

POLS BC 3110y Colloquium on Justice and the Family
Thursdays 2:10-4 p.m.

Course Description

Are existing relationships between family members just? What role should the state play in regulating relations between husband and wife? parent and child? What rights do family members have and why? This colloquium will begin by introducing a range of questions and controversies current in family law together with a critical overview of the main positions in these debates. We start with questions regarding the justice of modern marriage, traditionally considered the bedrock of family life. We turn next to questions related to the moral dimension of creating a family--in particular who, in our age of new reproductive technologies, counts as a child's parents. Part one of the syllabus concludes by placing questions of justice and the family in an international context, exploring women's status in non-Western cultures as well as the significance of the UN Convention on the Rights of the Child.

The next weeks of the course focus on the rights and status of children in liberal democracies; our goal will be to develop a coherent position on the proper extent of state and adult authority over children, using problematic case studies to guide us.

In the final four weeks of the course, we pursue the theme of justice and the family through an examination of 10-12 student-selected research topics. Assigned reading and student presentations will be organized by colloquium participants in consultation with the professor. Students will be free to examine in greater detail a subject already raised in the first half of the course or to explore a new topic related to justice and the family.

Course Requirements

- *A successful seminar depends on the contributions and commitment of all students. Therefore, attendance at all sessions is required and unexcused absences will be penalized.
- * Students must read the assigned material in preparation for each session and participate in class discussions. A short (one page or less) summary of the assigned reading or a brief written response to an assigned question will be due at the beginning of each class.
- * All students must meet individually with the professor at least twice during term, once to discuss her choice of research topic and student presentation and once to discuss an outline or draft of her required research paper. An informal assessment of the student's work will be offered at the first meeting. It will be the student's responsibility to schedule and attend these required appointments.
- * All students will prepare a presentation with assigned readings on the subject of their chosen research topic. These presentations will be scheduled two to three to a class

meeting following spring break. Assigned readings must be provided at least ten days ahead of the scheduled presentation.

* All students will complete a 20-25 page research paper (typewritten, double-spaced) that examines a topic related to justice and the family. Preliminary proposals, reading lists and thesis arguments will be due as indicated on the syllabus. The paper is due the last day of class.

* Grades will be based on various aspects of class participation -- including the required weekly response papers and the required student presentation (35%), assignments preparatory to the final paper (15%) and the final paper (50%). Grading of the final paper will weight the paper's structure and argument 75% and the paper's style and presentation (grammar, spelling, proofreading, footnoting and bibliography) 25%.

Student Presentations

This colloquium offers the opportunity for students to create a substantial portion of the syllabus in concert with the professor and to deepen their understanding of their chosen research topic by selecting readings and preparing comments for presentation to the group prior to writing the final paper draft. Readings during the student presentation sessions will be of the same quality and length as professor-assigned readings and they will be chosen in consultation with the professor. All students will be expected to prepare the readings assigned by their classmates and contribute to class discussion on the assigned topic. Possible topics for student presentations and research papers include (but are not limited to):

The justice of international and/or transracial adoption

The juvenile justice system; adult sentencing/capital punishment for juveniles

The case for or against equal rights for children

The justice of current divorce law

The justice of current child custody law

Reproductive rights of the mentally disabled; of minors

What do adult children owe their parents?

Do cultural communities have rights over children?

Should democracies cede family law issues to religious courts?

Anti-poverty policies and the family

Teaching creationism in the schools pro and con

Law and morality of same-sex marriage

Fathers' rights over unborn children

New reproductive technologies and a child's right to know his biological parent

The justice of child labor in the developing world

Should the state ban corporal punishment of children?

Can the state require a woman to take medical steps to protect her unborn child?

Choose a topic that excites and intrigues you! I can suggest bibliographies, research strategies, as well as a range of other research ideas.

Required Readings and Book Purchases

The readings for this class will be drawn from primarily from articles published in the last twenty-five years by moral and political theorists writing on questions of family justice, supplemented by relevant judicial decisions. The following books are available for purchase at Labyrinth Books:

Macedo ed., Child, Family, and State (New York University Press, 2003)

Uma Narayan and Julia Bartkowiak, Having and Raising Children (Penn State Press, 1999)

Susan Okin, Justice, Gender, and the Family

Mary Lyndon Shanley, Just Marriage (Oxford University Press, 2004)

Other readings will be made available via a web-based course reader indicated by (CR) in the syllabus.

Justice and the Family Syllabus Spring 2006

January 19 Introduction: Dimensions of Family Justice

Collier et al., "Is There a Family? New Anthropological Views," (CR)

Okin, Justice, Gender and the Family, ch. 2

Olsen, "The Myth of State Intervention in the Family" (CR)

January 26 Is Modern Marriage Just?

Shanley, Just Marriage, selected chs.

Okin, Justice, Gender and the Family, chs. 7, 8

February 2 Just and Unjust Ways to Become a Parent

Shanley, Making Babies, Making Families, selected chs.

Narayan and Bartkowiak, eds., Having and Raising Children, ch. 3

February 9 International Dimensions to Family Justice: An Overview

Okin in McDonough

New York Times articles (Sept-Oct 06) on the status of mothers in Africa (CR)

Doek, "The Protection of Children's Rights and the UN Convention on the Rights of the Child: Achievements and Challenges" (CR)

Proposed Paper Topic and preliminary bibliography due

February 16 Justice, Race, and Family Structure: Current Controversies

Moynihan et al., The Future of the Family, selected chapters (CR)

Having and Raising Children, ch. 1

Child, Family, and State, chs. 3, 4

February 23 Who Decides? Dilemmas of Parental Authority I (Medical Care)

"The Maltese Conjoined Twins--Two Views of their Separation," Hastings Center Report (CR)

In re Phillip Becker (CR)

Having and Raising Children, ch. 10

Revised Paper Topic and bibliography due (incl. preliminary thesis statement)

March 2 Who Decides? Dilemmas of Parental Authority II (Religion and Education)

Wisconsin v. Yoder (CR)

Mozert v. Hawkins (CR)

Feinberg, "A Child's Right to an Open Future," (CR)

Child, Family and State, ch. 9 (CR)

Having and Raising Children, ch. 7

March 9 Do Children have Rights?

Archard, ed., Moral and Social Status of Children, ch. 2 (CR)

"The Moral Status of Children: Children's Rights, Parents' Rights, and Family Justice," Brennan and Noggle (CR)

"Corporal Punishment, Parents' Religion, and Children's Rights," Eekelaar (CR)

"Licensing Parents," LaFollette (CR)

Annotated Bibliography and revised thesis statement due

March 16 VACATION

March 23 Justice as Fairness: Are Families Good for Children?

Barrett, The Anti-Social Family, selections (CR)

Fishkin, Justice, Equal Opportunity and the Family, selections (CR)

Schoemann, "Family Intimacy," (CR)

Moral and Social Status of Children, ch. 14 (CR)

Syllabus Reading Assignments and Presentation Outline due

March 30 Student Presentations I

April 6 Student Presentations II

April 13 Student Presentations III

April 20 Student Presentations IV

April 27 Concluding Presentations . Research papers due.