

Philosophy of Law

3 credits

Prerequisite: PH 125

Class Information		Instructor Information		First day of classes:	Wed., Sep 7
Days:	T & Th	Instructor:	Dr. Ken Nickel (PhD)	Last day to add/ drop/change to audit:	Sun., Sep 18
Time:	8:15 – 9:30	Email	knickel@ambrose.edu twitter: Ken Nickel@Nometa4U	Last day to request revised exam:	Mon., Oct 24
Room:	2084	Phone:	410-2000 ext 6903	Last day to withdraw from course:	Mon., Nov 14
Lab/Tut:		Office:	2103	Last day to apply for time extension for coursework:	Mon., Nov 21
Final Exam: Mon, Dec 19 @ 1:00 in 2141		Office Hrs:	Drop in or by appointment	Last day of classes:	Mon., Dec 12

Textbook:**Required:**

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

Wacks, Raymond. *Philosophy of Law: A Very Short Introduction*. 2nd ed. Oxford, UK: Oxford University Press, 2014. (Hereafter *POL*)

Recommended:

Vaughn, Lewis, and Jillian Scott McIntosh. *Writing Philosophy: A Guide for Canadian Students*. 2nd ed. New York, NY: Oxford University Press, 2013.

- ✓ This is an excellent resource, especially if a student plans to take additional courses in the discipline of Philosophy.

Online Resource:

Stanford Encyclopedia of Philosophy (SEP)

<http://plato.stanford.edu/contents.html>

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.

Expected Learning Outcomes:

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.

Course Schedule:***PH 230 COURSE OUTLINE¹***

SEP 8 Introduction

What is Law? Natural Law vs. Legal Positivism

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 timely issues or pressing pedagogical concerns.

We will spend the first weeks discussing what law is, where it comes from, and what relationship to morality it may or may not have.

✓ READINGS:

✓ *POL*: **Chapters 1-3**

✓ *LAM* : Hobbes, 6-29; Hart 28-52; Hart 53-64; *Whitley v Chapel* 65-66; Dworkin 108-121; Dworkin 122-125; *Riggs v Palmer* 140-145; *The Queen v Dudley and Stephens* 154-157; *Commonwealth v Aves* 182; *Sim's Case* 185-193; The Chinese Head Tax Case 200-203; *Mack v Attorney General of Canada* 204-221; Moran 222-256.

SEP 13

SEP 15

SEP 20

SEP 22

SEP 27

SEP 29 Spiritual Emphasis Day – No Class

We will spend the next few weeks discussing Law's relationship to culture and societal norms. The Law often appeals to the 'reasonable person' as a normative standard, but how exactly should we think of the 'reasonable person'? Feminism has a great deal to contribute to this discussion, but so does religion, ethnicity, class, etc. During this section we'll devote a great deal of attention to Supreme Court rulings.

✓ READINGS:

✓ *POL* : Chapter 6

✓ *LAM* : Chapter 3

OCT 4

OCT 6

OCT 11

OCT 13

OCT 18

OCT 20

OCT 25

OCT 27

During this section we will look at liberty rights and the value of freedom.

✓ READINGS:

✓ *POL* : Chapter 4

✓ *LAM* : Chapter 4

NOV 1

NOV 3

NOV 8

NOV 10

During the final weeks of class we will look at some important social issues like same-sex marriage, hate speech, obscenity, pornography, and terrorism.

- ✓ READINGS:
- ✓ *POL* : Chapter 5
- ✓ *LAM* : Chapter 5, 7, 8

NOV 15

NOV 17

NOV 22

NOV 24

NOV 29

DEC 1

DEC 6

DEC 8

Requirements:

1. **Attendance and Participation** 15%
 - 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 **1 mark deduction** and class participation is assessed on the balance. For example, if a student misses two classes and generally participates well in class he or she generally cannot achieve more than 13/15 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 regularly arrive late, depart early, or leave in the middle may be marked as absent. As a general rule **two late arrivals or early departures** will amount to one absence.
 - Students may enhance their participation grades by contributing to regular **Moodle discussion forums**.
 - A student whose attendance is perfect but fails to participate sufficiently with class discussion can expect no more than **B-** (10.95 / 15) for this portion of his or her grade.

- Students who are **absent for twelve** or more classes automatically earn a **failing** grade for the course and are not permitted to write the final exam.

2. First Research Paper 17.5%

- Due: Thursday, October 13 @ 1:00 PM
- A separate document regarding topics, format and submission guidelines, and late policy will be available on Moodle.
- Papers will be submitted by the Instructor to “Turnitin” for originality assessment. Personal privacy is protected.
- Students must submit the paper to be eligible to write the final exam.

3. Second Research Paper 27.5%

- Due: Tuesday, December 6 @ 8:15 PM
- A separate document regarding topics, format and submission guidelines, and late policy will be provided.
- Papers will be submitted by the Instructor to “Turnitin” for originality assessment. Personal privacy is protected.
- Students must submit the paper to be eligible to write the final exam.

4. Final Exam 40%

- Date: Monday, December 19 @ 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 not schedule flights or travel of any sort that will conflict with the final examination schedule. Final examinations will not be rescheduled to accommodate travel arrangements.

Attendance: See course requirements

Grade Summary:

Letter Grade	GPA	Description	Percentage
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 %

- ✓ Because of the nature of the Alpha 4.00 system, there can be no uniform College-wide conversion scale. The relationship between raw scores (e.g. percentages) and the resultant letter grade will depend on the nature of the course and the instructor's assessment of the level of each class, compared to similar classes taught previously.
- ✓ Please note that final grades will be available on student registration system. Printed grade sheets are not mailed out.

Other

- ✓ **Students are responsible to check the Moodle** course site and their Ambrose e-mail accounts regularly. Moodle will remind students of upcoming topics and readings. 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.
- ✓ **Phones must be put away during class.**
- ✓ **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 and needs. Students wanting to use lap tops in class must discuss this with the instructor personally. Lap tops used for purposes unrelated to taking lecture notes are prohibited.
- ✓ The professor has the right to disallow the student to use a laptop in future lectures and/or to ask a student to withdraw from the session if s/he does not comply with this policy. Repeat offenders will be directed to the Dean



Policies:

Communication

All students have received an Ambrose e-mail account upon registration. It is the student's responsibility to check this account regularly as the Ambrose email system will be the professor's instrument for notifying students of important matters (cancelled class sessions, extensions, requested appointments, etc.) between class sessions. If students do not wish to use their Ambrose accounts, they will need to forward all messages from the Ambrose account to another personal account.

Registration

During the **Registration Revision Period** students may enter a course without permission, change the designation of any class from credit to audit and /or voluntary withdraw from a course without financial or academic penalty or record. Courses should be added or dropped on the student portal by the deadline date; please consult the List of Important Dates. After that date, the original status remains and the student is responsible for related fees.

Students intending to withdraw from a course after the Registration Revision Period must apply to the Office of the Registrar by submitting a "Request to Withdraw from a Course" form or by sending an email to the Registrar's Office by the **Withdrawal Deadline**; please consult the List of Important Dates on the my.ambrose.edu website. Students will not receive a tuition refund for courses from which they withdraw after the Registration Revision period. A grade of "W" will appear on their transcript.

Exam Scheduling

Students wishing to withdraw from a course, but who fail to do so by the applicable date, will receive the grade earned in accordance with the course syllabus. A student obliged to withdraw from a course after the Withdrawal Deadline because of health or other reasons may apply to the Registrar for special consideration.

Students, who find a conflict in their exam schedule must submit a Revised Examination Request form to the Registrar's Office by the deadline date; please consult the List of Important Dates. Requests will be considered for the following reasons only: 1) the scheduled final examination slot conflicts with another exam; 2) the student has three final exams within three consecutive exam time blocks; 3) the scheduled final exam slot conflicts with an exam at another institution; 4)

extenuating circumstances. Travel is not considered a valid excuse for re-scheduling or missing a final exam.

Electronic Etiquette

Students are expected to treat their instructor, guest speakers, and fellow students with respect. It is disruptive to the learning goals of a course or seminar and disrespectful to fellow students and the instructor to use electronics for purposes unrelated to the course during a class session. Turn off all cell phones and other electronic devices during class. Laptops should be used for class-related purposes only. Do not use iPods, MP3 players, or headphones. Do not text, read, or send personal emails, go on Facebook or other social networks, search the internet, or play computer games during class. Some professors will not allow the use of any electronic devices in class. The professor has the right to disallow the student to use a laptop in future lectures and/or to ask a student to withdraw from the session if s/he does not comply with this policy. Repeat offenders will be directed to the Dean. If you are expecting communication due to an emergency, please speak with the professor before the class begins.

Academic Policies

It is the responsibility of all students to become familiar with and adhere to academic policies as stated in the Academic Calendar. Personal information (information about an individual that may be used to identify that individual) may be required 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.

Extensions

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 from the Registrar's Office. Requests for course extensions or alternative examination time must be submitted to the Registrar's Office by the deadline date; please consult the List of Important Dates. Course extensions are only granted for serious issues that arise "due to circumstances beyond the student's control."

Appeal of Grade

An appeal for change of grade on any course work must be made to the course instructor within one week of receiving notification of the grade. An appeal for change of final grade must be submitted to the Registrar's Office in writing and providing the basis for appeal within 30 days of receiving notification of the final grade, providing the basis for appeal. A review fee of \$50.00 must accompany the appeal. If the appeal is sustained, the fee will be refunded.

Academic Integrity

We are committed to fostering personal integrity and will not overlook breaches of integrity such as plagiarism and cheating. Academic dishonesty is taken seriously at Ambrose University as it undermines our academic standards and affects the integrity of each member of our learning community. Any attempt to obtain credit for academic work through fraudulent, deceptive, or dishonest means is academic dishonesty. Plagiarism involves presenting someone else's ideas, words, or work as one's own. Plagiarism is fraud and theft, but plagiarism can also occur by accident when a student fails or forgets to acknowledge to another person's ideas or words. 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 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 and become part of the student's permanent record.

Note: Students are strongly advised to retain this syllabus for their records.