

Course Syllabus
Philosophy 2860. Philosophy and Law
Professor Neil McArthur

Semester: Fall 2011

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Office Hours: MWF 10.30-11.30. It is a good idea to email me before coming to see me in case that day's hours have already been booked by other students.

Required Texts (available in the bookstore)

Mark Tebbit, *Philosophy of Law: An Introduction* (Second Edition), also available in a slightly cheaper electronic edition, which can also be rented, from Amazon.com

J.E. Bickenbach, *Canadian Cases in the Philosophy of Law* (Fourth Edition)

Additional readings will be posted in PDF format on the course Jump page

Objectives

The objectives of this course are to introduce students to key problems in the philosophy of law, and to guide them in thinking philosophically about actual legal cases. It will be of interest to students who have a prior interest in the law and want to learn to approach legal problems in a distinctly philosophical manner. It will also interest students who have a prior interest in philosophy, and want to apply tools of philosophical analysis to the task of making and interpreting the law.

The topics under discussion also have a much wider relevance. The laws we live under are inseparable both from our politics and our morality. Our choice to follow or disobey the laws of our country is a moral decision. When we vote for a politician, we are choosing a law-maker. And in a democracy such as ours, a politician, once elected, will then make laws in full view of the public. We have endless opportunities to participate in the process, not least by choosing whether to re-elect her on the basis of the laws she has helped to make. The philosophy of law is therefore an excellent venue to think about the most pressing issues in contemporary society; and the ability to think philosophically about the law is arguably a skill that is essential for any responsible citizen.

Readings consist of both judicial rulings and articles presenting philosophical arguments. The objective of the course is to understand and analyse the arguments on all sides of a given issue, and to see how these relate to larger debates within the philosophy of law. Classes will be structured as discussions rather than lectures. Students will be expected to participate in open and free debates that, while they will inevitably become passionate at times, are dedicated above all to furthering the understanding of the topics under consideration.

Grading

There will be an in-class midterm exam, worth a total of 20% of the final grade, and a final exam, worth 35%. There is an essay, 12 to 18 pages long and worth 35% of the final grade. It is due on December 2. Class attendance and participation is mandatory, and accounts for 10% of the final grade.

Grades

In this course (though not necessarily in any other course in the Department of Philosophy) the following equivalence between letter grades and percentages is used:

A+: 90-100	A: 80-89	B+: 75-79	B: 67-74
C+: 60-66	C: 50-59	D: 45-49	F: 0-45

Withdrawal Deadline

The last date for voluntary withdrawal from courses in the Fall 2011 term is November 17, 2011.

Late Policy

Overdue papers will only be accepted with a documented medical or compassionate excuse.

How to Reach Me

Email is an efficient way to reach me if you have practical questions (e.g. “Can I bring a dictionary into the exam?”; “How should I format my footnotes?”) or administrative matters that need clearing up. However, I cannot answer actual philosophical questions (e.g. “Why do some liberals oppose judicial review?”) through email. Questions like that really need to be worked through in person. Please come see me during my office hours – or if that is not possible, email me to set up an appointment.

Plagiarism and Cheating

Please consult section 7 of the General Academic Regulations and Requirements in your Undergraduate Calendar for information concerning plagiarism and cheating, which can also be found on the Web at:

<http://webapps.cc.umanitoba.ca/calendar07/regulations/plagiarism.asp>

Plagiarism is a very serious offence that can result in failure of this course and more serious penalties. It is never tolerated. Often, worries about plagiarism are the result of simple misunderstandings about standards of academic honesty, misunderstandings that can easily be cleared up *in advance*, before it is too late. Professional scholars consult and rely on other people’s work all the time; students may as well. The important thing is to *acknowledge* the place from which you’ve taken your information or ideas. If you have any questions about academic honesty, please come talk to me.