November 29; December 1): Challenges to the Justice of Punishment

1. "Marxism and Retribution," Murphy (CC).
2. "Seductions of Crime," Katz (CC).

Second paper DUE at scheduled exam time.

Course Requirements: Grades for this course will be assigned based on two papers (35% x 2 = 70%) on assigned topics, a midterm exam (25%), and 5% based on attendance and in-class quizzes (no more than 2 absences for the full 5% credit). Papers will be about 6-8 pages in length, and must include 15-16 citations to the assigned texts.

Policy on missed exams and late assignments

- A late paper is marked down one grade and the student must get the consent of her/his TA about when the later paper is handed in, typically within 2-5 days of the original due date.
- Make-up papers must be arranged as soon as possible after illness, injury, or family emergency.
- The policy on make-up follows UCSD policy, since there are strict calendar deadlines established by the University for the submission of grades at the end of a quarter.
- Sudden long-term illness, injury, or family emergency necessitate withdrawal from the course.

Schedule of Assignments:

Week 3:	The first paper topic will be handed out in lecture on Friday, October 15
Week 4:	First paper due at the beginning of class on Friday, October 22
Week 5:	Midterm study guide questions handed out on Friday, October 29
Week 6:	Midterm exam on Friday, November 5
Week 9:	The second paper topic will be handed out in lecture on Friday, November 26
Final:	Second paper due on scheduled final exam time Tuesday, December 7

ACADEMIC INTEGRITY

UCSD has a university-wide Policy on Integrity of Scholarship, published annually in the Catalog (pp. 62-64 for 2002-3), online at <http://registrar.ucsd.edu/records/grdbk3.html>.

All students must read and be familiar with this Policy.

Receipt of this syllabus constitutes an acknowledgment that you are responsible for understanding and acting in accordance with UCSD guidelines on academic integrity.

Academic stealing refers to the theft of exams or exam answers, of papers or take-home exams composed by others, and of research notes, computer files, or data collected by others.

Academic cheating, collusion, and fraud refer to having others do your schoolwork or allowing them to present your work as their own; using unauthorized materials during exams; inventing data or bibliography to support a paper, project, or exam; purchasing tests, answers, or papers from any source whatsoever; submitting (nearly) identical papers to two classes.

Plagiarism refers to the use of another's work without full acknowledgment, whether by suppressing the reference, neglecting to identify direct quotations, paraphrasing closely or at length without citing sources, spuriously identifying quotations or data, or cutting and pasting the work of several (usually unidentified) authors into a single undifferentiated whole.

PLAGERISM POLICY

All papers will be written entirely in the student's own words and no paragraph, sentence or sentence fragment will come from our text or any other sources. Plagiarism will not be tolerated. PAPERS WILL BE SUBMITTED TO TURNITIN TO ENSURE FAIRNESS AND HONESTY. Your paper will include no direct quotations but must include citations indicating where the idea being discussed is located in our text. There will be 10-15 citations per paper. The paper must be based on the class readings. Any plagiarism or academic dishonesty on any paper or exam will result in an 'F' for the whole course and is reported to the UCSD Academic Integrity Office.

