

PHILADELPHIA UNIVERSITY

LAW 302 – LAW AND ETHICS

Fall, 2010: August 23, 2010 – December 17, 2010

Class Meetings: Tuesdays and Thursdays 2:30 – 3:45 PM

Instructor Information

Henry N. Buehner (ABD, American and British History)

Contact: buehnerh@philau.edu

Consultation Hours: 45 minutes before class start; location TBD

Course Materials

All readings will be available via Blackboard

Course Description

This course explores important issues in American law and society, with a view to debating the ethical implications of these issues. The discussions and debates over these issues uncover the spectrum of peoples' opinions and the sources for them, which provides lessons in the mutability of ethics.

Objectives

The primary goal of this class is to develop and/or hone skills of analysis and expression. Ethical dilemmas provide wonderful nodes of debate in our contemporary society, and elicits strong and impassioned viewpoints – which are great. My responsibility is to facilitate a fair and effective discussion, while demonstrating to students the tools needed to formulate and present an extended defense of their position. Moreover, students will also learn how to challenge appropriately another student's argument. The style of this class will be almost exclusively discussion driven, and students will be expected to verbally participate frequently throughout the semester. In the end, the students will gain a greater knowledge of the logic of debate and the influence of cogent argument.

Student Expectations

Attendance: Since participation is the principle assessment of the grade, frequent absences will inevitably result in a reduced grade. Without significant excuses for absences, three or more absences should signal an issue. As for lateness, I am more perturbed about its disruptive quality to the class, so continual lateness will be addressed. Students are expected to recover independently any notes from missed class.

Participation: With the stated goal of the class the expression of viewpoints, verbal participation will be the primary means of evaluation. Each week, we will conduct a debate on the weekly topic. Students will participate in at least two direct debates, where they will control 20 minutes of time, during the semester. On the non-debate days, I am taking note on whether the class will be able to promote a general discussion over domination by a few vocal individuals – this also means that I prefer the quality over the quantity of participation. While I empathize with students who prefer to remain flies on the wall, such an approach will not be possible in this class.

Written Work: All of the written work will take place in the classroom. The common mode of written work will come from students not directly participating in a weekly debate. The primary assignment will be for students to provide their verdict and analysis on the debate. Also, a final will be given that will assess students' abilities to formulate a logical and effective argument to a, not as yet determined, ethical dilemma.

Evaluation for Grades

Reading Discussion: 20%
Panel Questioning: 15%

Debate 1: 15%
Written Analyses: 10%

Debate 2: 25%
Final Exam: 15%

Debates will be scored on a 30-point scale, giving equal weight to the following three criteria: preparedness, composure/style, and ability to answer the questions posed. In addition, the questioning panel will be scored on a 10-point scale based upon the germaneness of their line(s) of questioning. Finally, the rest of the class (the "jury") will have their analyses assessed on a 10-point scale under the criterion that the students' assessments display a thoughtful and engaging assessment of the debate, including whom each thought provided the best argument. The consensus "winner" of each debate, however, does not receive any additional consideration in their grade.

The final grade will be calculated by taking a weighted average of your work, and applying the standards set forth by the School of Liberal Arts:

A = 93-100	B+ = 87-89	C+ = 77-79	D+ = 67-69	F = 59 and below
A- = 90-92	B = 83-86	C = 73-76	D = 60-66	
	B- = 80-82	C- = 70-72		

Academic Integrity

Academic integrity and honesty is expected in all forms of course work. Any dishonesty or cheating may result in the student failing the assignment, the course, and/or being brought before the Student Conduct Committee, which could lead to dismissal from the College. The primary forms of academic dishonesty to be avoided are (a) plagiarism: taking ideas or words of another without giving due credit to the source, and (b) cheating: Giving or taking information during an examination.

Whenever you use a resource to gain information or ideas which are not general knowledge, you must provide documentation in order to give credit to the authors of the information and to allow anyone reading your paper to either check your research or read more of the work from which you are drawing. Citations are required when items of information or ideas are drawn from a source, when material is paraphrased, and when material is quoted directly. Incomplete documentation is called plagiarism. Plagiarism is theft, and partially or totally stolen papers will not be accepted.

For additional information about Philadelphia University policies relating to academic integrity, go to <http://www.philau.edu/learning/pdf/AcademicIntegrityPolicy.pdf>

Course Technology Statement

This course will use a Blackboard e-Learning course-specific website. The information and activities you will encounter through and within this site are designed to help you connect what you are learning inside the physical space of our classroom with what you are learning outside of it. This site will be an important component of the course. You are expected to check for announcements on the site on a regular basis, use available resources, and participate as assigned. If you have problems using the site, let me know so that we can talk about how to solve them. Please observe general rules of netiquette whenever communicating with your class colleagues online.

Gutman Library (www.philau.edu/library)

The home page of the Gutman Library provides you with a variety of informational resources, including databases and research guides. Librarians are available online and in person at the information desk to help you with research.

The Learning and Advising Center (www.philau.edu/learning)

The Learning and Advising Center provides one-to-one tutoring assistance for writing, study strategies, test taking, and specific Philadelphia University courses. To make a tutoring appointment, you should stop by the Learning and Advising Center in Haggar Hall or call (215)951-2799. Academic resources, including information on citation and documentation, note taking, and study strategies are available on the Center's website.

Technology Assistance (www.philau.edu/OIT/)

For assistance with technology issues, you should contact the Technology Help Desk at (215)951-4648 or send an email to helpdesk@philau.edu. General purpose computing facilities are available in Search Hall and Gutman Library.

Electronic Communication

You are required to use the university e-mail account to communicate with me. You will receive assignments via Blackboard; therefore, you are responsible for checking the Blackboard site and your e-mail on a regular basis. Make sure your university e-mail account is in working order.

Odds and Ends

Cell Phones: Bottom line, I do not want to hear them, including conducting a conversation via one. As an especial circumstance though, during written assignments, the use of a cell phone or any other electronic device whatsoever will result in a failing grade for that assignment.

Electronic Recording Devices: I do not permit the use of electronic recording devices.

Intellectual Respect of Fellow Students: I try not to operate under the tenet of general "open mindedness." We are an amalgam of our experiences and upbringings. With that in mind, I only ask students to observe tact – do not say things that unnecessarily or maliciously inflame situations. Using *ad hominem* arguments, invoking Godwin's Law, hiding behind weasel words and statements, or threatening physical attack is unacceptable on our classroom.

Course Schedule:

Weeks 1 and 2: Introductions

Aug 24: Discussion of course with students, and feedback about their expectations

Aug 26: Workshop #1: Creating the complete argument

Aug 31: Workshop #2: Conducting a debate: rules and procedures

Sep 2: Demonstration Debate: Prof Laine v. Prof Buehner; Topic: TBD

Week 3: Assisted Suicide

Sep 7: Discussion: Susan R. Martyn and Henry J. Bourguignon, "Physician-Assisted Suicide: The Lethal Flaws of the Ninth and Second Circuit Decisions," *California Law Review*, Vol. 85, No. 2 (Mar., 1997), pp 371-426

Sep 9: This class moves that... suicide is a violation of the "natural mandate"

Week 4: Taxation

Sep 14: Discussion: Robert W. McGee, "Three Views on the Ethics of Tax Evasion," *Journal of Business Ethics*, Vol. 67, No. 1 (Aug., 2006), pp 15-35

Sep 16: This class moves that... a flat tax system provides the fairest mode of taxation

Week 5: Religious Institutionalism

Sep 21: Discussion: Bruno Dyck, Frederick A. Starke, Helmut Harder, and Tracy Hecht, "Do the Organizational Structures of Religious Places of Worship Reflect their Statements of Faith? An Exploratory Study," *Review of Religious Research*, Vol. 47, No. 1 (Sep., 2005), pp 51-69

Sep 23: This class moves that... the "wall of separation" between church and state is too rigid

Week 6: Owning Science

Sep 28: Discussion: Henry T. Greely, "Legal, Ethical, and Social Issues in Human Genome Research," *Annual Review of Anthropology*, Vol. 27 (1998), pp 473-502; Michael Hopkins, Surya Mahdi, Pari Patel, and Sandy M. Thomas, "DNA Patenting: The End of an Era?," *Nature Biotechnology*, Vol. 25, No. 2 (Feb., 2007), pp 185-187

Oct 5: This class moves that... protections of patent and copyright should not apply to human biological discoveries

Week 7: Campaign Finance

Oct 7: Discussion: Daniel Houser and Thomas Stratmann, "Selling Favors in the Lab: Experiments on Campaign Finance Reform," *Public Choice*, Vol. 136 (2008), pp 215-239

Oct 12: This class moves that... donations to candidates are a form of protected speech

Week 8: Lobbying

Oct 14: Discussion: Richard L. Hall and Alan V. Deardorff, "Lobbying as Legislative Subsidy," *The American Political Science Review*, Vol. 100, No. 1 (Feb., 2006), pp 69-84

Oct 19: This class moves that... lobbying undermines fair governance

Week 9: Punishing Sex Offenses

Oct 21: Discussion: Manfred Guttmacher and Henry Weihofen, "Sex Offenses," *The Journal of Criminal Law, Criminology, and Police Science*, Vol. 43, No. 2 (Jul.-Aug., 1952), pp 153-175

Oct 26: This class moves that... the notion of protection against "cruel and unusual punishment" prohibits efficient criminal control

Week 10: Parliamentary Procedure

Oct 28: Discussion: Thomas Schwartz, "Parliamentary Procedure: Principle Forms and Political Effects," *Public Choice*, Vol. 136 (2008), pp 353-377

Nov 2: This class moves that... politicians artificially create a complex governmental apparatus in order to create a patrician political class

Week 11: Corporate Ethics

Nov 4: Discussion: Jeri Mullins Beggs and Kathy Lund Dean, "Legislated Ethics or Ethics Education? Faculty Views in the Post-Enron Era," *Journal of Business Ethics*, Vol. 71 (2007), pp 15-37

Nov 9: This class moves that... an unfettered maximization of profit provides an essential public good for society

Week 12: Journalism

Nov 11: Discussion: William P. Marshall and Susan Gilles, "The Supreme Court, the First Amendment, and Bad Journalism," *The Supreme Court Review*, Vol. 1994 (1994), pp 169-208

Nov 16: This class moves that... journalists should not be a "protected class" of citizens within their professional capacities

Week 13: Environmentalism

Nov 18: Discussion: W. Michael Hoffman, "Business and Environmental Ethics," *Ethics Quarterly*, Vol. 1, No. 2 (Apr., 1991), pp 169-184

Nov 23: This class moves that... the "environmentalism movement" is a key contemporary example of the problems associated with moral advocacy

Week 14: The Social Contract

Nov 30: Discussion: John Stuart Mill, *On Liberty*, (1859), Chapter 1: Introduction

Dec 2: This class moves that... no behavior should be regulated as long as it harms no other person

Final Exam

Date, location, and time TBD