

Course ID:	Course Title:	Fall 2020
PH 230	Philosophy of Law	Prerequisite: PH 125
		Credits: 3

Class Information		Instructor Information		Important Dates	
Days:	T & Th	Instructor:	Ken Nickel, PhD	First day of classes:	Wed, Sep 9
Time:	1:30 - 2:45	Email:	knickel@ambrose.edu	Last day to add/drop, or change to audit:	Sun, Sep 20
Room:	L2084	Phone:	403-410-2000 ext 6903	Last day to request revised exam:	Mon, Nov 2
Lab/ Tutorial:		Office:	2103	Last day to withdraw from course:	Fri, Nov 20
		Office Hours:	Drop-in or upon request	Last day to apply for coursework extension:	Mon, Nov 23
Final Exam:	Mon, Dec 21 @ 9:00 AM			Last day of classes:	Mon, Dec 14

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.

Textbooks

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

Recommended:

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*)

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 Schedule

SEP 10

What is Law? What is Common Law? Does 'might make right? Does power make law legitimate?
What is the relationship between Law and Morality?

- ✓ Natural Law(s) vs. Legal Positivism(s)
- ✓ Law and Interpretation; Law and Constitutionalism
- ✓ *POL*: Chapters 1-3, 6
- ✓ Plato, Aristotle, Aquinas, Hobbes, Locke, Hart, Dworkin.

SEP 15

SEP 17

SEP 22

SEP 24

SEP 29

OCT 1

What matters most when discerning liability or guilt? Who is a 'reasonable person'? Should culture, gender, or identity matter in the law? How should we think about autonomous vehicles and self-driving cars?

- ✓ *R. v. Tutton*; *R. v. Waite*; *R. v. Hundal*; *R. v. Creighton*; *R. v. Naglik*, *R. v. Beatty*,
- ✓ The case of Emma Czornobaj

OCT 6

OCT 8

OCT 13

OCT 15

OCT 20

OCT 22

Justice, Liberty, Equality, and Rights: What are 'rights'? What rights do we have? What rights *should* we have? Can Equality and Minority Rights be reconciled? What should Religious Liberty protect?

- ✓ *POL*: Chapters 4, 5
- ✓ Isaiah Berlin, Charles Taylor
- ✓ *R. v. Sparrow*; *Delgamuukw v. BC*; *R. v. Marshall*; *Ktunaxa v BC*
- ✓ *Halpern v. Canada*; *Egan v. Canada*; *Vriend v. Alberta*
- ✓ *Law Society of British Columbia v. Trinity Western University*

OCT 27

OCT 29

NOV 3

NOV 5

NOV 10 READING WEEK

NOV 12 READING WEEK

NOV 17

NOV 19

Law and Pornography, Obscenity, Hate Speech, False Speech: '*The law takes no interest in broken hearts, only broken noses.*' How should the law regard Harm?

- ✓ J.S. Mill, Joel Fienberg, Catharine MacKinnon
- ✓ *R. v. Keegstra*; *R. v. Butler*; *Little Sisters v. Canada*

NOV 24

NOV 26

DEC 1

DEC 3

DEC 8

DEC 10

Requirements:¹

1. **Attendance, Participation, and Weekly Check-ins** 10%
 - Please make every effort to be seated and prepared for class by **1:30**. Attendance will be taken at the beginning of ALL classes for the purposes of contact-tracing on campus. Students are expected to attend each class session with an engaged frame of mind. Students should be prepared to contribute thoughtful conversation to the topics under discussion.
 - Students are required to give evidence of ‘attendance’ on a weekly basis either through in-class participation, Moodle discussion forums, office/zoom face-to-face meetings, or e-mail chats. Students lose 1 mark each week they are AWOL (absent without leave). Students who lose 10 marks (10 weeks) automatically FAIL the course and will not be permitted to write the Final Exam.
 - Students whose ‘attendance’ is perfect but whose quality of engagement is minimal should anticipate nothing better than C+ (7/10) for this portion of their grade.

2. **First Writing Assignment (1200-1400 words)** 15%
 - Due: **October 8 @ 1:29 PM** before class (electronic and paper submissions)
 - 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 this assignment to be eligible to write the Final Exam.

3. **Second Writing Assignment (1200-1400 words)** 15%
 - Due: **November 5 @ 1:29 PM** before class (electronic and paper submissions)
 - 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 this assignment to be eligible to write the Final Exam.

4. **Third Writing Assignment (2800-3000 words)** 25%
 - Due: **December 14 @ 4:00 PM** (electronic only - no paper submission required)
 - 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 who have not submitted all assignments will not be permitted to write the Final Exam.

5. **Comprehensive / Cumulative Final Exam** 35%
 - Date: **Monday, December 21 @ 9:00 AM**
 - Students must pass the Final Exam to ensure a passing grade in the course. Even if a student’s accumulated grades are above 50%, the Professor reserves the right to withhold a passing grade for the course if the student fails the Final Exam.

¹ The Professor reserves the right to modify requirements, assignments, and exams in the event of any permanent transition to online delivery. The current requirements assume the semester will proceed as planned.

- Students should refrain from scheduling all other commitments (e.g., 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 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 University-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: (On a more personal note)

- ✓ **Classrooms are not public spaces.** When you pay tuition you become temporarily entitled to a private audience with me, your Professor. That audience occurs in a classroom only because my office isn’t big enough. Therefore, please behave in *my* class as you would if you came to *my* office for the same instruction. You are free throughout the semester to (strongly!) disagree with me and your fellow students on the condition that you do so with civility and an appropriate degree of respect. Due to Covid-19 protocols, guests are not welcome in class this semester.
- ✓ **Students are responsible to check the Moodle** course site and their Ambrose e-mail accounts regularly. I like to use Moodle and/or e-mail to remind students of upcoming topics and readings, or to pose questions in light of readings or lecture topics. E-mail and Moodle may be used to notify you of cancelled classes or other important and immediate details relating to the course.
- ✓ Please, **put cell phones away during class.** Please try to avoid cell use (text messaging) during class

Ambrose University Academic 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.

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.

Exam Scheduling

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. 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.