

**Philosophy 50: Law and Society**  
**Winter 2024, MWF 11-11:50**  
**Syllabus**

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***Course Description and Topics:*** The course will be divided into three main parts. The first concerns the ethics and legal theory of voting. We will attempt to answer pressing questions such as the following: Is there a right to vote, and, if so, who has it? Are laws requiring voting acceptable? How should political districts be drawn? The first set of topics each lead naturally into more general questions, and we will explore some of these along the way, and also in more depth in the second part of the course, which concerns the questions of whether there is a duty to obey the law, and whether there are conditions under which it is permissible or even required to disobey it. The final part will be on a topic(s) chosen by the class.

Possible Topics for the final weeks (to be decided by a vote of the class):

- Statistical evidence and burdens of proof in legal trials
- Justifications of punishment
- Should there be good Samaritan laws?
- A deeper dive into an issue that comes up in class (we'll keep a list!)

***Course Aims:***

- To learn about and understand the positions and reasoning in a set of readings and course material on central topics in the philosophy of law and legal theory.
- To hone your abilities to articulate, engage in, and assess reasoning in clear and illuminating ways that can be applied well beyond the topics of the course.
- To hone your close reading skills.
- To hone your writing and speaking skills.

***Course Format:*** We will meet in person in a new building, Podemus Hall. Each class will contain a mix of lecture that presents new material and discussion of the issues, as well as other ways for you to be actively engaged (more on which below).

### ***Specific course topics and readings***

All readings are available through the Canvas course web site.

#### **Week 1: The Right to Vote: For Whom?**

January 8: No reading

April 10: Tommy Peto, "Why the Voting Age Should Be Lowered to 16"

January 12: Nicholas Munn, "Reconciling the Criminal and Participatory Responsibilities of the Youth"

#### **Week 2: The Right to Vote: For Whom?**

January 15: Martin Luther King Day (no class)

January 17: Dana Kay Nelkin, "What Should the Voting Age Be?"

January 19: Christopher Bennett, "Penal Disenfranchisement"

#### **Week 3: Is it Rational to Vote? Should Voting Be Legally Required?**

January 22: Alex Guerrero, "The Paradox of Voting and the Ethics of Political Representation"

January 24: Jason Brennan and Lisa Hill, *Compulsory Voting: For and Against* (excerpts)

January 26: Jason Brennan and Lisa Hill, *Compulsory Voting: For and Against* (excerpts)

#### **Week 4: Should There Be Elections for Office-Holders?; The Ethics and Law of Redistricting**

January 29: Alex Guerrero, "Against Elections"

January 31: No new reading

February 2: Rucho vs. Common Cause (excerpts)

#### **Week 5: Is There a Duty to Obey the Law?**

February 5: **In-class midterm**

February 7: Christopher Wellman and A. John Simmons, *Is There a Duty to Obey the Law* (excerpts)

February 9: continued

#### **Week 6: Is There a Duty to Obey the Law?**

February 12: Richard Arneson, "Paternalism and the Principle of Fairness"

February 14: Margaret Gilbert, "Group Membership and Political Obligation"

February 16: Diane Jeske, "Families, Friends, and Special Obligations"

#### **Week 7: Civil Disobedience**

February 19: President's Day (no class)

February 21: Martin Luther King, "Letter from Birmingham Jail"

February 23: Candace Delmas, "Political Resistance: A Matter of Fairness"

#### **Week 8: Civil Disobedience and TBA**

February 25: Ten-Heng Lai, "Political Vandalism As Counter-Speech: A Defense of Defacing and Destroying Tainted Monuments"

February 27: TBA (**paper due**)

March 1: TBA

**Week 9: TBA**

March 4: TBA

March 6: TBA

March 8: TBA

**Week 10: TBA**

March 11: TBA

March 13: TBA

March 15: TBA

***Requirements:***

(1) **1 in-class midterm exam** (February 4) (20%)

A study guide will be provided to help you prepare.

(2) **1 medium length paper** (1200-1500 words) (due, 11 am) (25%)

Topics will be posted at least 10 days before the due date before it is due.

(3) **1 final in-class exam** (March 18, 11:30-2:30) (30%)

A study guide will be posted one week before the exam to help you prepare.

(4) **Attendance and engaged participation in in-class assignments** (25%)

Regular in-person lecture attendance is mandatory, unless you have a good reason to be absent from 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 of 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 group assignments and (ii) short writing assignments that can take different forms, such as answering a few short answer questions or writing down a question you had while doing the reading and making an attempt to answer it.

There are 26 class sessions that provide opportunities to earn points toward your participation grade (this excludes the first day of class, the midterm, and two holidays).

To earn full participation points, you must participate in an engaged way in **21** or more classes after the first day. (This means that everyone has **5 free passes** which **do not require** presenting a documented excuse.) For each additional class missed after the 5 free passes, your grade for this portion of the class will reduce by 1/3 of a letter grade (e.g., from an A to an A-).

- 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 be following the discussion and be actively involved in thinking about it. I also encourage you to participate by asking questions (or make comments) directly related to the course content under discussion.
- All assignments must be completed in order to receive a passing grade in the course.
- Late assignments will not be accepted without a legitimate excuse, provided in advance if at all possible.

### ***How to get the most out of the class and do well:***

1. Ahead of time: 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 re-reading and reviewing after class is a great way to solidify your learning.)
2. In class: Being engaged during class and group discussion is most valuable. Interacting with others in the class will help you engage with the material more deeply and learn more.
3. 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. I’m very glad to help, and it will help me to do that if I 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 detail 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](mailto: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>