

## Bioethics

### Instructor

Larisa Svirsky

Email: [larisasvirsky@brandeis.edu](mailto:larisasvirsky@brandeis.edu)

### Course Description

In this class, we will explore ethical questions that arise in the context of medical research and health care. Some central themes we will consider are autonomy and informed consent, what justice requires in terms of access to health care, and the norms that health care providers should follow with respect to their patients. We will consider these questions through theoretical lenses at times, but our focus will always be on the practical import of the ethical claims we are considering. In support of this, several classes will involve small group discussions of case studies drawn from medical practice and research.

### Course Website

This course will have a website in which I will post the syllabus, course assignments, and any additional readings. All students enrolled in the course should have access to this website already, but if you have any difficulties with this, let me know.

The course website will also have a section labeled Blogs in which you are to complete your responses to course readings, described in my detail below. Additionally, the course website will also have a forum, where you should feel free to post any questions you have about the course reading or class discussions. These forum posts count as a form of participation in the course, and I will reply to them regularly, schedule permitting.

### Assigned Text

*Autonomy and Trust in Bioethics* by Onora O'Neill. All other readings will be posted on the course website.

### Course Requirements:

1) Four writing assignments	40% (10% each)
2) Ten responses to course readings	10% (1% each)
3) Midterm exam	20%
4) Final exam	20%
5) Participation	10%

#### 1) Writing assignments

There are four papers that need to be handed in (in class) during the semester. They must be 2-3 pages (double-spaced, 12 pt font, Times New Roman, 1" margins). Topics will be posted two weeks before the due date.

#### 2) Responses to course readings

In preparation for the class, you will need to post a short response to the readings for that week on Sakai (under 'blog') before 5 pm on day before the class meets, for a total of ten posts. These responses should be short (100-150 words) and include, regarding a passage/chapter of your choice: 1. A question (explained if necessary), 2. A critique (a short paragraph), and 3. Something you liked about the reading (a sentence or two).

### **3 & 4) Midterm and final exams**

The examinations for this course will be a combination of multiple choice and short essays. These exams will primarily test your ability to understand and write clearly about the works that we have studied. The final exam will be cumulative.

### **5) Participation**

One earns a high participation grade in this course by attending class regularly, carefully preparing thoughts on the readings, and speaking in class and/or posting on the course website forums. Reading philosophy can be quite difficult, especially if you haven't done much of it before. I recommend taking notes and reading the required texts multiple times.

### **Grading**

I will grade all assignments from this course (aside from the blog posts) anonymously. What this means is that **you should not include your name anywhere on your course assignments, but rather include your student ID number as identifying information.** Grading anonymously is one way of correcting against certain kinds of bias, and ensuring that every student is graded fairly.

Below is a list of criteria that will be used to evaluate your papers (note that the % only give a rough indication of how important these aspects are, and that not all of the criteria will apply equally to each of the different assignments; this is not a mathematical scale):

**a. Quality of ideas (50%)**

Range and depth of argument; fair representation of the position of the philosopher; logic of argument; quality and/or originality of thought; appropriate sense of the complexity of the topic; appropriate awareness of opposing views.

**b. Organization and Argumentation (40%)**

Clarity of thesis statement in the introduction; logical and clear arrangement of ideas; effective use of transitions; unity and coherence of paragraphs; good development of arguments through supporting details and evidence.

**c. Clarity, style, and grammar (10%)**

Ease of readability; appropriate voice, tone, and style for the assignment; clarity of sentence structure; grammatically correct sentences; accurate spelling; careful proofreading.

If you have any questions about these policies, please feel free to ask me about them.

### **Late Work Policy**

I will provide a 24-hour extension, no questions asked, if you contact me before a paper deadline and send me what you have written so far. Otherwise, late work will be graded down a third of a letter grade for each full day that it is late. In other words, if a paper were due on Monday, and you didn't contact me, handing in the paper on Tuesday would bring an A paper down to an A-, etc. If you fall behind on work for this class for whatever reason, please come talk to me so that we can figure out a plan to help you get back on track.

### **Excused Absences**

If you have special needs, or plan to be absent from class on a particular date, please send me an e-mail (preferably at least one day in advance) to explain your situation. Otherwise I expect you to attend each and every class and take the exams as scheduled.

**Class Conduct**

I consider this classroom to be a place where you will be treated with respect, and I welcome individuals of all ages, backgrounds, ethnicities, genders, gender identities, gender expressions, national origins, religious affiliations, sexual orientations, ability, and other visible and invisible differences. All members of this class are expected to contribute to a respectful, welcoming and inclusive environment for every other member of the class. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

**Accommodations**

If you have a learning or physical disability, or if you learn best utilizing a particular method, please discuss with me how I can best accommodate your learning needs. I am committed to creating an effective learning environment for all learning styles. I can do this most successfully if you discuss your needs with me in advance. I will maintain the confidentiality of your learning needs.

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated and should inform the instructor as soon as possible of their needs.

**Note:** I reserve the right to make changes to the syllabus, including paper due dates and test dates, when unforeseen circumstances occur. These changes will be announced as early as possible so that you can adjust your schedule.

## **Reading Schedule:**

### **Week 1: Course Introduction**

Arguments - Validity and soundness (handout on course website)

Brief in-class overview of moral philosophy

O'Neill, O. *Autonomy and Trust in Bioethics* ch. 1

### **Week 2: Informed Consent**

O'Neill, O. *Autonomy and Trust in Bioethics* ch. 7

AMA Journal of Ethics: Weighing the Duty to Inform a Patient of Possible Future Illness

### **Week 3: Responsibility for Health**

Hunt, L. and Arar, N. "An Analytical Framework for Contrasting Patient and Provider Views of the Process of Chronic Disease Management"

Horton, S. and Barker, J.C. "Stigmatized Biologies: Examining the Cumulative Effects of Oral Health Disparities for Mexican American Farmworker Children"

Brown, R.C.H., "Moral Responsibility for (Un)healthy Behavior"

**1<sup>st</sup> writing assignment due**

### **Week 4: Sports Performance Enhancement**

Savulescu, J., Foddy, B., Clayton, M. "Why We Should Allow Performance Enhancing Drugs in Sport"

### **Weeks 5–7: Reproductive Ethics**

#### **Week 5:**

Purdy, L. "Genetics and Reproductive Risk: Can Having Children Be Immoral?"

Veatch, R. "Genetics, Birth, and the Biological Revolution"

#### **Week 6:**

Spriggs, M. "Lesbian Couple Create a Child Who is Deaf Like Them"

Levy, N. "Deafness, Culture and Choice"

Kittay, E.F., "How Not to Argue for Selective Reproductive Procedures"

**Midterm**

**Week 7:**

Marquis, D. "Why Abortion is Immoral."

Thomson, J. J. "A Defense of Abortion"

**Week 8: Medical Competence and Autonomy**

O'Neill, O. *Autonomy and Trust in Bioethics* ch. 2

Dresser, R.S. and Robertson, J.A. "Quality of Life and Non-Treatment Decisions for Incompetent Patients: A Critique of the Orthodox Approach"

Levy, N. "Addiction, Autonomy, and Informed Consent: On and Off the Garden Path"

**2<sup>nd</sup> writing assignment due**

**Week 9: Medical Paternalism**

Buchanan, A. "Medical Paternalism,"

Goldman, A. "The Refutation of Medical Paternalism"

**Week 10: Euthanasia**

Rachels, J. "Active and Passive Euthanasia"

Sullivan, T. "Active and Passive Euthanasia: An Impertinent Distinction?"

AMA Journal of Ethics: The Patient Who Says He is Ready to Die

**Weeks 11-12: Medical Research Ethics****Week 11:**

Brandt, A.M., "Racism and Research: The Case of the Tuskegee Syphilis Experiment"

Emanuel, E., Wendler, D., Killen, J., Grady, C. "What Makes Clinical Research in Developing Countries Ethical?"

**3<sup>rd</sup> writing assignment due**

**Week 12:**

Newkirk, V.R. II, A Generation of Bad Blood

<https://www.theatlantic.com/politics/archive/2016/06/tuskegee-study-medical-distrust-research/487439/>

AMA Journal of Ethics: Helping Patients Decide Whether to Participate in Clinical Trials

AMA Journal of Ethics: When Does the Amount We Pay Research Participants Become “Undue Influence”?

**Week 13: Fair Distribution in Health Care**

Buchanan, A. “The Right to a Decent Minimum of Health Care”

Buyx, A.M., “Personal Responsibility for Health as a Rationing Criterion: Why We Don’t Like It and Why Maybe We Should”

Walker, T., “Who Do We Treat First When Resources are Scarce?”

**4<sup>th</sup> writing assignment due**

**Week 14:**

Course wrap-up and exam review

**Final exam**

# Philosophy of Gender

## Instructor

Larisa Svirsky

Email: [larisasvirsky@brandeis.edu](mailto:larisasvirsky@brandeis.edu)

## Course Description

This class will survey historical and contemporary perspectives on gender, primarily (though not exclusively) from a feminist perspective. In this course, we will consider questions such as the following: What does it mean to be a woman or a man? Is it possible to be neither? What is the relationship between gender and sexuality, race, class, and culture? What is gender-based oppression, and what would it mean to overcome it? Along the way, we will examine how feminist theory expands and challenges mainstream beliefs and philosophical approaches.

## Course Website

This course will have a website in which I will post the syllabus, course assignments, and any additional readings. All students enrolled in the course should have access to this website already, but if you have any difficulties with this, let me know.

The course website will also have a section labeled Blogs in which you are to complete your responses to course readings, described in my detail below. Additionally, the course website will also have a forum, where you should feel free to post any questions you have about the course reading or class discussions. These forum posts count as a form of participation in the course, and I will reply to them regularly, schedule permitting.

## Course Requirements:

1) Four writing assignments	40% (10% each)
2) Ten responses to course readings	10% (1% each)
3) Midterm exam	20%
4) Final exam	20%
5) Participation	10%

### 1) Writing assignments

There are four papers that need to be handed in (in class) during the semester. They must be 2-3 pages (double-spaced, 12 pt font, Times New Roman, 1" margins). Topics will be posted two weeks before the due date.

### 2) Responses to course readings

In preparation for the class, you will need to post a short response to the readings for that week on Sakai (under 'blog') before 5 pm on day before the class meets, for a total of ten posts. These responses should be short (100-150 words) and include, regarding a passage/chapter of your choice:

1. A question (explained if necessary), 2. A critique (a short paragraph), and 3. Something you liked about the reading (a sentence or two).

### 3 & 4) Midterm and final exams

The examinations for this course will be a combination of multiple choice and short essays. These exams will primarily test your ability to understand and write clearly about the works that we have studied. The final exam will be cumulative.

## 5) Participation

One earns a high participation grade in this course by attending class regularly, carefully preparing thoughts on the readings, and speaking in class and/or posting on the course website forums. Reading philosophy can be quite difficult, especially if you haven't done much of it before. I recommend taking notes and reading the required texts multiple times.

## Grading

I will grade all assignments from this course (aside from the blog posts) anonymously. What this means is that **you should not include your name anywhere on your course assignments, but rather include your student ID number as identifying information.** Grading anonymously is one way of correcting against certain kinds of bias, and ensuring that every student is graded fairly.

Below is a list of criteria that will be used to evaluate your papers (note that the % only give a rough indication of how important these aspects are, and that not all of the criteria will apply equally to each of the different assignments; this is not a mathematical scale):

### a. Quality of ideas (50%)

Range and depth of argument; fair representation of the position of the philosopher; logic of argument; quality and/or originality of thought; appropriate sense of the complexity of the topic; appropriate awareness of opposing views.

### b. Organization and Argumentation (40%)

Clarity of thesis statement in the introduction; logical and clear arrangement of ideas; effective use of transitions; unity and coherence of paragraphs; good development of arguments through supporting details and evidence.

### c. Clarity, style, and grammar (10%)

Ease of readability; appropriate voice, tone, and style for the assignment; clarity of sentence structure; grammatically correct sentences; accurate spelling; careful proofreading.

If you have any questions about these policies, please feel free to ask me about them.

## Late Work Policy

I will provide a 24-hour extension, no questions asked, if you contact me before a paper deadline and send me what you have written so far. Otherwise, late work will be graded down a third of a letter grade for each full day that it is late. In other words, if a paper were due on Monday, and you didn't contact me, handing in the paper on Tuesday would bring an A paper down to an A-, etc. If you fall behind on work for this class for whatever reason, please come talk to me so that we can figure out a plan to help you get back on track.

## Excused Absences

If you have special needs, or plan to be absent from class on a particular date, please send me an e-mail (preferably at least one day in advance) to explain your situation. Otherwise I expect you to attend each and every class and take the exams as scheduled.

## Class Conduct

I consider this classroom to be a place where you will be treated with respect, and I welcome individuals of all ages, backgrounds, ethnicities, genders, gender identities, gender expressions, national origins, religious affiliations, sexual orientations, ability, and other visible and invisible

differences. All members of this class are expected to contribute to a respectful, welcoming and inclusive environment for every other member of the class. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

### **Accommodations**

If you have a learning or physical disability, or if you learn best utilizing a particular method, please discuss with me how I can best accommodate your learning needs. I am committed to creating an effective learning environment for all learning styles. I can do this most successfully if you discuss your needs with me in advance. I will maintain the confidentiality of your learning needs.

Much of the material for this class concerns sensitive topics. Please do not hesitate to let me know if engagement with certain topics may prevent you from experiencing a productive learning environment. I will work with students on a case-by-case basis to address these concerns.

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated and should inform the instructor as soon as possible of their needs.

**Note:** I reserve the right to make changes to the syllabus, including paper due dates and test dates, when unforeseen circumstances occur. These changes will be announced as early as possible so that you can adjust your schedule.

## **Reading Schedule:**

### **Week 1: Course Introduction**

Jenny Nordberg, “Afghan Boys are Prized, So Girls Live the Part” (New York Times, 9/20/10)

Ruth Padawer, “What’s So Bad About a Boy Who Wants to Wear a Dress?” (New York Times, 8/8/12)

### **Weeks 2-4: Historical Perspectives on Gender**

#### **Week 2:**

Aristotle, *Politics*, Book 1 (Ch. 1-7, 12-13), II, Ch. 1-5)

Rousseau, “Sophie” (Selections from *Emile*)

#### **Week 3:**

Mary Wollstonecraft, “Of the Pernicious Effects which Arise from the Unnatural Distinctions Established in Society”

Sojourner Truth, “Ain’t I A Woman?”

John Stuart Mill, *On the Subjection of Women* (excerpt)

#### **Week 4:**

Jane Addams, “Women and Public Housekeeping,”

Emma Goldman, “The Tragedy of Woman’s Emancipation”

Simone de Beauvoir, *The Second Sex*, Introduction and Conclusion

**1<sup>st</sup> writing assignment due**

### **Weeks 5-6: What is Gender?**

#### **Week 5:**

Sally Haslanger, “Gender and Social Construction: Who? What? When? Where? How?”

Anne Fausto-Sterling, “The Five Sexes, Revisited”

#### **Week 6:**

Jack Halberstam, “Transgender Butch”

Talia Mae Bettcher, “Trans Women and the Meaning of ‘Woman’”

Robin Dembroff, “Why Be Nonbinary?”

### **Midterm**

### **Weeks 7-8: Oppression**

#### **Week 7:**

Iris Marion Young, “Five Faces of Oppression”

#### **Week 8:**

Marilyn Frye, “Oppression”

Trudy, “Explanation of Misogynoir”

**2<sup>nd</sup> writing assignment due**

### **Weeks 9-10: Intersectionality**

#### **Week 9:**

bell hooks, “Reconstructing Black Masculinity” and “Black Women: Shaping Feminist Theory”

Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics”

#### **Week 10:**

Audre Lorde, “Age, Race, Class, and Sex: Women Redefining Difference”

Trina Grillo, “Anti-Essentialism and Intersectionality”

### **Weeks 11-12: Sex, Love, and Relationships**

#### **Week 11:**

Rebecca Kukla, “That’s What She Said: The Language of Sexual Negotiation”

Adrienne Maree Brown, *Pleasure Activism: The Politics of Feeling Good* (excerpts)

**3<sup>rd</sup> writing assignment due**

#### **Week 12:**

Amia Srinivasan, “Is Anyone Entitled to Sex?”

Debra Satz, “Markets in Women’s Sexual Labor”

**Week 13: Resistance**

(many authors), “Guerrilla Feminism,” *Lesbian Ethics*

Sara Ahmed, “Self-Care as Warfare”

Tamara Fakhoury, “Quiet Resistance”

**4<sup>th</sup> writing assignment due**

**Week 14:**

Course wrap-up and exam review

**Final exam**

## Morality and Law

### Instructor:

Larisa Svirsky

Email: [larisasvirsky@brandeis.edu](mailto:larisasvirsky@brandeis.edu)

**Course Description:** It seems plausible that in general we morally ought to obey the law. There seem to be clear examples, however, of laws that are or were unjust. In this course, we will explore this tension in the course of considering a variety of views about the proper relationship between law and morality. More specifically, we will examine the moral dimensions of particular aspects of the law, including criminal law, judgments of competence and legal responsibility, punishment, and judicial review. No prior acquaintance with legal philosophy is expected or required.

**Course Website:** This course will have a website in which I will post the syllabus, course assignments, and any additional readings. All students enrolled in the course should have access to this website already, but if you have any difficulties with this, let me know.

The course website will also have a section labeled Blogs in which you are to complete your responses to course readings, described in my detail below. Additionally, the course website will also have a forum, where you should feel free to post any questions you have about the course reading or class discussions. These forum posts count as a form of participation in the course, and I will reply to them regularly, schedule permitting.

### Course Requirements:

1) Two writing assignments	30% (15% each)
2) Ten responses to course readings	10% (1% each)
3) Midterm exam	20%
4) Final exam	30%
5) Participation	10%

#### 1) Writing assignments

There are two papers that need to be handed in (in class) during the semester. They must be 4-5 pages (double-spaced, 12 pt font, Times New Roman, 1" margins). Topics will be posted two weeks before the due date.

#### 2) Responses to course readings

In preparation for the class, you will need to post a short response to the readings for that week on Sakai (under 'blog') before 5 pm on day before the class meets, for a total of ten posts. These responses should be short (100-150 words) and include, regarding a passage/chapter of your choice:

1. A question (explained if necessary), 2. A critique (a short paragraph), and 3. Something you liked about the reading (a sentence or two).

#### 3 & 4) Midterm and final exams

The examinations for this course will be a combination of multiple choice and short essays. These exams will primarily test your ability to understand and write clearly about the works that we have studied.

## 5) Participation

One earns a high participation grade in this course by attending class regularly, carefully preparing thoughts on the readings, and speaking in class and/or posting on the course website forums. Reading philosophy can be quite difficult, especially if you haven't done much of it before. I recommend taking notes and reading the required texts multiple times.

## Grading

I will grade all assignments from this course (aside from the blog posts) anonymously. What this means is that **you should not include your name anywhere on your course assignments, but rather include your student ID number as identifying information.** Grading anonymously is one way of correcting against certain kinds of bias, and ensuring that every student is graded fairly.

Below is a list of criteria that will be used to evaluate your papers (note that the % only give a rough indication of how important these aspects are, and that not all of the criteria will apply equally to each of the different assignments; this is not a mathematical scale):

### a. Quality of ideas (50%)

Range and depth of argument; fair representation of the position of the philosopher; logic of argument; quality and/or originality of thought; appropriate sense of the complexity of the topic; appropriate awareness of opposing views.

### b. Organization and Argumentation (40%)

Clarity of thesis statement in the introduction; logical and clear arrangement of ideas; effective use of transitions; unity and coherence of paragraphs; good development of arguments through supporting details and evidence.

### c. Clarity, style, and grammar (10%)

Ease of readability; appropriate voice, tone, and style for the assignment; clarity of sentence structure; grammatically correct sentences; accurate spelling; careful proofreading.

If you have any questions about these policies, please feel free to ask me about them.

## Late Work Policy

I will provide a 24-hour extension, no questions asked, if you contact me before a paper deadline and send me what you have written so far. Otherwise, late work will be graded down a third of a letter grade for each full day that it is late. In other words, if a paper were due on Monday, and you didn't contact me, handing in the paper on Tuesday would bring an A paper down to an A-, etc. If you fall behind on work for this class for whatever reason, please come talk to me so that we can figure out a plan to help you get back on track.

## Excused Absences

If you have special needs, or plan to be absent from class on a particular date, please send me an e-mail (preferably at least one day in advance) to explain your situation. Otherwise I expect you to attend each and every class and take the exams as scheduled.

## Class Conduct

I consider this classroom to be a place where you will be treated with respect, and I welcome individuals of all ages, backgrounds, ethnicities, genders, gender identities, gender expressions, national origins, religious affiliations, sexual orientations, ability, and other visible and invisible differences. All members of this class are expected to contribute to a respectful, welcoming and

inclusive environment for every other member of the class. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

### **Accommodations**

If you have a learning or physical disability, or if you learn best utilizing a particular method, please discuss with me how I can best accommodate your learning needs. I am committed to creating an effective learning environment for all learning styles. I can do this most successfully if you discuss your needs with me in advance. I will maintain the confidentiality of your learning needs.

**Note:** I reserve the right to make changes to the syllabus, including paper due dates and test dates, when unforeseen circumstances occur. These changes will be announced as early as possible so that you can adjust your schedule.

## Course Schedule:

### Section 1: Foundations

#### Week 1: The Role of Law

Plato, “Crito”

Martin Luther King, “Letter from a Birmingham Jail”

#### Week 2: Introduction to Moral Theory

Mark Timmons, *Moral Theory: An Introduction* (pgs 1- 8, 13-17)

How to read a legal case:

<http://euro.ecom.cmu.edu/program/law/08-732/Courts/howtoreadv2.pdf>

### Weeks 3 -5: Obedience and Disobedience

#### Week 3:

Christopher Wellman – “Why I Am Not an Anarchist” (from *Is There a Duty to Obey the Law?*)

“Fed Up with War, Some Won’t Pay Taxes”:

<http://www.washingtonpost.com/wp-dyn/content/article/2007/07/04/AR2007070401145.html>

“We Will Not Pay: The Americans Withholding their Taxes to Fight Trump”

<https://www.theguardian.com/us-news/2017/feb/15/tax-refusing-pay-protest-trump>

“Should We Prosecute Climate Change Protestors Who Break the Law?”

<https://psmag.com/environment/prosecute-climate-change-protesters-break-law-93187>

#### Week 4:

John Rawls, “The Arguments for the Principle of Fairness” (*A Theory of Justice*, p. 301-308)

Robert Nozick: “The Principle of Fairness” (*Anarchy, State, Utopia*, p. 90-95)

John Rawls, “The Duty to Comply with an Unjust Law,” “The Definition of Civil Disobedience” (*A Theory of Justice* p. 308-312, 319-323)

#### Week 5:

John Rawls, “The Justification of Civil Disobedience” (*A Theory of Justice* p. 326-331)

Tommie Shelby, “Justice, Deviance, and the Dark Ghetto”

## FIRST PAPER DUE

### Section 2: Freedom and Its Limits

#### Week 6: Paternalism

John Stuart Mill *On Liberty* chps 1 and 2

Sarah Conly, precis of *Against Autonomy: Justifying Coercive Paternalism*

The Nirvana Approach to Paternalism:

<http://bleedingheartlibertarians.com/2014/05/the-nirvana-approach-to-paternalism/#comment-1370989493>

Jessica Flanigan, selections from *Seat Belt Mandates and Paternalism*

## **Weeks 7 and 8: Freedom of Speech**

### **Week 7:**

Amendment 1

[https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment)

[https://www.law.cornell.edu/wex/first\\_amendment](https://www.law.cornell.edu/wex/first_amendment)

Frederick Schauer, “On the Distinction Between Speech and Action”

### **Week 8:**

Chaplinsky v. New Hampshire

<https://supreme.justia.com/cases/federal/us/315/568/case.html>

Brandenberg v. Ohio

[https://www.law.cornell.edu/supremecourt/text/395/444#writing-USSC\\_CR\\_0395\\_0444\\_ZO](https://www.law.cornell.edu/supremecourt/text/395/444#writing-USSC_CR_0395_0444_ZO)

Masterpiece Cakeshop v. Colorado Civil Rights Commission

<https://supreme.justia.com/cases/federal/us/584/16-111/#tab-opinion-3910083>

## **MIDTERM**

## **Section 3: Legal Responsibility and Punishment**

### **Week 9: Causation and Responsibility**

Hart and Honore, selections from *Causation in the Law*

Palsgraff v. Long Island Railroad:

[http://www.courts.state.ny.us/reporter/archives/palsgraf\\_lirr.htm](http://www.courts.state.ny.us/reporter/archives/palsgraf_lirr.htm)

The Insanity Defense, [https://www.law.cornell.edu/wex/insanity\\_defense](https://www.law.cornell.edu/wex/insanity_defense)

### **Week 10: Mitigation and Proportionality**

Jeffrey Toobin, “The Mitigator”

<https://www.newyorker.com/magazine/2011/05/09/the-mitigator>

Coker v. Georgia:

<https://www.oyez.org/cases/1976/75-5444>

<https://supreme.justia.com/cases/federal/us/433/584/>

Lockyer v. Andrade:

<https://www.oyez.org/cases/2002/01-1127>,

<https://supreme.justia.com/cases/federal/us/538/63/>

## **Weeks 11 & 12: The Justification of Punishment**

### **Week 11:**

Gary Watson, “Responsibility and the Limits of Evil”

John Rawls, “Two Concepts of Rules”

### **Week 12:**

Jean Hampton, “The Moral Education Theory of Punishment”

Geoffrey Sayre-McCord, “Criminal Justice and Legal Reparations as an Alternative to Punishment”

Nicola Lacey and Hanna Pickard, “To Blame or to Forgive? Reconciling Punishment and Forgiveness in Criminal Justice”

## **Section 4: Legal Interpretation and Course Wrap-up**

### **Week 13 & 14: Legal Interpretation and Judicial Review**

#### **Week 13:**

Marbury v. Madison:

<https://www.oyez.org/cases/1789-1850/5us137>,

Antonin Scalia on interpreting the Constitution:

[http://www.bc.edu/content/dam/files/centers/boisi/pdf/Symposia/Symposia\\_2010-2011/Constitutional\\_Interpretation\\_Scalia.pdf](http://www.bc.edu/content/dam/files/centers/boisi/pdf/Symposia/Symposia_2010-2011/Constitutional_Interpretation_Scalia.pdf)

Erwin Chemerinsky, “A Defense of Judicial Review”

## **SECOND PAPER DUE**

### **Week 14:**

Jeremy Waldron, “Does the Law Promise Justice?”

David Dyzenhaus, “With the Benefit of Hindsight: The Case of Bram Fischer”

Review

## **FINAL EXAM**