

II. COURSE DESCRIPTION

Catalogue description: Philosophical and ethical inquiry into legal issues and problems. Topics covered may include the philosophical and ethical foundations of law; law in relation to justice, morality, and equality; and philosophical and ethical inquiry into specific areas or current topics of law (e.g. tort, criminal, property, and/or constitutional law; capital punishment, affirmative action, same-sex marriage, and abortion).

In this course, we will apply philosophical and normative concepts to analyze legal issues and problems. Some of the questions that we will explore include: What is the nature of law? What is its purpose or function? What is law's relationship to justice, morality, religion, and politics? We will ponder some of the enduring philosophical debates in law.

These questions are both fascinating and weighty. They are fascinating because they require us to probe deeply into something that most of us take for granted, namely the existence of law and the legal system. These questions are also weighty because the legitimacy of our laws rests upon our answers to these philosophical and normative questions. The readings will serve as starting-points for our discussion of various theoretical issues in law in general, and issues arising in more specific legal contexts (e.g. constitutional law and interpretation, criminal law, tort law, discrimination).

This quarter we will focus on the emergence of gay rights within U.S. constitutional law, which has culminated in the legalization of same-sex marriage (SSM) in *Obergefell v. Hodges* (2015). Although that case legally mandated SSM throughout the U.S., the consequences of that ruling are still unfolding. Some questions raised include the following: To what extent do the Court's rulings on gay rights clash with its other rulings recognizing personal rights to free speech, freedom of association, and freedom of religion? Might marriage be expanded further, e.g., to the legalization of polygamy? How might the Court's rulings on gay rights be used to advance the rights of other groups, e.g., transgendered persons?

III. LEARNING OBJECTIVES

Course-specific learning objectives. Because this course draws upon and integrates different approaches to, understandings of, and content areas in law, it in effect serves as a kind of capstone for those who have taken other law courses. Students will have opportunities through essays, homework, and class discussion to improve their thinking and arguing about the subject matter from multiple perspectives—constitutional/legal, philosophical, and ethical/moral.

Department learning objectives. [omitted]

General learning objectives. By grappling with legally and philosophically complex issues, this course will help you develop the skills that accompany a [liberal education](#)—an ability to think critically, to communicate ideas and arguments effectively in both speech and writing, and to analyze problems that do not lend themselves to simple solutions or clear-cut answers.