In this course, we will examine the definition and content of civil rights. These rights are summed up as life, liberty, and property. But what do these rights mean? What protections are included in them? Who is the threat to them—the government, individuals, private groups, all of the above? These questions we will consider in this class. We will do so through studying court cases dealing with the subjects of life, liberty, and property as well as the writings of two 18th century jurists, Englishman William Blackstone and American Founder James Wilson.

Assignments

Paper I: 10 pages (25%)  Final Exam: (35%)

Paper II: 10 pages (30%)

Participation: 10%

Please note that assignments turned in late will be penalized five points for every day late. You may substitute two shorter papers for one longer paper (20 pages in length). Papers must engage with at least one secondary source which in some way diverges from your argument.

Grading Scale

A  93-100  C  73-77
A-  90-92  C-  70-72
B+  88-89  D+  68-69
B  83-87  D  63-67
B-  80-82  D-  60-62
C+  78-79  F  0-59

Readings

Reading Packets I-III


Beyond the Constitution by Hadley Arkes

The Tempting of America by Robert Bork
Reading Schedule

9/2 Introduction: Nature of Rights
   Readings: Wilson and Blackstone on Rights

Right to Life

9/4 Right to Life
   Readings: Wilson and Blackstone on the Right to Life

9/7 Death Penalty
   Readings: Glossip v. Gross; Adkins v. Virginia

9/9 Death Penalty:
   Readings: Roper v. Simmons; Kennedy v. Louisiana

9/11 Assisted Suicide
   Readings: Cruzan v. MO Dept. of Health; Washington v. Glucksberg

9/14 Approaches to the Constitution I
   Readings: Bork, Chapters 6-8

9/16 Approaches to the Constitution I
   Readings: Bork, Chapters 9-13

9/18 Right to Liberty
   Readings:

9/21 Abortion
   Readings: Planned Parenthood v. Casey; Harris v. McRae

9/23 Abortion
   Readings: Gonzalez v. Carhart; Edwards v. Beck

9/25 Race and the Law
   Readings: Civil Rights Cases; Ex Parte Virginia

9/28 Race and the Law
   Readings: Plessy v. Ferguson; Brown v. Board of Education
9/30 Race and the Law
   Readings: California Board of Regents v. Bakke
10/2 Race and the Law
   Readings: Texas Dept. of Housing v. ICP
10/5 Sexual Orientation
   Readings: Bowers v. Hardwick; Lawrence v. Texas
10/7 Sexual Orientation
   Readings: Wilson on Marriage; Oberfell v. Hodges (Majority opinion)
10/9 Sexual Orientation
   Readings: Obergefell v. Hodges (Roberts and Thomas dissents)
10/12 Approaches to the Constitution II
   Barnett, Chapters 1-3
10/14 Approaches to the Constitution II
   Barnett, Chapters 8-10
10/16 Fall Break
10/19 Religious Liberty
   Readings: Reynolds v. U.S.; Davis v. Beason
10/21 Religious Liberty
   Readings: Sherbert v. Verner; Employment Division v. Smith
10/23 Religious Liberty
   Readings: Church of Lukumi Babalu v. City of Hialeah; Holt v. Hobbs
10/26 Religious Liberty
   Readings: Christian Legal Society v. Martinez; Masterpiece Cake Shop-
10/28 Freedom of Association
   Readings: NAACP v. Alabama; Boy Scouts v. Dale
10/30 Free Speech
11/2 Free speech
   Readings: Miller v. CA; U.S. v. Stevens
11/4 Approaches to the Constitution III
    Readings: Ely, Chapters 1-4
11/6 Approaches to the Constitution IV
    Readings: Ely Chapters 5-6
11/9 Education
    Readings: Bob Jones University v. U.S.; Grove City v. Bell
11/11 Parenting
    Readings: Pierce v. Society of Sisters; Jacobson v. MA
11/13 Right to Property
    Readings: Wilson & Blackstone on Property
11/16 Economic Due Process
    Readings: Munn v. Illinois
11/18 Economic Due Process
    Readings: Allgeyer v. LA; Adkins v. Childrens’ Hospital
11/20 Economic Due Process
    Readings: West Coast Hotel v. Parrish
11/23 Contracts’ Clause:
    Readings: Fletcher v. Peck; Dartmouth College v. Woodward
11/25 Thanksgiving
11/27 Thanksgiving
11/30 Contracts’ Clause (Bankruptcy):
    Readings: Sturges v. Crowninshield; Ogden v. Saunders
12/2 Contracts’ Clause (Bankruptcy):
    Readings: Home Building & Loan v. Blaisdell
12/4 Contract Clause
    Readings: New Jersey v. Wilson; Charles River Bridge v. Warren Bridge
12/7 Contracts’ Clause (Unions)
    Readings: Adair v. United States; NLRB v. Jones; J.I. Case Co. v. Labor Board
12/9 Approaches to the Constitution IV
Readings: Arkes, Chapters 1-4

12/11 Approaches to the Constitution IV

Readings, Arkes, Chapters 5-9