Description
Although everyone agrees that law promotes some values, what these values are is often unclear and controversial. This is increasingly the case the more we come to recognize cultural diversity and moral pluralism faced by the law. In this seminar we will examine a number of values that have been advanced within the liberal tradition, specifically welfare, autonomy, and dignity, and consider their potential role in shaping or explaining a wide range of legal issues. The seminar will divide into two parts. In the first, we’ll get acquainted with these values in the context of the two main strands in liberal moral theory – utilitarianism and Kantianism – and consider the meaning of these values and their interrelationships. The second part will consist of student presentations on specific substantive topics in which the general issues discussed in the first part arise.

Requirements
In the first part of the seminar, (as of the second week) students will submit short reports on the weekly assignment. The reports will consist of a one-page outline of the argument, followed by 3 short questions for discussion/clarification, and one brief objection to some point/argument made in the reading. The reports have to be emailed to me by 5:00 p.m. on Monday. These reports will form the basis for class discussion, which will consist in part in students explaining various parts of the reading, and raising their questions and objections. Students will be asked to take turns in leading the discussion.

In the second part of the seminar, each student will write and present a short paper (10 pages). Drafts of these papers will be circulated to the class in advance of the presentation, and students will be asked to comment on each other’s papers. A revised final version is due by the end of the exam period.

Attendance in all sessions is mandatory.

Paper Topics
The following is a list of possible topics, though you’re welcome to suggest others.

- Sale of human organs
- The regulation of prostitution
- The regulation of pornography
- Consent in criminal law
- Surrogate motherhood
- Assisted suicide
- Refusing life-saving treatment
• The permissibility of euthanasia
• Corporal and capital punishment
• The “cultural defense” to criminal liability
• Legal paternalism (smoking, drugs, safety belts and helmets, etc.)
• The permissibility of torture
• Posthumous harm
• The harm principle and its limits