



HON 251/COM 429: OXBRIDGE LECTURE SERIES WHAT SHOULD THE LAW *Do*?

For this course's **capstone project**, students have a choice between two projects.

The first option is to devise a system of law for a hypothetical new society, Berryland, one that wishes to cull from the best thinking of the generations to create the greatest system of law on earth, or at least a darned good one. This project will involve investigation and contemplation, and it will ask students to reason through how to constitute itself, basing that "constitution" on philosophical, moral and legal thought, precedent and practice.



You have no formal restrictions, and no formal length requirements. Strongly recommended, however, are close readings of the U.S. Constitution (<http://www.archives.gov/exhibits/charters/constitution.html>) and of France's Declaration of the Rights of Man (http://avalon.law.yale.edu/18th_century/rightsof.asp). Both are the products of revolution, but each takes a very different route to constituting a government. Your final document could look much like these examples at least in terms of structure or form.

I also ask for an explanatory section walking me through the key decisions you made, and how you made them. In other words, declaring rights means making really tough choices. What were those choices? What are you seeking with the choices you made, and what, therefore, are you sacrificing? For example, an ambiguous constitution allows for interpretation and keeps judges busy, but it also is less reliable as a statement of the authors' wishes. A more specific constitution is more reliable, but less flexible. This is just one example.

The second option is to propose a law or series of laws to address the global problem of human trafficking. This law can be one nation's, or it can be international law. Regardless, you will need to think through several issues, including how to pay for enforcement of the law and, if you deem it relevant, how to educate the public on the issue to increase its chances of being funded.



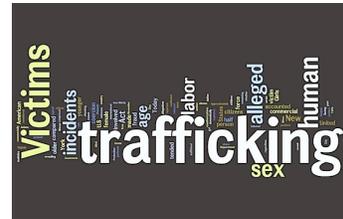
As Roddy Llewellyn shared with us, to fight human trafficking requires a long-term effort – years, in fact. This is quite expensive, and it doesn't win too many people votes.

Your final document should include a statement of the problem, for which you will need to do some research. The “Caged in America” does a nice job of backgrounding the issue of capital punishment in this country, to mention one example of how you might do this. This final document should include the laws you propose, as well as a section detailing how it will be enforced – who or what agency will be charged with carrying out the law. This project involves criminal law, so that’s where your research should focus.

Some help: Here is a step-by-step process

1. Define the goal

We want to stop the practice human trafficking, including its subsidiary activities of pimping, prostitution and slave labor. (This is just an example.)



2. Research existing law

For example, the Council of Europe Convention on Action Against Trafficking in Human Beings and its Explanatory Report (Warsaw, 16.V.2005):

http://www.coe.int/t/dghl/monitoring/trafficking/docs/convntn/cets197_en.asp

and

The United Kingdom’s Asylum and Immigration (Treatment of Claimants, etc.) Act 2004: <http://www.legislation.gov.uk/ukpga/2004/19/contents>

3. Write the law’s title, which begins with the words “An Act To” and continues with a brief summary of the law’s contents. Consider your title carefully.

4. Write the law’s preamble, which consists of the “Whereas” clauses at the beginning of the law that establish the rationale or context for the law. A law can have more than one, but don’t get carried away.

5. Write the body of the law, which is divided into sections, each of which is numbered. A section may have more than one paragraph. A section may have sub-sections, and a sub-section may also have more than one paragraph. An example:

Section 1. The captain of any Berry football team who engages in an un-sanctioned competition with one or more other football teams shall be guilty of the crime of “Breaking Martha’s heart”.

Section 2. The police chief of Berry may arrest the captains of said football teams and incarcerate them in the catacombs of Ford campus.

Section 3. Upon conviction in a competent Court of law, the judge shall sentence the football team captain to one of the following punishments as the Court shall deem appropriate:

(a) For the first offense, a Class C misdemeanor.

(b) For the second and subsequent offenses, a Class B misdemeanor

(c) In the alternative, to pick up ALL deer droppings on Main campus.

6. Stipulate the effective date, or when the law will take effect.

For both options, I ask that you create a Word document in 12-point type, using 1-inch margins, and double-line spaced throughout.

And just so everyone relaxes a bit, I am stipulating here that the priority in these projects is on how we think about the course's defining questions: What should the law do, and how should the law do it? The priority, therefore, is not on how law-sounding our final products are, or on getting our "whereas"es and "wherefore"s right, but in how we think about really big questions, like how to constitute ourselves as a nation on the one hand and how to address a large, even growing global problem that wrenches our hearts and eludes our laws - human trafficking.

Of course, the quality of our writing counts a lot, too. So revise, edit and revise some more. It's finished when it's due. Did someone say "due"? These final products will be **due the last day of class.**