



PHIL*3040 Philosophy of Law

Fall 2019

Section(s): C01

Department of Philosophy

Credit Weight: 0.50

Version 1.00 - September 05, 2019

1 Course Details

1.1 Calendar Description

This course is an introduction to the main topics in the philosophy of law. It aims to give students a philosophical grounding in such issues as the purpose and nature of law, the relationship between law and individual freedom and the question of international law. Thinkers studied may include St. Thomas Aquinas, John Stuart Mill and H.L.A. Hart. The course may also include an examination of the way in which controversial ethical and social issues are treated under the Canadian Charter of Rights and Freedoms.

Pre-Requisites: 1.50 credits in Philosophy or 7.50 credits or PHIL*2120

1.2 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, and justifications for legal punishment. As the course progresses students will acquire the tools that are necessary to think critically about the foregoing topics. Authors will include Thomas Aquinas, John Stuart Mill, Patricia Smith and the British jurist Patrick Devlin.

1.3 Timetable

Timetable is subject to change. Please see WebAdvisor for the latest information.

1.4 Final Exam

Please note: there will not be a final exam in this course

2 Instructional Support

2.1 Instructional Support Team

Instructor:	Peter Eardley PhD
Email:	peardley@uoguelph.ca
Telephone:	+1-519-824-4120 x53211
Office:	MCKN 336
Office Hours:	Wed. 2:30-4 PM

3 Learning Resources

3.1 Required Resources

Textbook (Textbook)

There is no textbook for this course.

Courselink Readings (Readings)

Selected Courselink Readings.

4 Learning Outcomes

Course Objectives and Anticipated Outcomes:

4.1 Course Learning Outcomes

By the end of this course, you should be able to:

1. Analyze and evaluate major historical and/or conceptual developments in philosophy.
 2. Identify and critically evaluate the practical significance of major developments in moral philosophy, epistemology, metaphysics, feminism, aesthetics, social and political philosophy, and existentialism.
 3. Read and comprehend complex original source materials in the history and problems of philosophy.
 4. Write clearly and cogently on advanced problems in philosophy.
 5. Be skilled in the use of key tools for sound justification and rational persuasion, including formal and informal logic, the gathering of empirical evidence, and the balanced judgment of conflicting interpretations.
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5 Teaching and Learning Activities

Tentative Schedule

Note: All readings will be found on Courselink.

5.1 Lecture

Thu, Sep 5

Topics: Introduction to Course.

Tue, Sep 10

Topics: What is Philosophy of Law?/St. Thomas Aquinas "Treatise on Law" (From the Summa Theologica).

Thu, Sep 12

Topics: Aquinas, continued.

Tue, Sep 17

Topics: Aquinas, continued.

Thu, Sep 19

Topics: Thomas Hobbes, Selections on Positive Law/the Social Contract (From Leviathan)

Tue, Sep 24

Topics: **No lecture** (I will be in Germany attending a professional conference).

Thu, Sep 26

Topics: **No lecture** (I will be in Germany attending a professional conference).

Tue, Oct 1

Topics: Hugo Grotius, "Prolegomena" (From De Iure Belli ac

Pacis).

Thu, Oct 3

Topics: Grotius continued.

Tue, Oct 8

Topics: John Stuart Mill, Excerpts from "On Liberty"

Thu, Oct 10

Topics: **Quiz 1**

Tue, Oct 15

Topics: **THANKSGIVING BREAK - NO CLASS**

Thu, Oct 17

Topics: Gerald Dworkin, "Paternalism"

Tue, Oct 22

Topics: Lord Patrick Devlin, "Morals and the Criminal Law,"
(From The Enforcement of Morals)

Thu, Oct 24

Topics: Devlin continued.

Tue, Oct 29

Topics: Aristotle, "Voluntary Action and Responsibility," (From
Nicomachean Ethics).

Thu, Oct 31

Topics: Aristotle continued.

Tue, Nov 5

Topics:	Quiz 2
Thu, Nov 7	
Topics:	R.A. Duff, "Choice, Character and Action"
Tue, Nov 12	
Topics:	Immanuel Kant, "The Right to Punish: Retributivism."
Thu, Nov 14	
Topics:	Patricia Smith, "Feminist Jurisprudence and the Nature of Law."
Tue, Nov 19	
Topics:	Smith continued.
Thu, Nov 21	
Topics:	Peter Singer, "Equality, Race and Gender."
Tue, Nov 26	
Topics:	Quiz 3
Thu, Nov 28	
Topics:	Course Wrap-Up Return Papers

6 Assessments

6.1 Assessment Details

Quiz 1 (20%)

Date: Thu, Oct 10

On September/October Material.

Quiz 2 (20%)

Date: Tue, Nov 5

On October Material.

Quiz 3 (20%)

Date: Tue, Nov 26
On November Material.

Term Papers to be submitted in class (40%)

Date: Thu, Nov 14, In Class

7 Course Statements

7.1 Important Dates

Oct 10: Quiz 1

Oct 31: Paper topic to be distributed in class

Nov 05: Quiz 2

Nov 14: Term Papers to be submitted in class

Nov 26: Quiz 3

7.2 Student Rights and Responsibilities

Each student at the University of Guelph has rights which carry commensurate responsibilities that involve, broadly, being a civil and respectful member of the University community. [The Rights and Responsibilities are detailed in the Undergraduate Calendar](#)

8 University Statements

8.1 Email Communication

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

8.2 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. The grounds for Academic Consideration are detailed in the Undergraduate and Graduate Calendars.

Undergraduate Calendar - Academic Consideration and Appeals

<https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-ac.shtml>

Graduate Calendar - Grounds for Academic Consideration

<https://www.uoguelph.ca/registrar/calendars/graduate/current/genreg/index.shtml>

Associate Diploma Calendar - Academic Consideration, Appeals and Petitions

<https://www.uoguelph.ca/registrar/calendars/diploma/current/index.shtml>

8.3 Drop Date

Students will have until the last day of classes to drop courses without academic penalty. The deadline to drop two-semester courses will be the last day of classes in the second semester. This applies to all students (undergraduate, graduate and diploma) except for Doctor of Veterinary Medicine and Associate Diploma in Veterinary Technology (conventional and alternative delivery) students. The regulations and procedures for course registration are available in their respective Academic Calendars.

Undergraduate Calendar - Dropping Courses

<https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-drop.shtml>

Graduate Calendar - Registration Changes

<https://www.uoguelph.ca/registrar/calendars/graduate/current/genreg/genreg-reg-regchg.shtml>

Associate Diploma Calendar - Dropping Courses

<https://www.uoguelph.ca/registrar/calendars/diploma/current/c08/c08-drop.shtml>

8.4 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.

8.5 Accessibility

The University promotes the full participation of students who experience disabilities in their academic programs. To that end, the provision of academic accommodation is a shared responsibility between the University and the student.

When accommodations are needed, the student is required to first register with Student Accessibility Services (SAS). Documentation to substantiate the existence of a disability is required; however, interim accommodations may be possible while that process is underway.

Accommodations are available for both permanent and temporary disabilities. It should be noted that common illnesses such as a cold or the flu do not constitute a disability.

Use of the SAS Exam Centre requires students to book their exams at least 7 days in advance and not later than the 40th Class Day.

For Guelph students, information can be found on the SAS website

<https://www.uoguelph.ca/sas>

For Ridgetown students, information can be found on the Ridgetown SAS website

<https://www.ridgetownc.com/services/accessibilityservices.cfm>

8.6 Academic Integrity

The University of Guelph is committed to upholding the highest standards of academic integrity, and it is the responsibility of 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. University of Guelph students have the responsibility of abiding by the University's policy on academic misconduct regardless of their location of study; faculty, staff, and students have the responsibility of supporting an environment that encourages academic integrity. Students need to remain aware that instructors have access to and the right to use electronic and other means of detection.

Please note: Whether or not a student intended to commit academic misconduct is not relevant for a finding of guilt. Hurried or careless submission of assignments does not excuse students from responsibility for verifying the academic integrity of their work before submitting it. Students who are in any doubt as to whether an action on their part could be construed as an academic offence should consult with a faculty member or faculty advisor.

Undergraduate Calendar - Academic Misconduct

<https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-amisconduct.shtml>

Graduate Calendar - Academic Misconduct

<https://www.uoguelph.ca/registrar/calendars/graduate/current/genreg/index.shtml>

8.7 Recording of Materials

Presentations that are made in relation to course work - including lectures - cannot be recorded or copied without the permission of the presenter, whether the instructor, a student, or guest lecturer. Material recorded with permission is restricted to use for that course unless further permission is granted.

8.8 Resources

The Academic Calendars are the source of information about the University of Guelph's procedures, policies, and regulations that apply to undergraduate, graduate, and diploma programs.

Academic Calendars

<https://www.uoguelph.ca/academics/calendars>
