Moral Dilemmas in the Law

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Course Summary:
The course concerns the principles and philosophical arguments underlying conflicts and moral dilemmas of central and ongoing concern to society as they arise within legal contexts. We consider questions such as what justifies using state power to punish people for wrongdoing, what kinds of conduct are rightly criminalized, what justifies the Supreme Court's power to strike down Congressional legislation, what justifies the right to private property and its boundaries, what is the right to privacy and why it is important, what are human rights, and what is the morality and law of war. Throughout we will be reading legal cases and philosophical commentaries that engage with the deep issues that the cases pose.

Reading Materials: The textbook for this class is The Routledge Companion to Philosophy of Law (A. Marmor, ed.).

The legal cases and other supplemental reading material are all available here:
http://blogs.cornell.edu/marmor/

Click on the link for Teaching Material and pick the relevant course.

Written Work and Grading:
Grading for the course will be based on 3 papers: two short papers (3-4 pages) during the term and a longer paper (5-7 pages) at the end of term. There will also be some short written assignments during class that will not be graded.

TOPICS & READING MATERIAL

1. The Justification of punishment
Reading: chapter 10, M. Berman, The Justification of Punishment.

The Queen v. Dudley and Stephens
2. The Justification of Paternalism
Reading: chapter 30, D. Husak, Paternalism

*In Re Osborne*

3. Criminal Attempts
Reading: chapter 13, A. Duff, Criminal Attempts

*People v. Rizzo et al*

*People v. Dlugash*

4. Enforcing Morality by Criminal Law
Reading: chapter 31, A. Simester, Enforcing Morality

*Lawrence v. Texas*

*Griswold v. Connecticut*

5. Self Defense

*People v. Goetz*

6. Proximate cause in torts
Reading, chapter 17: B. Zipursky, Proximate Cause in the Law of Torts

*Palsgraf v. Long Island R. Co*

7. The Right to Private Property
Reading: chapter 18, D. Attas, Private Property

*Pierson v. Post*

*Moore v. Regents of California*
8. Constitutional Judicial Review
Reading: chapter 28, J. Waldron, Judicial Review of Legislation

*Lochner v. New York*

9. Discrimination
Reading: chapter 37, K. Lippert-Rasmussen, Discrimination and Equality

*Brown v. Board of Education*

*Grutter v. Bollinger*

10. The Right to Privacy
Reading: chapter 38, J. DeCew, Privacy

Marmor, "What is the Right to Privacy?" (Online)

*Shulman v. Group W Productions*

11. Human Rights
Reading: chapter 23, J. Tasioulas, Human Rights

12. The Morality and Law of War
Reading: chapter 24, S. Lazar, The Morality and Law of War