

PSCI 3109 (A)
The Politics of Law and Morality
Monday 11:35 a.m. – 2:25 p.m.
Please confirm location on Carleton Central

Instructor: Louise A. Edmonds
Office: B645 Loeb Building
Office Hours: Monday 10:00 a.m.-11:30 a.m or by appointment
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Course Overview:

Is law measured by morality or is morality determined by law? Is the relationship between law and morality static or dynamic? This course explores the question of the “proper” relationship between law and morality. It does so by examining certain fundamental considerations relevant to that question, including the public/private distinction, particular versus universal concerns, the appropriate role of the state in regulating morality, and the possible differences between law and morality. These considerations are explored looking at current debates surrounding practices such as pornography, prostitution, abortion, gay and lesbian civil rights, and euthanasia - matters which highlight the intersection of politics, law and morality. Students will read contrasting views from prominent philosophers. This will better prepare them to conduct a critical analysis of the issues examined in the course.

Required Text:

Available in the Carleton University Bookstore

☆ Lori Gruen (ed), *Sex, Morality, and the Law* (London/New York: Routledge, 1996) – hereafter, *SML*

All other *required* material [noted with an asterisk*] is either on reserve in the Maxwell MacOdrum Library or will otherwise be made available to students. Cases can be found on the Supreme Court website at <http://scc.lexum.umontreal.ca/en/index.html>

Course Requirements and Grading Scheme:

Class Participation	10%	
Midterm Examination	25%	October 6, 2008
Class Presentation	25%	
Term Paper	40%	Due: November 17, 2008

As per early feedback guidelines, the mid-term exam on October 6th will be returned by October 31st.

Class Participation:

Classes are an integral component of the course. They provide an opportunity for students to engage in discussions and analysis of the assigned readings and to secure additional, significant information related to topics under examination. Class participation counts for 10% of each student's grade. Please note that the grade assigned is for **participation, not attendance.** Students who, due to illness or for personal reasons, are unable to attend a class should discuss this matter with the instructor.

Mid-term Examination:

There will be a midterm examination Monday October 6, 2008 on material covered during the month of September (weeks 1 through 4). The midterm will be comprised of short answer and essay questions. It will count for 25% of the final grade.

Class Presentation:

During the second half of the semester, each student will participate in an in-class presentation as a member of a group of 5-6 students. The presentation will address one of the issues under examination during that portion of the semester. Each member of the group will be asked to submit to the instructor a confidential assessment of his/her fellow group members, which will be taken into consideration when assigning a grade for this component of the Course. Class presentations account for 25% of each student's final grade.

Term Paper:

Students will be required to write and submit a term paper of approximately 10 typewritten (excluding cover page and bibliography), double-spaced pages in length. Papers that **significantly** fail to meet this length, as well as those that notably exceed it, will be penalized accordingly. The paper must offer a critical assessment of a moral issue provided by the professor. The assessment should briefly describe the fundamental dilemmas associated with the issue and then comment upon the strengths and weaknesses of the competing responses. This exercise allows students both to demonstrate their understanding of the course material and the specific topic under examination and to improve their written communication skills. As with all written assignments, students should ensure that adequate attention is given to proper sentence structure, grammar, spelling, punctuation, etcetera.

The Department's Style Guide is available free at: www.carleton.ca/polisci/undergrad/styleguide.pdf

Each student must submit a physical copy of his/her paper to the instructor **at the beginning of class on Monday November 17, 2008.** Papers not submitted at this time will be assessed penalties. Late essays can be deposited in the Departmental "Drop Box" mail slot located in the corridor outside of room B640 Loeb. Assignments are retrieved **once** every business day at 4 p.m., stamped with that day's date, and then distributed to the instructor. Assignments submitted after 4:00pm will be date stamped as received the next business day. E mail submissions will not be accepted. It is the student's responsibility to ensure they keep a copy of their essay. The paper will account for 40% of the final grade.

Late Penalties:

5% per day (including Saturdays and Sundays). Extensions granted only in the case of extenuating, **verified** circumstances (e.g., note from a doctor, etc). This policy will be strictly enforced.

Plagiarism:

Plagiarism is a serious offence against academic honesty, and, consequently, is completely unacceptable. Papers containing plagiarized passages or arguments/ideas will be severely penalized, potentially resulting in a **grade of 0** and further academic repercussions. Students are advised to familiarize themselves with the University's regulations regarding plagiarism/academic misconduct, which can be found in the University's academic calendar (see, for example, http://www.sprott.carleton.ca/academic_programs/plagiarism.pdf).

Students are expected to know how to avoid plagiarism and other forms of cheating. To that end, it is strongly recommended that student take advantage of the assistance available through the Academic Writing Centre and Writing Tutorial Service (see, for example, <http://www.carleton.ca/wts/docs/index.htm>). Should a student remain uncertain as to what constitutes plagiarism/academic misconduct, s/he should seek clarification from the instructor.

Class Schedule and Readings

Introduction

September 8 What Is Morality?

*James Rachels, "What is Morality?" *The Elements of Moral Philosophy*, 2nd edition, Toronto, McGraw-Hill, 1993, pp. 1-14.

The Queen v. Dudley and Stephens (1884)

S. Dubner and S. Levitt, "What the Bagel Man Saw" *New York Times Magazine*, 6 June 2006.

Theoretical Foundations You may refer to other versions of the readings for this section

September 15 Hobbes

Leviathan, (1651) Introduction, Chapters XIII-XV & XXVI.

Online: <http://www.uoregon.edu/~rbear/hobbes/leviathan.html>

September 22 **Locke**

The Second Treatise of Government, (1690) Chapters I-III, V-VI, IX, XI.

Online: <http://oregonstate.edu/instruct/phl302/texts/locke/locke2/2nd-contents.html>

A Letter Concerning Toleration

Online: <http://www.constitution.org/jl/tolerati.htm>

September 29 **Kant, Bentham, Mill**

*Ronald Munson, *Intervention and Reflection: Basic Issues in Medical Ethics*, Belmont, CA: Thomson-Wadsworth, 2004, pp. 744-757.

J. S. Mill, *On Liberty*, Chapters 4 & 5

Online: http://etext.library.adelaide.edu.au/m/mill/john_stuart/m645o/

October 6 **John Rawls** (**midterm)

*John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (3) (Summer 1985), 223-251.

October 13 **Thanksgiving Holiday (no classes)****October 20** **Feminist Approaches to Law and Morality**

*Carol Gilligan, "Images of Relationship," *In a Different Voice: Psychological Theory and Women's Development*, Harvard University Press, 1982.

*Margaret Little, "Why a Feminist Approach to Bioethics?" in Francoise Baylis, Jocelyn Downie, Barry Hoffmaster, Susan Sherwin, (eds.) *Health Care Ethics in Canada*. Toronto: Nelson, 2004, pp. 30-40.

*Susan Sherwin, "A Relational Approach to Autonomy in Health Care," in Francoise Baylis, et al. (eds.) *Health Care Ethics in Canada*. Toronto: Nelson, 2004, pp. 192-208.

Recommended:

Margaret Little, 'No Car, No Radio, No Liquor Permit' *The Moral Regulation of Single Mothers in Ontario 1920-1997*, Toronto: Oxford University Press, 1998, ch. 3, on Reserve.

October 27 **Polygamy** (**class presentations begin)

Status of Women Canada, *Polygamy in Canada: Legal and Social Implications for Women and Children – A Collection of Policy Research Reports*, 2005. (E-resource)

Rebecca Cook and Lisa Kelly, *Polygyny and Canada's Obligations Under International Human Rights Law*, Ottawa: Department of Justice Canada, 2006. (E-resource)

Janice Tibbetts, "Canada Criticized Over Polygamy," *National Post*, 23 October 2006. (E-resource)

November 3 **Prostitution and Pornography**

Lars Ericsson, "Charges against Prostitution," in *SML*, pp. 87-106.

Laurie Shrage, "Should Feminists Oppose Prostitution?," in *SML*, pp. 133-44.

Irving Kristol "Pornography, Obscenity, and the Case for Censorship," in *SML*, pp. 64-74.

Ronald Dworkin, "Liberty and Pornography," in *SML*, pp. 223-31.

November 10 **Abortion**

Don Marquis, "Why Abortion is Immoral," in *SML*, pp. 308-17.

Judith Jarvis Thomson, "A Defense of Abortion," in *SML*, pp. 281-95.

November 17 **Gay and Lesbian Civil Rights** (**term paper due)

Readings: Vincent J. Samar, "A Moral Justification for Gay and Lesbian Civil Rights Legislation," in *SML*, pp. 174-82.

*Daniel Cere, "War of the Ring," in *Contemporary Political Issues*, 5th edn. (Scarborough: Nelson, 2006), pp. 368-84.

November 24 **Euthanasia and End of Life Issues**

* Dan Brock, "Voluntary Active Euthanasia," in Françoise Baylis, Jocelyn Downie, Barry Hoffmaster, Susan Sherwin, (eds.) *Health Care Ethics in Canada*. Toronto: Nelson, 2004, pp. 468-483.

* Daniel Callahan, "When Self-Determination Runs Amok," in Françoise Baylis et al.(eds.) *Health Care Ethics in Canada*. Toronto: Nelson, 2004, pp. 483-488.

B. (N.) v. Hotel-Dieu de Quebec (1992)

Rodriguez v. British Columbia (Attorney General) (1993)

R. v. Latimer (2001)

December 1 **Religion, Morality and the Law**

Roncarelli v. Duplessis (1959)

Malette v. Shulman (1987)

Noah Feldman, "A Church-State Solution," *The New York Times*, 3 July, 2005.

Academic Accommodations

For students with Disabilities: Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (500 University Centre) for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre (613-520-6608) every term to ensure that the instructor receives your letter of accommodation. After registering with the PMC, make an appointment to meet with the instructor in order to discuss your needs **at least two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations**. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 7, 2008 for December examinations**, and **March 6, 2009 for April examinations**.

For Religious Observance: Students requesting accommodation for religious observances should apply in writing to their instructor for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Instructors and students may contact an Equity Services Advisor for assistance (www.carleton.ca/equity).

For Pregnancy: Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. Then, make an appointment to discuss your needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Plagiarism: The Undergraduate Calendar defines plagiarism as: "to use and pass off as one's own idea or product, work of another without expressly giving credit to another." The Graduate Calendar states that plagiarism has occurred when a student either: (a) directly copies another's work without acknowledgment; or (b) closely paraphrases the equivalent of a short paragraph or more without acknowledgment; or (c) borrows, without acknowledgment, any ideas in a clear and recognizable form in such a way as to present them as the student's own thought, where such ideas, if they were the student's own would contribute to the merit of his or her own work. Instructors who suspect plagiarism are required to submit the paper and supporting documentation to the Departmental Chair who will refer the case to the Dean. It is not permitted to hand in the same assignment to two or more courses. The Department's Style Guide is available at: <http://www.carleton.ca/polisci/undergrad/Essay%20Style%20Guide.html>

Oral Examination: At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

Submission and Return of Term Work: Papers must be handed directly to the instructor and will not be date-stamped in the departmental office. Late assignments may be submitted to the drop box in the corridor outside B640 Loeb. Assignments will be retrieved every business day at **4 p.m.**, stamped with that day's date, and then distributed to the instructor. For essays not returned in class please attach a **stamped, self-addressed envelope** if you wish to have your assignment returned by mail. Please note that assignments sent via fax or email will not be accepted. Final exams are intended solely for the purpose of evaluation and will not be returned.

Approval of final grades: Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Course Requirements: Students must fulfill all course requirements in order to achieve a passing grade. Failure to hand in any assignment will result in a grade of F. Failure to write the final exam will result in a grade of ABS. FND (Failure No Deferred) is assigned when a student's performance is so poor during the term that they cannot pass the course even with 100% on the final examination. In such cases, instructors may use this notation on the

Final Grade Report to indicate that a student has already failed the course due to inadequate term work and should not be permitted access to a deferral of the examination. Deferred final exams are available ONLY if the student is in good standing in the course.

Connect Email Accounts: The Department of Political Science strongly encourages students to sign up for a campus email account. Important course and University information will be distributed via the Connect email system. See <http://connect.carleton.ca> for instructions on how to set up your account.

Carleton Political Science Society: The Carleton Political Science Society (CPSS) has made its mission to provide a social environment for politically inclined students and faculty. Holding social events, debates, and panel discussions, CPSS aims to involve all political science students in the after-hours academic life at Carleton University. Our mandate is to arrange social and academic activities in order to instill a sense of belonging within the Department and the larger University community. Members can benefit through numerous opportunities which will complement both academic and social life at Carleton University. To find out more, please email carletonpss@gmail.com, visit our website at poliscisociety.com, or come to our office in Loeb D688.