



## PHIL\*3040 Philosophy of Law

Fall 2020

Section(s): 01

Department of Philosophy

Credit Weight: 0.50

Version 1.00 - September 10, 2020

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### 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, 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, and the British jurist Patrick Devlin. The course will be delivered asynchronously, meaning that there will be no real-time, virtual meetings or lectures; rather, content will be uploaded to Courselink, where students will be able to access it at their own convenience, and discussions will take place via the Courselink "Discussion" tool.

#### 1.3 Timetable

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

#### 1.4 Final Exam

See Webadvisor for details

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## 2 Instructional Support

### 2.1 Instructional Support Team

<b>Instructor:</b>	Peter Eardley (Ph.D)
<b>Email:</b>	peardley@uoguelph.ca
<b>Telephone:</b>	+1-519-824-4120 x53211
<b>Office:</b>	MCKN 336
<b>Office Hours:</b>	N/A

### 2.2 Teaching Assistants

<b>Teaching Assistant:</b>	Dru Graham (M.A.)
<b>Email:</b>	dgraha07@uoguelph.ca
<b>Teaching Assistant:</b>	Kyle Barbour (M.A.)
<b>Email:</b>	kbarbour@uoguelph.ca
<b>Teaching Assistant:</b>	Kyle Novak (M.A.)
<b>Email:</b>	knovak@uoguelph.ca

### 2.3 A Note on the Teaching Assistants

The Teaching Assistants for the course are, in alphabetical order, Mr. Kyle Barbour, Mr. Dru Graham and Mr. Kyle Novak. All three are graduate students in the Philosophy Department at Guelph who are hired by the University as TAs for their expertise. Due to Covid-19, you will not, unfortunately, get to know them face to face, but rather virtually, primarily through the Courselink "Discussion" Forum, which they will monitor and to which they will contribute. They will also be available via email. As with all email communications at the University, correspondence with the TAs is to be carried out in a respectful manner.

**Students are asked** to familiarize themselves with the University's policy on online behavior, which can be found in the "Statements" section of this syllabus..

## 3 Learning Resources

### 3.1 Required Resources

#### Textbook (Readings)

There is no textbook for this course. Rather, the relevant content will be uploaded to Courselink.

- Under the 'Content' heading you will notice 3 modules in the Table of Contents section:

1. *The Primary Readings*: refer to the original source texts of the main figures we will be reading (e.g., Aquinas, Devlin, Duff, etc.)
  2. *The Slides*: refer to my notes on the primary readings.
  3. *Tips for Writing a Philosophy Paper*: is self-explanatory. Students should read this short piece before writing their essays.
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## 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. 1. *Analyze and evaluate* major historical and/or conceptual developments in philosophy.
  2. *Identify and critically evaluate* the practical significance of major developments in ethics, political philosophy and the philosophy of law..
  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

**NB:** There will be no synchronous activities for this course. That is, there will be no real-time lectures, seminars nor any other meetings or communications via Zoom, Teams, etc. Rather, the "Discussions" tool on Courselink will be available for students to interact with their peers on content related to the course. The hope is that students will take advantage of these virtual discussion groups in order to bounce ideas off of one another and engage in peer learning by posting questions and replies. The threads will be actively monitored by the TAs and by the instructor on a regular basis throughout each week. As a general rule, they will only intervene when a discussion seems to be going in a direction that could be seriously misleading with respect to content. Otherwise, students are encouraged to explore their reasoned opinions with the widest possible freedom as a method of gaining a deeper insight

into the material.

**Students are asked** to familiarize themselves with the University's policy on online behavior, which can be found in the "Statements" section of this syllabus.

## 5.1 Lecture

**Thu, Sep 10**

**Topics:** No readings for this first week of classes. Instead, make sure to read the syllabus carefully.

**Mon, Sep 14**

**Topics:** St. Thomas Aquinas "Treatise on Law" (From the *Summa Theologica*):

- Q. 90: Of the Essence of Law (articles 1-4), pp. 31-35.
- Q. 91: Of the Various Kinds of Law (articles 1-3), pp. 35-37.
- Q. 94 Of the Natural Law (article 2): pp. 39-40.

**Mon, Sep 21**

**Topics:** Thomas Hobbes, "The Social Contract" pp. 602-610.

**Mon, Sep 28**

**Topics:** John Stuart Mill, "On Liberty" pp. 326-328

**Mon, Oct 5**

**Topics:** Gerald Dworkin, "Paternalism" pp. 342-356.

**Mon, Oct 12**

**Topics:** There is no new reading for this week since Monday October 12 and Tuesday October 13 are holidays. However, our take-home assignment will be posted on the morning of **Wednesday, October 14th**. In 900 words, you will be asked to compare and contrast two readings you have already covered. Completed exams are to be returned via Dropbox by 5 PM on **Friday, October 16th**.

**Mon, Oct 19**

**Topics:** Lord Patrick Devlin, *Morals and the Criminal Law*, pp. 1-5.

**Mon, Oct 26**

**Topics:** Aristotle, "Voluntary Action and Responsibility", (Ross Translation), pp. 1-5.

**Mon, Nov 2**

**Topics:** R.A. Duff, "Choice, Character and Action," pp. 418-441.

**Mon, Nov 9**

**Topics:** Immanuel Kant, "The Right to Punish: Retributivism" pp. 475-477.

**Mon, Nov 16**

**Topics:** Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, pp. 674-682.

**Mon, Nov 23**

**Topics:** Hugo Grotius, *Prolegomena to the Law of War and Peace* (1625).

**Mon, Nov 30**

**Topics:** This final week of classes will function as a **REVIEW SESSION**. There will be no new readings to cover. Rather, students are encouraged to use their discussion time to post any questions they might have about the material in preparation for the final exam.

## 6 Assessments

### 6.1 Assessment Details

#### Mid-Term Take Home Assignment (30%)

**Date:** Wed, Oct 14, 9:00 AM - Fri, Oct 16, 5:00 PM

This take-home exam will take the form of a 900-word compare and contrast question on two of the readings covered up to that point. The question will be posted on the morning of **Wednesday, October 14** and is to be returned, via Dropbox, on **Friday, October 16 at 5 PM**.

**Comparative Essay (40%)****Date:** Mon, Nov 2, 9:00 AM - Mon, Nov 16, 5:00 PM

The topic for this assignment will be posted on Courselink on the morning of **Monday, November 2nd**. The assignment will involve reading two seminal pieces in the Philosophy of Law that take opposing sides in a controversial debate. Students will be required to write an essay in which they contribute to the debate. The essay is intended to be relatively short (about 1800 words) and analytical in nature. Papers are to be submitted, via Dropbox, by 5 PM on **Monday, November 16th**.

**Final Exam (30%)****Date:** Fri, Dec 11, 11:30 AM - 1:30 PM

A comprehensive final exam consisting of 2 long-answer questions on course material.

## 7 Course Statements

### 7.1 Important Dates

**Oct 14:** Mid-term assignment posted on Courselink**Oct 16:** Mid-term assignment due via Dropbox**Nov 02:** Essay topic posted on Courselink**Nov 16:** Essay due via Dropbox**Dec 11:** Final Exam

### 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](#)

### 7.3 Policy on Online Behavior

- Inappropriate online behaviour will not be tolerated. Examples of inappropriate online behavior include
- Posting inflammatory messages about your instructor or fellow students
- Using obscene or offensive language online
- Copying or presenting someone else's work as your own
- Adapting information from the Internet without using proper citations or references
- Buying or selling term papers or assignments
- Posting or selling course materials to course notes websites
- Having someone else complete your quiz or completing a quiz for/with another student
- Stating false claims about lost quiz answers or other assignment submissions

- Threatening or harassing a student or instructor online
- Discriminating against fellow students, instructors and/or TAs
- Using the course website to promote profit-driven products or services
- Sharing your user name and password

## 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>

## **8.9 Disclaimer**

Please note that the ongoing COVID-19 pandemic may necessitate a revision of the format of course offerings and academic schedules. Any such changes will be announced via CourseLink and/or class email. All University-wide decisions will be posted on the COVID-19 website (<https://news.uoguelph.ca/2019-novel-coronavirus-information/>) and circulated by email.

## **8.10 Illness**

The University will not normally require verification of illness (doctor's notes) for fall 2020 or winter 2021 semester courses. However, requests for Academic Consideration may still require medical documentation as appropriate.

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