

THE UNIVERSITY OF CALGARY
PHILOSOPHY 319 Lec 01
"Law and Philosophy"
Fall 2008

Instructor: Dr. Ann Levey

Office: SS 1230

Phone: 220-5536

Office Hours: Friday 2-3; immediately after class by request; or by appointment.

Email: levey@ucalgary.ca

Course Description:

In this course we will examine two key issues in law. In the first part of the course we will look at the nature and source of law's authority and of our obligation to the law. We will approach this issue by examining various theories on the nature and validity of law and legal systems, including St. Thomas Aquinas, John Austin, H.L.A. Hart, Ronald Dworkin and (briefly) some critics of these approaches such as the American legal realists, critical race theory and feminist jurisprudence. In the second half of the course we will examine the moral limits of law; i.e. what moral constraints, if any, are there on the content of what government is permitted to legislate. We will begin by looking at John Stuart Mill's dictum that the sole reason which justifies interference with the behaviour of adult humans is prevention of harm to others. In this context we will look at a variety of issues regarding the legitimate limits of law, including censorship, enforcement of moral standards and paternalistic laws. Although the two issues are clearly connected we will for the most part treat the issues in the second half as autonomous from the issues in the first half.

Required Texts:

-Keith Culver ed. *Readings in the Philosophy of Law*, Broadview Press, 1999.

-J. Bickenbach, ed., *Canadian Cases in the Philosophy of Law*, 4th edition, Broadview Press, 2006.

-John Stuart Mill, *On Liberty*, Edward Alexander, ed., Broadview Press, 1999

Course Requirements:

Three papers (of increasing length and quality). Part of the point of these assignments is to learn to write an argumentative paper. Students will be expected to familiarize themselves with the skills of basic argumentative writing. Links to writing websites will be provided on blackboard.

# 1	1000 words	15%	Due Wednesday October 8th
# 2	1500 words	20%	Due Wednesday November 5th
# 3	2000 words	25%	Due Wednesday Dec 3rd
Final Exam		30%	To be scheduled by the Registrar
Participation		10%	

Late assignments will be penalized at the rate of a grade per day (e.g. a paper one day late whose original grade as B, would receive a B-) unless a legitimate reason is provided. Where possible, documentation is required to support requests for extensions and make-up exams. The main thing is to make sure you come talk to me, preferably in advance. Deferral of the final exam requires approval from the Associate Dean (Student Affairs) Humanities.

Grading scale: (%)

98-100	A+	70-74	C+
94-97	A	65-69	C
90-93	A-	60-64	C-
85-89	B+	55-59	D+
80-84	B	50-54	D
75-79	B-	Below 50	F

INTELLECTUAL HONESTY

Intellectual honesty is the cornerstone of the development and acquisition of knowledge and requires that the contribution of others be acknowledged. As a result, cheating or plagiarism on any assignment or examination is regarded as an extremely serious academic offence, the penalty for which may be an F on the assignment and possibly also an F in the course, academic probation, or requirement to withdraw. The University Calendar states that plagiarism exists when:

- *the work submitted or presented was done, in whole or in part, by an individual other than the one submitting or presenting the work (this includes having another impersonate the student or otherwise substituting the work of another for one's own in an examination or test;*
- *parts of the work are taken from another source without reference to the original author;*
- *the whole work (e.g., an essay) is copied from another source; and/or*
- *a student submits or presents work in one course which has also been submitted in another course (although it may be completely original with that student) without the knowledge of or prior agreement of the instructor involved.*

While it is recognized that scholarly work often involves reference to the ideas, data and conclusions of other scholars, intellectual honesty requires that such references be explicitly and clearly noted. Plagiarism is an extremely serious offence. Plagiarism occurs not only when direct quotations are taken from a source without specific acknowledgement, but also when original ideas or data from the source are not acknowledged. A bibliography is insufficient to establish which portions of the student's work are taken from external sources; footnotes or other recognized forms of citation must be used for this purpose.

ACADEMIC ACCOMMODATION

It is the student's responsibility to request academic accommodation. If you are a student with a documented disability who may require academic accommodation and have not registered with the Disability Resource Centre, please contact their office at 220-8237. Students who have not registered with the Disability Resource Centre are not eligible for formal academic accommodation. You are also required to discuss your needs with your instructor no later than fourteen (14) days after the start of this course.

STUDENTS' UNION REPRESENTATIVE

The Humanities Representative is Daniel Pagan, MSC 251, humanitiesrep@su.ucalgary.ca or 220-3913.