



UNIVERSITY OF
CALGARY

FACULTY OF ARTS
DEPARTMENT OF PHILOSOPHY

PHIL 425 Lec 01 – “Philosophy of Law”
Winter Term 2014
Lectures: T/R 9:30-10:45 am
EDC 284

Course Outline

Instructor: Dr. Ann Levey
Office: SS 1230
Office Hours: W/F 10-11 or by apt.
Phone: 220-5536
Email: levey@ucalgary.ca

Course Description

The primary question we will take up in this course is the question of the nature of law, in particular the source of law’s authority and bindingness (normativity). The fundamental debate we will examine here is whether the authority of the law comes from the political order (legal positivism) or whether law is constrained by moral facts that are prior to the political order. We begin with a brief look at tribal law and medieval natural law and then move on to focus on two theories of positivism, John Austin and HLA Hart. We will then look at various criticisms of and alternatives to positivism. Here the focus will be on Ronald Dworkin’s interpretative theory of law but (time permitting) we will also look at legal realism and its modern counterpart, critical legal theory.

Texts:

Paul Groarke, *Legal Theories*, Oxford University Press, 2013.

John Austin, *The Province of Jurisprudence Determined*, 1882. Google books.

http://books.google.ca/books?id=k4YDAAAQAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false

H.L.A Hart, *The Concept of Law, Third Edition*, Oxford University Press, 2012

Journal articles to supplement the text. Links or citations will be posted on blackboard and students are responsible for obtaining the assigned articles.

Course requirements

Participation: students are expected to do the reading in advance of class and are expected to be able to respond to questions asked about the readings. Students are also expected to briefly present their reading reports when asked to do so.	10%
Five reading responses: Each student will be assigned to one of four groups and will hand in reading responses at the beginning of class on either Tuesday or Thursday every other week, beginning Tuesday January 21 and finishing Thursday April 3. The groups will be posted to blackboard by Thursday January 17. The reading responses will respond to questions posted on the readings. While students will be given a rough reading schedule, that schedule is not a map of the readings and it is the responsibility of the student to ensure that they have the correct reading for any given class.	25%
Two in-class exams: Exam 1: February 11 Exam 2: April 10	10% 10%
Group Presentation: Student presentations (in groups of 4-5) will be done in class starting in March. Each group will present for 20-30 minutes. Students will be asked to sign up for presentations after January 20.	15%
Group Written project: The main written project will be a continuation of the group presentation. Due Thursday April 17 in the drop box in the philosophy department.	30%

Writing and the grading thereof is a factor in the evaluation of your work for this course. For further explanation, see the University Calendar at <http://www.ucalgary.ca/pubs/calendar/current/e-2.html>

Students are expected to be prepared for class and to participate in class discussion including being prepared to present their reading responses to the class

There will be no Registrar Scheduled Final Exam

Late Policy:

Students are expected to hand in all course work on the appropriate dates. Late assignments will be accepted on a case-by-case basis based on discussion with the student. Where no arrangements for later assignments are made the standard penalty will be one letter grade per day late.

Grading Scale:

The following scale will be used for assigning grades.

A+	97-100
A	90-96
A-	85-89
B+	80-84
B	75-79
B-	70-75
C+	65-69
C	60-64
C-	56-59
D+	53-55
D	50-52
F	below 50

The reading responses will be given a grade of ✓+; ✓; ✓- ; or 0.

Each ✓+ is equivalent to 20

Each ✓ is equivalent to 15

Each ✓- is equivalent to 10

These will be tallied to give a grade out of 100 for the reading responses.

Academic Honesty

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, an F in the course, academic probation, or requirement to withdraw from the University. See the relevant sections on 'Academic Misconduct' in the current University Calendar. Intellectual honesty requires that your work include adequate referencing to sources. Plagiarism occurs when you do not acknowledge or correctly reference your sources. If you have questions about correct referencing, consult your instructor.

Academic Accommodation

It is the student's responsibility to request academic accommodation. If you are a student with a permanent disability or temporary impairment who may require academic accommodation, you must first register with the Student Accessibility Resource Office located in MacEwan Student Centre 452; phone 403-220-8237; email access@ucalgary.ca. Students who have not registered with the Student Accessibility Office are not eligible for 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. Go to <http://www.ucalgary.ca/access/> for further information.

Blackboard Help

Go to <http://www.ucalgary.ca/computersupport/onlineservices/blackboard> for Student Help and FAQs about Blackboard. Troubleshooting tips and a tutorial are available at <http://elearn.ucalgary.ca/blackboard/students>.

Student Advising and Information Resources

- General Academic Concerns and Program Planning– Have a question but not sure where to start? The Faculty of Arts' Program Information Centre (PIC) is your information resource for everything in Arts. Drop in at SS110, call 403-220-3580, or email artsads@ucalgary.ca. Advisors in the PIC Office can also provide assistance and advice in planning your program through to graduation. You can visit the Faculty of Arts website at <http://arts.ucalgary.ca/undersgraduate> for detailed information on common academic concerns.
- **Advice on Philosophy Courses** - You may find answers to your more specific questions about a philosophy degree on the Department of Philosophy's website <http://phil.ucalgary.ca> or contact one of Philosophy's current Undergraduate Advisors (see below)
- **Registration Overload/Prereq Waivers** – If you are seeking to register in a Philosophy course that is full or to get permission to waive the prereqs for a course, email the instructor of the course.

Protection of Privacy

The University of Calgary is under the jurisdiction of the provincial Freedom of Information and Protection of Privacy (FOIP) Act. The Department of Philosophy ensures the student's right to privacy by requiring all graded assignments be returned to the student directly from the instructor.

Student Ombudsperson and Students' Union Representatives

The Student Ombuds Office provides independent, impartial, and confidential support for students who require assistance or advice in addressing issues and concerns related to their academic careers. For more information, see www.ucalgary.ca/provost/students/ombuds. For the Students' Union Faculty of Arts rep: arts1@ucalgary.ca.

Safewalk

Call 403-220-5333 (24/7/365) for a Safewalk volunteer to accompany you safely to your destination on campus including parking lots, housing, and the LRT station or use a Campus Help Phone.

PHILOSOPHY DEPARTMENT

The Department of Philosophy is located on the 12th floor of the Social Sciences Building
and on the web at www.phil.ucalgary.ca

PHILOSOPHY UNDERGRADUATE PROGRAM ADVISORS FOR WINTER 2014:

Chris Framarin (Undergrad Director) chris.framarin@ucalgary.ca

Reid Buchanan buchanar@ucalgary.ca

Mark Migotti (Honours Program Advisor) migotti@ucalgary.ca

For assistance with registration issues in Philosophy courses, contact
Merlette Schnell (schnell@ucalgary.ca)