

PPLW 400.01/POLI 405.01: Capstone: Divisive Issues

Fall 2016

Maybank 207, 2-3:15

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We seem to have plenty of evidence that the United States is deeply divided on key political issues: immigration, income inequality, abortion, guns, policing, the death penalty, etc. Supreme Court rulings play an essential role in these divisions, and there are important questions about how unelected judges in a democracy should confront potentially divisive issues.

Looking at contemporary political and legal theorists who are interested in both the fact of the divisions and the role of the courts in setting the terms of debates, this capstone will consider the role that courts and their decisions play in solving or exacerbating such divisions. Students will be expected to write research papers drawing on these issues.

Some questions that arise are: is there something particular to the issues themselves that makes them so divisive (e.g. life and death issues)? Is there something about us as citizens that makes these issues so divisive? Is there an appropriate way for the law to deal with such issues? Are there examples of better and worse strategies used when adjudicating such issues? Is there a difference between thinking about these issues politically and thinking about these issues morally or legally or philosophically?

The syllabus below includes a few weeks of TBD (to be determined). As a capstone I want to ensure that our own class discussion can be framed around the issues that interest all of you. The readings I have selected will help to build a framework within which we can consider questions concerning divisive issues, in the next weeks we will work together to determine what areas people want to consider in those weeks.

This class is a capstone – a culminating experience in the PPLW concentration (and the POLI or PHIL major). This means that we will use these debates about justice as a platform from which to explore your own research interests. This class is both an exploration of a particular content area and an exploration of how scholars (and then how you) pursue these questions. The assignments for the class will both allow you to **demonstrate knowledge about the research process** but also to follow through on that knowledge by **generating** your own research questions and answers and **display your skills in analysis and communication**.

- 1) **Individual research project.** This 20-25 page paper will be broken down into component parts (annotated bibliography, proposal, literature review, rough draft) throughout the semester. The paper in its various parts accounts for 65% of your course grade. The final paper is due Monday, December 5
- 2) **Class participation/leading discussion.** This class is a seminar and I expect our discussions to be wide ranging. These conversations will only succeed if people come to class prepared and ready to discuss. Certain class days will have designated student leaders for class discussion to keep everyone up to date and on top of the readings.

- Individual research project (the paper plus all of the components are worth 65% of your grade)
 - Final paper: 25%
 - Annotated Bibliography 5%
 - Paper proposal 5%
 - Literature Review 10%
 - Rough draft 10%
 - Presentation of research 10%

- Class Participation: 10%
- Leading class discussion: 15%
- Reflective essay 10%

Accommodations: Any students who have special learning needs or concerns are urged to speak with me during the first week of the semester if accommodations are needed. The Center for Disability Services provides a comprehensive list of accessibility resources available at the College on the following website:

<http://disabilityservices.cofc.edu/>

Grading scale:

A (93-100)	A- (90-92)	B+ (87-89)	B (84-86)	B- (80-83)	C+ (77-79)
C (74-76)	C- (70-73)	D+ (67-69)	D (64-66)	D- (60-63)	F (0-59)

Required Books:

Ronald Dworkin	<i>Is Democracy Possible Here?</i> (Democracy)
Robert Bork (ed)	<i>A Country I do not Recognize</i> (Country)

W, 8/24: Introduction

M, 8/29: How do we frame the intersection between divisive issues and the courts?
Reading: *Democracy*, ch. 1 “Common Ground”

W, 8/31: Reading: *Country*, Bork introduction

Friday 9/2 Reflective essay due (OAKS) by 5pm

M, 9/5: Reading: *Roe v. Wade* (OAKS)

W, 9/7: What makes an issue divisive?

Reading: Amy Gutmann and Dennis Thompson on moral disagreement (OAKS)

M, 9/12: *Van Orden v Perry* (OAKS)

W, 9/14: How does the Supreme Court think about divisiveness: Justice Breyer: *Van Orden v. Perry* and Klarman “Judicial Statesmanship” Richard Fallon “A Salute to Justice Breyer” (OAKS)Dworkin Dworkin

Friday, 9/16 Annotated Bibliography due (on OAKS), 5pm

M, 9/19: *Democracy*, ch. 3 “Religion and Dignity”

W, 9/21: *Country*, Eastland, “A Court Tilting against Religious Liberty”

M, 9/26: *Country*, David Davenport, “The New Diplomacy Threatens American Liberty”

W, 9/28: *Democracy*, Ch 2, “Terrorism and Human Rights”

M, 10/3: Rosh Hashanah, no class (Work day – proposal)

W, 10/5: Dworkin, excerpts from *Life’s Dominion* (OAKS)

Friday, 10/7 Proposal due (on OAKS), 5pm

M, 10/10: *Country*, Gary McDowell, “The Perverse Paradox of Privacy”
W, 10/12: Yom Kippur, no class

M, 10/17: *Country*, Lina Graglia, “Constitutional Law without the Constitution”
W, 10/19: *Democracy*, “Ch 5, “Is Democracy Possible Here” and Epilogue

M, 10/24: TBD
W, 10/26: TBD

Friday 10/28 Literature review due, 5pm

M, 10/31: TBD
W, 11/2: TBD

M, 11/7: No class, Fall break
W, 11/9: Paper conferences (no class)

M, 11/14: TBD
W, 11/16: TBD

Rough Draft due – no exceptions. Hard copy, in class.

M, 11/21: Presentations
W, 11/23: Thanksgiving break

M, 11/28: Presentations
W, 11/30: Presentations

M, 12/5: Presentations
Final Papers due in class

More information will come in the next weeks about the different pieces of this research project: the annotated bibliography, proposal, literature review and rough draft. Please note the due dates for these pieces of the project and which of them are due on OAKS and which in class. The first three assignments are due on OAKS on Friday, by 5pm.

Notes:

Natural law reading

Computer simulation reading

Gay marriage debate

Global warming more polarizing than abortion

Role of supreme court in adjudicating divisive issues