DIRECTIONS: Choose Option One or Option Two.

Save two electronic copies of your answer (one with just your ID number assigned to you, the other with your ID number and name). Email both copies to Cybele Hinson <ch56@txstate.edu>; print out a hard copy as well with both your id number and name written on it.

Option 1

Discuss *Graham v. Florida* and explain the rationale, precedent (cases), and progeny (current cases that have dealt with similar issues and followed the same line of reasoning). Discuss whether the court’s decision is consistent with natural law. Is it consistent with legal positivism? (Make sure you thoroughly describe these philosophies in your explanation as to whether or not the law is consistent with them). Discuss whether the court’s decision is consistent with utilitarianism and explain why [again, part of this answer is a complete and comprehensive description of utilitarianism]. Identify and explain another ethical system that is the most consistent with the court’s position regarding the issues in this case (not utilitarianism).

Option 2.

Consider a hypothetical abortion challenge to the Supreme Court. The state of Texas passes a law that prohibits all abortions past the first 12 weeks. Present either one side or the other using appropriate case law and public policy arguments to support your position [this would look like a written argument for or against the law]. Now present the Supreme Court’s probable holding and rationale [this would read as a Court holding]. Because an accepted part of the rationale for any law is to protect society’s morality, provide an ethical justification as well in your “court’s holding” using one of the ethical systems we have covered. Then explain whether or not your court holding is consistent with a) natural law, b) positivism, c) legal realism, or d) critical legal theory [meaning explain whether it is or isn’t for each one of these and why].