



AMBROSE

PH 230 Philosophy of Law Fall 2012

Time: Wednesday & Friday 8:15 – 9:30
Location: Room L2100

Kenneth M. Nickel (MAR, MSc, PhD ABD)
Associate Professor of Philosophy
410-2000 (ext. 6903)
Office: 2104
Office Hours: Friday 1:00 – 3:00
E-mail: knickel@ambrose.edu

Course Description

The course will be an introduction to the philosophy of law with particular attention to normative and analytical concerns. The course seeks to classify the concept of law in relation to other action-guiding and sanction-imposing systems, most notably morality. The course will examine the philosophical foundations of various streams of law including, criminal law, tort law, property law, and constitutional law.

Course Objectives

1. Students should learn the classic and contemporary perspectives on the core issues of natural law theory, legal positivism, and legal realism.
2. Students should become conversant with some of the land mark judicial rulings and philosophical analyses that shape our thinking about topics including, but not limited to, freedom of expression, same sex marriage, equality, liberty, criminal fault, minority rights, religious freedom, legal adjudication, etc.
3. Students should appreciate the rich and complex relationship that exists between metaphysics, epistemology, moral philosophy, political philosophy, and both the practice and the philosophy of law.

Textbook and Other Course Readings

Dyzenhaus, D., Moreau, S. R., & Ripstein, A. (Eds.). (2007). *Law and Morality: Readings in Legal Philosophy* (3rd ed.). Toronto, ON: University of Toronto Press.

Wacks, Raymond. *Philosophy of Law: A Very Short Introduction*. Oxford, UK: Oxford University Press, 2006.

- Other readings will be provided in class or sent to student e-mails as pdf attachments or internet links.

Recommended Textbook

- Vaughn, Lewis, & McIntosh, Jillian Scott (2009). *Writing Philosophy: A Guide for Canadian Students*. New York, NY: Oxford University Press.

Course Requirements

1. **Attendance and Participation** 10%
 - Attendance will be taken at the beginning of each class. Students are expected to attend each class session **with assigned text material and an engaged frame of mind**. Students should be prepared to contribute meaningful conversation to the topics under discussion. **Each absence from class merits an immediate .5% deduction** and class participation is assessed on the balance. For example, if a student misses two classes and generally participates excellently in class he or she generally cannot achieve more than 9/10 for this portion of his or her grade. **Students in class without text material and otherwise engaged in non-class activities are simply in the same room and may be assessed as absent.** Students who miss no more than two lectures with demonstrably good reasons (e.g., athletic participation) will have their participation assessed on the basis of 10/10.
 - Students who **arrive late to class** or leave early may be marked as absent. As a general rule **two late arrivals or early departures** will amount to one absence.

2. **Research Paper # 1** 20%
 - October 19th @ 4:00 PM
 - A separate document regarding topics, format guidelines, and late policy will be sent to student e-mails and/or be posted on Moodle.

3. **Research Paper # 2** 30%
 - Due: November 30th @ 4:00 PM
 - A separate document regarding topics, format guidelines, and late policy will be sent to student e-mails and/or be posted on Moodle.

4. Final Exam

40%

- Tuesday, December 11th @ 1:00 PM
- Students must pass the final exam to ensure a passing grade in the course. A student who performs well during the term but fails the final exam may fail the course.
- Students should refrain from scheduling flights or travel of any sort that will conflict with the Final Examination schedule. Final examinations will not be rescheduled to accommodate travel arrangements

Grading:

<u>Letter Grade</u>	<u>GPA</u>	<u>Description</u>	<u>Percentage</u>
A+	4.0		96-100 %
A	4.0	Exceptional	91-95 %
A-	3.7		86-90 %
B+	3.3		82-85 %
B	3.0	Exceeds Expectations	75-81 %
B-	2.7		72-74 %
C+	2.3		68-71 %
C	2.0	Meets Expectations	63-67 %
C-	1.7		60-62 %
D+	1.3		56-59 %
D	1.0	Minimal Pass	50-55 %
F	0.0	Failure	49 < %

Important Dates

- Last day to enter a course without permission, withdraw from course and receive tuition refund, and change from credit to audit is September 18th.
- Last day to request revised time for a final examination is October 29th.
- Last day to withdraw from courses without academic penalty is November 12th.

Important Notes

- Students are responsible to check the Moodle course site and their Ambrose e-mail accounts regularly. E-mail may be used to notify students of cancelled classes or other important details relating to the course.
- Use of cell phones, recording devices, head phones, and all other non-essential technology is **prohibited**. **Text messaging** during class is **prohibited**.
- **Lap top computers, I-pads, tablets, etc., are prohibited** from general use during class. Exceptions may be made on an individual basis for students with relevant disabilities. Lap tops used for purposes unrelated to taking lecture notes are prohibited.

- Students are expected to respect the learning environment of the classroom. Make every attempt to be on time and to remain seated until the class session ends. Keep unnecessary conversations to a minimum as they are distracting to both the instructor and fellow classmates.
- *Ambrose is committed to fostering personal integrity and will not overlook breaches of integrity such as plagiarism and cheating. Plagiarism and cheating can result in a failing grade for an assignment, for the course, or immediate dismissal from the university college. Students are expected to be familiar with the policies in the current Academic Calendar and the Student Handbook that deal with plagiarism, cheating, and the penalties and procedures for dealing with these matters. All cases of academic dishonesty are reported to the Academic Dean.*
- *Personal information, that is information about an individual that may be used to identify that individual, may be collected as a requirement as part of taking this class. Any information collected will only be used and disclosed for the purpose for which the collection was intended. For further information contact the Privacy Compliance Officer at privacy@ambrose.edu.*
- *Although extensions to coursework in the semester are at the discretion of the instructor, students may not turn in coursework for evaluation after the last day of the scheduled final examination period unless they have received permission for a "Course Extension." Alternative times for final examinations cannot be scheduled without prior approval. Requests for course extensions or alternative examination time must be submitted to the Registrar's Office by the appropriate deadline. Course extensions are only granted for serious issues that arise "due to circumstances beyond the student's control."*
- *Students are advised to retain a copy of this syllabus for their records.*

PH 230 COURSE OUTLINE¹

SEP 5	Introduction
SEP 7	Chapter # 1 Positivism, Legal Order, and Morality
SEP 12	
SEP 14	
SEP 19	
SEP 21	
SEP 26	NO CLASS
SEP 28	Chapter # 2 Adjudication
OCT 3	
OCT 5	
OCT 10	Chapter # 3 Feminist Approaches to the Rule of Law
OCT 12	Subjective & Objective Standards

¹ This course outline is **provisional** and may, at the discretion of the instructor, require revision over the course of the term. The instructor reserves the right to deviate from the outline to accommodate, amongst other things, timely issues or pressing concerns.

OCT 17

OCT 19

First Paper Due

OCT 24

OCT 26

OCT 31

Chapter # 4 Law and Values: Liberty, Democracy, and the Rule of Law

NOV 2

NOV 7

NOV 9

Chapter # 5 Equality – Same Sex Marriage

NOV 14

NOV 16

NOV 21

Chapter # 8 Speech, Hate Propaganda, and Pornography

NOV 23

NOV 28

NOV 30

Second Paper Due