

Philosophy of Law (PH 340) Fall 2016

Dr. Mecke Nagel

Weds. 4:20-6:50, OM G-10

Office: 138A Old Main, Philosophy Dept.

Hours: W 2-4pm and by appt.

Phone 607-753-2013 or email Mecke.Nagel@cortland.edu

Course Description:

Nature of law with special attention to relation of law to morality. (3 cr hrs) Fulfills: LASR.

Themes

Legal Reasoning

Jurisprudence

International Law and Humanitarian Intervention

Torts and Corrective Justice

Criminal Law

Family Law

Course Requirements:

1. This class is **discussion centered**. This means that everyone is expected to actively listen and speak to the issues before us. Bring questions on the readings to class.
2. **Two (2) Research Papers:** a philosophically argued paper following a guideline and essay prompt from a topic sheet (3 pages, Times New Roman, 1.5 spacing).
3. **A service-learning component:** 4-5 pages, 1.5 spaced, 12pt font Times Roman on a service-learning project (30 hours commitment in the community).
4. You are required to give one **class presentation** on the readings. During the second week of class you'll be asked to sign up for a topic. Your group will prepare a Power Point Presentation on the week's assigned topic and additional background material on the topic, which your group will select. Each speaker will present for 10 minutes and respond to questions from the audience. Submit your group's Power Point by Noon, Tuesday.
5. More than 1 absence will adversely affect your grade. It is important that you come to all class sessions and to keep yourself informed in case you will have to miss a class.

Required Readings:

1. Marty Guggenheim, *What's Wrong with Children's Rights*.
2. Mumia Abu Jamal, *Jailhouse lawyers*
3. May and Brown, *Philosophy of Law: Classic and Contemporary Readings*
4. Chamallas and Wriggins, *The Measure of Injury: Race, Gender, and Tort Law*
5. Serena Mayeri, *Reasoning from Race: Feminism, Law, and the Civil Rights Revolution*
plus: Vine Deloria, *Custer Died for Your Sins*

Evaluation Summary:

2 Research Papers	40 pts
Group presentation:	20 pts
SL project:	30 pts
Participation	10 pts

SUNY Cortland is committed to upholding and maintaining all aspects of the federal Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. If you are student with a disability and wish to request accommodations, please contact the office of Disability Services located in B-40 Van Hoesen Hall or call 753-2066 for an appointment. Any information regarding your disability will remain confidential. Because many accommodations require early planning, requests for accommodations should be made as early as possible. Any requests for accommodations will be reviewed in a timely manner to determine their appropriateness to this setting.

Syllabus:

8/31 Introduction to the Course

9/7 Legal Reasoning

Levi, May, *Lochner v NY* (in May/Brown, Part I)

9/14 Jurisprudence—what is the nature of law?

Hart, Dworkin, Posner, *Riggs v Palmer* (in May/Brown, Part II)

9/21 American Indians and the Law

Guestspeaker Dr. Bill Jones, SUNY Canton (assigned reading: Custer Died for Your Sins)

9/26: required session: Poverty Simulation 2:45 - 5:00 p.m. in Corey Union, Function Room.

9/28 *alternative assignment; meet on SL project*

10/5 Criminal Law

Aja, Kenny, Koskenniemi, Drumbl, May, Jackson (in May/Brown, Part VI)

10/12 Reasoning from Race: Crit Race Theory meets Fem Legal Theory

Intro, Rebirth of Race-Sex Analogies; “Women & Minorities;” Recession, Reaction, Retrenchment (Mayeri)

1st research paper due

10/19 Reasoning from Race

Reasoning from Sex; Lost Intersections; The Late Civil Rights Era, Conclusion, Postscript (Mayeri)

10/26 The Measure of Injury: Race, Gender, and Tort Law

Historical Frames; Intentional Torts; Negligence (Chamallas and Wriggins)

11/2 The Measure of Injury

Causation; Damages; Conclusion (Chamallas and Wriggins)

11/9 Family Law: Children’s Rights’ and Parents’ Rights

A Brief History of Children’s Rights in the US; The Rights of Parents; Getting and Losing Parental Rights: The “Baby Jessica” Case; Who Gets to Be the Parent? The Right to Relationships with Someone Else’s Children; Divorce, Custody, and Visitation (Guggenheim)

11/16 Family Law Children’s Protection and Foster Care; Young Adults’ Rights

Child Protection, Foster Care, and Termination of Parental Rights; Children’s Rights that Serve Adults’ Needs: The Case of Adolescents’ Right to Abortion; How Children’s Rights Impact Family Law and Juvenile Rights (Guggenheim)

2nd research paper due

Thanksgiving Break—no meeting on 11/23

11/30 Prisoner’s Rights and Jailhouse Lawyers: Prisoners defending Prisoners v. the USA

Abu-Jamal, Preface, 1-6 (chapters.)

12/7 Prisoner’s Rights and Jailhouse Lawyers

Abu-Jamal, 7-12, Afterword

SL paper due