

PHILOSOPHY 50: LAW AND SOCIETY
Winter 2019
Syllabus (draft 1/4/2019)

Professor: Dana Kay Nelkin

Office: HSS 8085

Office hours: Monday 1-2, Wednesday 2-3, and by appointment

Email: dnelkin@ucsd.edu

www.danakaynelkin.com

Course Description: The course will be divided into three topics. The first concerns the ethics, political theory, and legal theory of voting. We will attempt to answer questions such as the following: Is there a duty to vote? Is there a right to vote, and, if so, who has it? What should the voting age be? Are laws requiring voting acceptable? Is it rational to vote? The second concerns the questions of whether there is a duty to obey the law, and whether there are conditions under which it is permissible to disobey it. Finally, we will end the course by addressing an intriguing puzzle about standards of proof (e.g., “beyond a reasonable doubt” and “preponderance of evidence”) in trial law. In each case, we will connect the theoretical questions at hand with current events and cases.

Course Requirements:

- One Short Paper (~3 pages) (20%) Due: January 30
- Midterm (20%): February 20
- Take-home Final, uploaded to Turnitin on the TritonEd site (45%)
- Daily Quizzes by clicker (15%) (Will drop lowest *five*)
- Up to 5% extra credit for participation and class assignments

For general rubrics and expectations, please see the course website.

Please note: Late assignments will not be accepted without a valid excuse and supporting documentation, given in advance if at all possible.

Course Readings: All course readings are available through the class website. Current news stories will be added periodically.

Week 1: Voting Age and the Right to Vote

Tommy Peto, “Why the Voting Age Should Be Lowered to 16”

Nicholas Munn, “Reconciling the Criminal and Participatory Responsibilities of the Youth”

Week 2: Is It Rational to Vote? Is there a Duty to Vote?

Alex Guerrero, “The Paradox of Voting and the Ethics of Political Representation”

Jason Brennan, *The Ethics of Voting* chapters 2 and 3

Week 3: Is there a Duty to Vote (continued)? Should Voting Be Compulsory?

Julia Maskivker, "Being a Good Samaritan Requires You to Vote"

Jason Brennan and Lisa Hill, *Compulsory Voting: For and Against* (excerpts)

Week 4: Compulsory Voting continued; Should There Be Elections for Office-Holders?

Jason Brennan and Lisa Hill, *Compulsory Voting: For and Against* (excerpts)

Alex Guerrero, "Against Elections"

Week 5: Ex-Felons and the Right to Vote; The Ethics of Gerrymandering

Christopher Bennett, "Penal Disenfranchisement"

Sheila Kennedy, "Electoral Integrity: How Gerrymandering Matters"

Justin Levitt, "Intent Is Enough: Invidious Partisanship in Redistricting"

Week 6: The Ethics of Gerrymandering continued; Is There a Duty to Obey the Law?

TBA

Christopher Wellman and A. John Simmons, *Is There a Duty to Obey the Law* (excerpts)

Week 7: Is There a Duty to Obey the Law?

Christopher Wellman and A. John Simmons, *Is There a Duty to Obey the Law* (excerpts)

Richard Arneson, "Paternalism and the Principle of Fairness"

Week 8: Is There a Duty to Obey the Law?

Margaret Gilbert, "Group Membership and Political Obligation"

Jeremy Waldron, "Special Ties and Natural Duties"

Week 9: Civil Disobedience

Martin Luther King, "Letter from Birmingham Jail"

Candace Delmas, "Political Resistance: A Matter of Fairness"

Week 10: A Puzzle: Standards of Proof and Statistical Evidence

Judith Jarvis Thompson, "Liability and Individualized Evidence"

Ho Hock Lai, *A Philosophy of Evidence Law* (excerpts)

Policies:

- If OSD accommodations are needed, please notify me as soon as possible during the first week of class.
- Laptops, phones and other electronic devices may not be used in class **except by permission of the instructor.**
- The Academic Honor Code must be observed in this course.
- If you find yourself needing help with any aspect of the course, or would simply like to explore some ideas further, please don't hesitate to see me in office hours or make an appointment to talk.
- Please note that the policies and reading schedule described above are subject to **minor change.**