PHIL 3040 PHILOSOPHY OF LAW

Instructor: Dr. Peter Eardley
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Office Hours: Wed. 1:30-3:30

Fall Term 2015
M/W/F 9:30 – 10:20
Mackinnon 121
T.A. Mr. Bryan Richard
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Course Description:

This course is an introduction to the major themes and topics in the philosophy of law. Through an examination of classical and contemporary readings related to this topic, we will address such issues as the scope and nature of law, the relationship between law and individual freedom, justifications for legal punishment and the nature of international law. As the course progresses students will acquire the tools that are necessary to think critically about the foregoing topics. Authors will include Thomas Aquinas, H.L.A. Hart, Peter Singer and the British jurist Patrick Devlin.

Required Text:


Course Requirements:

- Paper (40%)
- 3 in-class quizzes (3 x 20% = 60%)
- Please note: there will not be a final exam in this course.

E-mail Communication

As per University regulations, all students are required to check their uoguelph.ca e-mail account regularly: e-mail is the official route of communication between the university and its students.

When You Cannot Meet a Course Requirement

When you find yourself unable to meet an in-course requirement because of illness or compassionate reasons, please advise the course instructor (or designated person, such as a teaching assistant) in writing, with your name, ID#, and e-mail contact. See the Undergraduate Calendar for information on regulations and procedures for Academic Consideration:
Drop Date

The last date to drop one-semester Fall 2015 courses, without academic penalty, is November 6, 2015. For regulations and procedures for Dropping Courses, see the Undergraduate Calendar: http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-drop.shtml

Copies of out-of-class assignments

Keep paper and/or other reliable back-up copies of all out-of-class assignments: you may be asked to resubmit work at any time.

Student Rights and Responsibilities

Each student at the University of Guelph has rights which carry commensurate responsibilities which, broadly, being a civil and respectful member of the University community. The Rights and Responsibilities are detailed in the Undergraduate Calendar: http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c14/c14-rightsrespon.shtml

Academic Misconduct

The University of Guelph is committed to upholding the highest standards of academic integrity and enjoins all members of the University community – faculty, staff, and students – to be aware of what constitutes academic misconduct and to do as much as possible to prevent academic offences from occurring. The Academic Misconduct Policy is detailed in the Undergraduate Calendar:

http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-amisconduct.shtml

Recording of Materials

Presentations which are made in relation to course work—including lectures—cannot be recorded in any electronic media without the permission of the presenter, whether the instructor, a classmate or guest lecturer.

Resources

The Undergraduate Calendar is the source of information about the University of Guelph’s procedures, policies and regulations which apply to undergraduate programs. It can be found at:

http://www.uoguelph.ca/registrar/calendars/undergraduate/current/
If you find yourself in difficulty, contact the undergraduate advisor in your program, or the BA Counseling Office: http://www.uoguelph.ca/baco/contact.shtml

Tentative Schedule

September

Note: All readings can be found in Culver, unless otherwise indicated.

11. Discuss syllabus
14. What is Philosophy of Law?/St. Thomas Aquinas, Summa theologica, qq. 90-91 (31-46)
16. Aquinas, cont.
18. Aquinas, cont.
25. Catharine Mackinnon, "Not a Moral Issue" (Courselink Reading)¹

October

02. Austin, cont.
05. Quiz 1 on September material
09. Hart, cont.
12. Thanksgiving Holiday - No Class
14. Peter Singer, “Equality, Race and Gender,” (Courselink Reading)
21. John Stuart Mill, cont
28. Patrick Devlin cont.

November

02. Quiz 2 on October material

¹ The Teaching Assistant for the Course, Mr. Bryan Richard, who is a PhD student in the Department of Philosophy, will give the lecture on this reading. I am away from Guelph that day, attending an academic conference.
09. Immanuel Kant, “The Right to Punish: Retributivism,” (Courselink Reading)
11. Jeffrey Reiman, "Justice, Civilization and the Death Penalty," (Courselink Reading)
18. Video on Justice²
23. Duff, cont.
30. Grotius cont.

December

02. Quiz 3 on November material
04. Course Wrap-Up/Graded Papers Returned

Important Dates

Oct 05: Quiz 1
Nov 02: Quiz 2
Nov 06: Last day to drop one-semester courses
Nov 04: Paper topic to be distributed in class
Nov 18: Term Papers to be submitted in class
Dec 02: Quiz 3

² Since I will be away on this day, acting as the external examiner for a Ph.D. defense at the University of Toronto, a video on the Foundations of Justice will be screened.