
Three Questions to Start Out the Course

Philosophy of Law, *Spring 2015*

CUNY, Lehman College

Marcello Di Bello

QUESTION 1

Can Our Right to Free Speech Be Limited?

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

–First Amendment to the US Constitution

Harassment at CUNY

John decides to go back to school and starts taking classes at CUNY, Lehman College.

In a math class he repeatedly makes the remark that "*women just aren't as good in this field as men*", creating a hostile learning environment for his female classmates.

John is found to be in violation of CUNY's policies and is asked to withdraw for two semesters.

John insists that his constitutional right to free speech has been violated. Is he right?

“Harassment is unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be verbal, written, visual, or physical.”

**–CUNY POLICIES AND PROCEDURES ON
EQUAL OPPORTUNITY, NON-DISCRIMINATION, AND
AGAINST SEXUAL HARASSMENT**

CHARLIE HEBDO

JOURNAL IRRESPONSABLE

ÉCOLOGIE

BATHO, COMIQUE
DE L'ÉTAT P.7

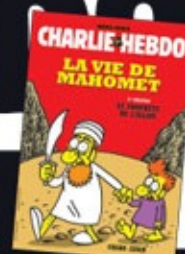
RELIGION

VOYAGE DANS
LE GRAND BAZAR
EGYPTIEN P.6

LE PEN, DASSAULT

L'IMMUNITÉ À
GÉOMÉTRIE VARIABLE
P.5

**LA VIE DE
MAHOMET**
LE TOME 2
EN KIOSQUES

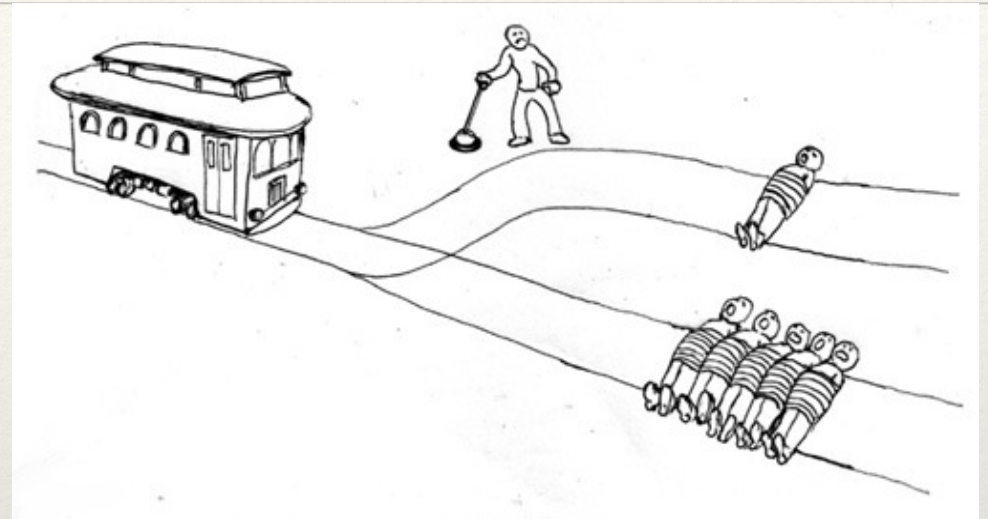


QUESTION 2

When Is Killing Another Person Legally Permissible?

The Trolley

A trolley is going down a track but its brakes have failed. On the track ahead are five people who cannot get off the track. They are immobilized somehow and cannot move...



The track has a spur leading off to the right. A bystander, John, can turn the trolley onto it by pulling a lever. Unfortunately, there is one person on the right hand track. John can pull the lever and turn the trolley, **killing the one**, or he can let the trolley continue on its course, **killing the five** workmen on the tracks. John decides to pull the lever and turn the trolley into the right hand track. He kills the man on the side-track and is subsequently charged with murder.

Should John be found guilty and be convicted of murder?

The Transplant Doctor

John has five patients who need organ transplants. Two of John's patients are in immediate need of a lung; two need a kidney; the fifth needs a heart.

Alice walks into John's office for her annual check-up. John kills Alice, gives her lungs to the first two patients, her kidneys to the other two, and her heart to the fifth, thus saving five lives for the price of one.

Would you defend John on grounds of necessity?

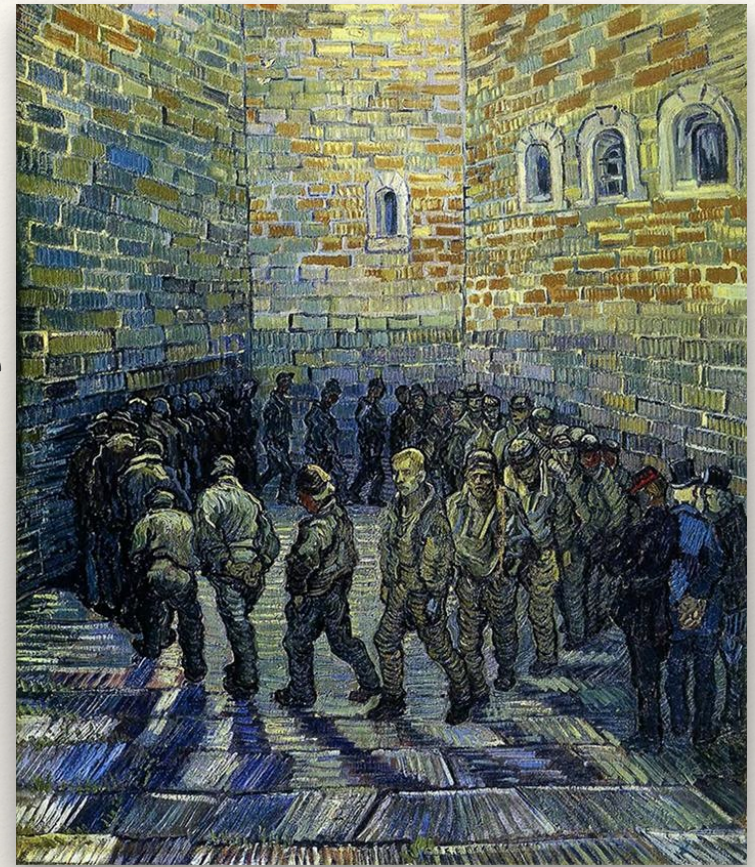
QUESTION 3

What Is “Proof Beyond a Reasonable Doubt”?

The Prison Yard

In a prison yard there are one hundred prisoners and one prison guard. Suddenly, ninety-nine prisoners assault and brutally kill the guard. One prisoner refrains. We know that from a video recording, though we cannot identify the faces of the prisoners. After the fact, all prisoners return to their cells.

One prisoner is picked at random and tried. His probability of being one of the ninety-nine killers is 99%, so *his probability of guilt is 99%. Should he be convicted?*



First Assignment Is Due Feb 2

Syllabus, Readings, Assignments

Everything is available on the course website

www.marcello.dibello.com/PHI234

Please check it it regularly