Philosophy 431: Philosophy, Law, and Society

Spring, 2016

Instructor: Gary Watson

Class Meetings: TAPER HALL 114, 9:30-10:50

Office: Law 308

Office Hours: Tues: 11:15-12:45; Fri: 11:30-1

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Syllabus

Course Description: This course will focus on two main topics. The first concerns *criminal justice*, the second concerns the most defensible *principles of legal immigration and membership*. Both topics are in the thick of current public policy debates. The first topic has to do with the justification for establishing and maintaining a system of criminal law and punishment. The second has to do with the principles for defining rights and obligations of inclusion in and exclusion from membership in a political community such as that of the United States.

Requirements: Regular attendance and participation; two 5-7 pp. papers, two in-class exams (one in Week 7, one in Week 15); five “surprise” quizzes to be given at the beginning of the class period throughout the semester; occasional very short written exercises on study questions and other materials will be assigned. (The short exercises will not be graded, but counted as participation.) Each paper and each exam will be 20% of your grade. The quizzes will be 10% of your grade, and participation will be 10%.

Prerequisites: This course will not presume any prior academic exposure to these topics. However, as an upper-division course in philosophy, it will demand the possession and exercise of upper-division skills in analytical and critical reading and writing. The readings will be intellectually challenging, in many cases quite advanced. I will do my best to help you work through them with understanding, but it is inadvisable to take this course without upper division experience and academic experience with philosophical or similar material.

Required Texts

Plato, *Crito*

Joseph Carens, *The Ethics of Immigration*

The above works are available in the bookstore. (*Crito* is also available under “course materials” on Blackboard.) Assigned articles noted below in the Schedule of Readings are available on Blackboard.

**Notes:**

1. I strongly encourage and invite students to make use of my office hours for any matters pertaining to the course or academic issues in general. In addition to regular office hours, I am available by appointment.
2. The USC Dornsife Writing Center is also an excellent resource for student writers (<http://dornsife.usc.edu/writing-center/>).
3. Plagiarism and academic dishonesty—roughly, the use of others’ work without full acknowledgement and citation—is intolerable in the academic community. Suspected plagiarism will be referred to the Office of Student Judicial Affairs. If you have questions about what counts as Academic Dishonesty, please see me or refer to *Scampus*, the Student Guidebook, which contains the Student Conduct Code in Section 11.00, while the recommended sanctions are located in Appendix A: http://www.usc.edu/dept/publications/SCAMPUS/gov/. Or consult <http://www.usc.edu/libraries/about/reference/tutorials/academic_integrity/index.php>.
4. USC adheres to a non-discrimination policy; see <http://www.usc.edu/dept/publications/cat2010/about_catalogue/nondiscrimination_policy.html>. Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to me as early in the semester as possible. DSP is located in STU 301 and is open 8.30 a.m.- 5.00 p.m., Monday through Friday. The phone number for DSP is (213) 740-0776.
5. This course presumes that students have regular access to and facility with the internet, including the course website on Blackboard. The URL for the site is: https://blackboard.usc.edu/. To access it, you must activate your USC e-mail account, which you can do by visiting the ITS activation page at http://www.usc.edu/firstlogin. For assistance, contact Blackboard’s 24 hour tech support online or at 213-740-5555.

Schedule of Topics and Readings

I Crime and Punishment

(i) Law and Authority

Week 1

Jan 12

Introduction and orientation

Jan 14

Plato’s *Crito*;

Locke, *Second Treatise on Government* (PDF excerpt)

Week 2 The meaning and rationale of the criminal law

Jan. 19

Dagger and Lefkovitz, “Political Obligation” (PDF)

Jan 21

R. A. Duff, “Theories of Criminal Law,” sections 1-6 (PDF)

(ii) Theories of Punishment

Week 3 Retribution and Deterrence

Jan. 26

Duff, “Legal Punishment” (PDF).

Jan. 28

Hart, “Prolegomenon to the Principles of Punishment”

Week 4 Punishment as a fair system of Societal Defense

Feb. 2

Kelly, “Criminal Justice without Retribution” (PDF)

Feb. 4

Cont.

(iii) Justifications and Excuses

Week 5 Necessity and Self-Defense

Feb. 9

R. v. Dudley and Stevens (PDF);

Baron, “Justifications and Excuses”

Feb. 11

Dressler, “Duress” (PDF)

Duress case: Erdemovic

Brooks: “Law in the Heart of Darkness: Atrocity and Duress” (PDF).

Week 6 Self-Defense and Battering

Feb. 16

State v. Norman;

Dressler, “Battered Women and Sleeping Abusers” (PDF);

Feb. 18

Baron, “Self-Defense: the imminence requirement”

(iv) Criminal Justice, Social Injustice, and Disobedience

Week 7 American Apartheid

Feb. 23

MLK “Letter from Birmingham Jail” (PDF)

Malcolm X “Ballot or the Bullet” (PDF)

Feb. 25

*First In-Class Exam*

*First paper assignment.*

Week 8 Civil Disobedience

Mar. 1

Brownlee “Civil Disobedience” (PDF)

Mar. 8

Kimberly Brownlee on whether or not Edward Snowden’s disclosures were an act of civil disobedience. <http://blog.oup.com/2013/08/is-edward-snowden-a-civil-disobedient/>

Week 9 The New Jim Crow

Mar. 8

Adam Gopnik, The caging of America (PDF);

Brian Barry, “The Making of the Black Gulag”, (PDF)

William Stuntz, “The Collapse of the American Criminal Justice”, 1-9.

Mar. 10

Michelle Alexander, “The New Jim Crow” (PDF)

SPRING BREAK

Mar. 15 & 17

No Class

II What should our Immigration Law Be?

Week 10

Mar. 22 & 24

Carens, Chs. 1-3

Week 11

Mar. 29 & 31

Carens, Chs. 4-5

Week 12  
 April 5 & 7

Carens, Chs. 6-8

Week 13

April 12 & 14

Carens, Chs. 9-10

Week 14

April 19 & 21

Carens, Chs. 11-12

Week 15

April 26

Carens Ch. 13

April 28

*Second in-Class Exam*

*Second paper assigned*