

PSCI 3109 (B)
The Politics of Law and Morality
Tuesday 8:35 a.m. – 11:25 a.m.
(517 Southam Hall)

Instructor: Dr. Shaun Young
Office: A639 Loeb Building
Office Hours: Tuesday 11:30 a.m.-12:30 p.m./Wednesday 10:30 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, and grounding those considerations in current debates surrounding practices such as pornography, prostitution, abortion, gay and lesbian civil rights, and euthanasia, matters which highlight the complex relationship between politics, law and morality. Students will read contrasting views from prominent philosophers. The principal goal of such an undertaking is to provide students with the information needed to assess the relative advantages and disadvantages of each of the arguments examined.

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.

Course Requirements and Grading Scheme:

Class Participation (Provided Mid-Term)	10%	February 26, 2008
Class Presentation (Provided End of Term)	10%	April 7, 2008
Term Paper	40%	<u>Due March 11/2008</u>
Final Examination	40%	To be scheduled during formal exam period, (April 11 – 29, 2008)

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 the specific topic under examination. Doing so facilitates both the acquisition of a sound understanding of the material and the satisfaction of the aims of the course.

Class participation accounts for 10% of each student's final grade. Please note that the grade assigned is for **participation, not attendance** (it is, of course, impossible to participate if you do not attend). Students who due to illness or for personal reasons are unable to attend a class should discuss this matter with the instructor at the earliest possible point in time.

Class Presentation:

During the second half of the semester (i.e. February 26 – March 25), as a member of a group of 5-6 students, each student will be required to contribute to an in-class presentation. The presentation will address one perspective of 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 10% of each student's final grade.**

Term Paper:

Students will be required to write and submit a term paper of approximately 8-10 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 one of the issues examined during the second-half (February 26 – March 25) of the course. 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, etc.

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 in class on Tuesday, March 11, 2008. Papers submitted after that time will be assessed a late penalty (see below). Essays not submitted in the above-noted fashion can be deposited in the Departmental "Drop Box" (a mail slot in the wall) 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 THAT ANY PAPER SUBMITTED OTHER THAN DIRECTLY TO THE INSTRUCTOR (I.E. VIA THE DEPARTMENTAL "DROP BOX") IS RECEIVED BY THE INSTRUCTOR. The paper will account for 40% of each student's final grade.

Late Penalties:

There will be a **5% per day (including Saturdays and Sundays)** late penalty assessed against any assignments submitted after the identified due date. Extensions with respect to due dates will be granted only in the case of extenuating, unavoidable circumstances that can be **verified** (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.

Final Examination:

There will be a final examination written during the regularly scheduled examination period. The exam will be comprised of essay questions; **it will account for 40% of each student's final grade.**

Note on the Duration of the Course:

A significant amount of work will need to be completed in a relatively brief period of time. Students are expected to be properly prepared for classes, and this will necessitate devoting a notable amount of time to reading the assigned materials.

Important Dates:

January 7: *Winter term classes begin.*

January 18: *Last day for registration for winter term courses. Last day to change courses or sections for winter term courses.*

February 18 to 22: ***Winter Break, no classes.***

March 14: *Last day to withdraw from two-term and winter term courses (for academic withdrawal only).*

March 11/2008: ***Term paper due.***

April 7: *Last day of Fall/winter and winter-term classes.*

April 9: *Winter term ends. Last day for handing in term assignments, subject to any earlier course deadline.*

April 11 – 29: *Final Examination:* The final examination will be scheduled by the Registrar's Office and be written during the official examination period, **April 11–29/2008**. The specific date, time and location will be announced when they become available.

Class Schedule and Readings:

All material noted with an asterisk (*) is either on reserve in the Maxwell MacOdrum Library or will otherwise be made available to students.

January 8 Introduction to the Course

Distribution and review/discussion of syllabus; identification and explanation of expectations; dissemination of other useful information; brief introductory lecture.

Theoretical Foundations

*Please note: It is not required that you use the below identified versions of the readings for this section (January 15 – February 12).

THE ANCIENTS

January 15: Plato

Reading: *The Republic* Books IV, V, VII.

Online: <http://etext.library.adelaide.edu.au/mirror/classics.mit.edu/Plato/republic.html>

THE MODERNS

January 22: Hobbes

Reading: *Leviathan*, Introduction, Chapters XIII-XV & XXVI.

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

January 29: Locke

Readings: *The Second Treatise of Government*, 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>

February 5: John Stuart Mill

Reading: *On Liberty*, Chapters 4 & 5 (“Of the Limits to the Authority of Society over the Individual” and “Applications”).

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

Class Schedule and Readings:**THE CONTEMPORARIES****February 12:** John Rawls*Reading: “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14 (3): 223-251.**February 19** **WINTER BREAK—NO CLASS****February 26** PornographyReadings: Irving Kristol “Pornography, Obscenity, and the Case for Censorship,” in *SML*, pp. 64-74.Ronald Dworkin, “Liberty and Pornography,” in *SML*, pp. 223-31.**March 4** ProstitutionReadings: Lars O. Ericsson, “Charges against Prostitution: An Attempt at a Philosophical Argument,” in *SML*, pp. 87-106.Laurie Shrage, “Should Feminists Oppose Prostitution?,” in *SML*, pp. 133-44.**†NOTE: TERM PAPER IS DUE ON TUESDAY, MARCH 11****March 11** AbortionReadings: Don Marquis, “Why Abortion is Immoral,” in *SML*, pp. 308-17.Judith Jarvis Thomson, “A Defense of Abortion,” in *SML*, pp. 281-95.**†NOTE: TERM PAPER IS DUE****March 18** Gay and Lesbian Civil RightsReadings: 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.

Class Schedule and Readings:

March 25

Euthanasia

*Readings: James P. Sterba (ed.), *Morality in Practice*, 7th edn. (Toronto: Thomson, 2004), pp. 156-70; 177-89.

April 1

REVIEW FOR FINAL EXAM

April 9

Last day for handing in term assignments, subject to any earlier course deadline.

APRIL 11–29 FINAL EXAM (specific date, time and location will be provided when available)

Academic Accommodations

For Students with Disabilities: Students with disabilities requiring academic accommodations in this course are encouraged to contact the Paul Menton Centre (PMC) for Students with Disabilities (500 University Centre) to complete the necessary forms. 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 in-class test or CUTV midterm exam**. This will allow for sufficient time to process your request. Please note the following deadline for submitting completed forms to the PMC for formally scheduled exam accommodations: **March 14th, 2008** 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: www.carleton.ca/polisci/undergrad/styleguide.pdf

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 (or designate) 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 Deferral) 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.