

Philosophy of Law

2025S2

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TA:

Meeting time: 1600-1800, Monday & Wednesday

(No meetings will be recorded)

Overview

We often take the rule of law for granted, assuming we understand its importance without fully grasping what it truly means. We hear more about what it isn't—rule by men or rule by law—than about its actual essence. This course dives into the rule of law, examining its theory and practice, to uncover its true meaning, value, and significance.

We'll also tackle the complexities of freedom of expression. It's easy to say, "I may disagree with what you say, but I will defend your right to say it," but it's much harder to define and justify freedom of expression without limits. We will explore the importance and boundaries of this right, questioning when and why restrictions may be necessary.

For those new to philosophy, don't worry—this course includes dedicated review sessions before key assignments and tests to help you solidify your understanding, sharpen your writing skills, and ensure you're fully prepared. Plus, the assessment system gives you two attempts for each assignment, giving you the chance to improve.

By the end of the course, we'll also discuss how to apply the valuable skills you've developed—like analytical thinking, problem-solving, and teamwork—to your future career, and how to effectively communicate these skills when applying for jobs.

Course Learning Objectives

At the end of the course, successful students will be able to:

- (1) present arguments, raise objections, and reply to objections in a clear and logical manner;
- (2) explain the concept of the rule of law and analyse its theoretical and practical perspectives to understand its significance.
- (3) explain and evaluate the role of law in their lives as well as in modern society; and
- (4) explain the value of freedom of expression, evaluate its justifications, and evaluate arguments for and against its restriction.

Development of Employability Skills

Through its content (analysing, applying, and evaluating concepts and arguments related to the rule of law and freedom of expression) and design (collaborative learning), this course enables

you to develop a number of employability skills valuable for career development, including:

(1) Analytical Thinking

- E.g. clarifying and analysing concepts, applying theories to cases, and evaluating arguments.

(2) Problem Solving

- E.g. navigating dilemmas, weighing pros and cons, applying abstract principles to practical cases, proposing and justifying solutions, and mitigating risks.

(3) Collaborative/Teamwork

- E.g. engaging in structured discussions inside and outside classroom, actively listening to peers, contributing to discussions, encouraging others to and crediting them for contributing, building on others’ ideas, respectfully challenging arguments, and working together to refine reasoning and conclusions.

(4) Learning and Learning Strategies

- E.g. actively engaging with course content, seeking clarification and deeper understanding through discussion, adapting study approaches based on feedback, reflecting on mistakes to improve reasoning, and applying different perspectives to strengthen learning.

(5) Organization and Planning

- E.g. balancing readings, assignments, and deadlines within a tight schedule, setting goals to prioritise tasks effectively, structuring notes and materials for efficient learning, and planning contributions for group discussions.

Reading

You do not need to buy any textbooks for this course. Most of the reading materials can be found on the library website in electronic form. Other reading materials can be downloaded from Canvas or will be distributed in class under the fair use provisions.

Please read the assigned reading before coming to class. Doing the assigned reading and familiarizing yourself with the topic can facilitate the learning process and are essential to your in-class participation.

Schedule

	Topic	Reading
1	3 Common Features of Law	Mark Murphy
2	Liberal Approach	J. S. Mill
3	Argument from Truth	Schauer
4	A Richer Concept	Caroline West
5	TBA	

6	Writing Workshop	
7	Internal Morality of Law as Formal Legality	Lon Fuller
8	Rule of Law 1	Tamanaha 1
9	Rule of Law 2	Tamanaha 2
10	Revision/Test	

Reading List:

(All readings can be found on the library website unless stated otherwise.)

Mark Murphy "Introduction", sections 0.1 & 0.2 (p. 1-11)

John Stuart Mill. On Liberty. Ch 2&3 p.10-36, see in-text highlighting.

Frederick Schauer. "Argument From Truth", Free Speech: a Philosophical Enquiry.

[Notes: Don't be scared by the technical details, esp those in section 1. You don't need to understand all of them to understand his arguments.]

Caroline West. "Words that Silence?", in Ishani Maitra, Speech and Harm: Controversies Over Free Speech.

Lon Fuller. "The Morality that Makes Law Possible" (p.33-41) in Lon Fuller. The Morality of Law: Revised Edition (1965).

Brian Tamanaha (1). "Three Themes". On the Rule of Law, chapter 9. (2004).

Brian Tamanaha (2). "Formal Theories" & "Substantive Theories"

Assessment

(1) Writing Assignments (20+40%)

- The first writing assignment serves as a small draft, providing an opportunity for feedback to help you improve your second draft. It is due mid-term.
- The second assignment, on the same topic and question, will be longer. It aims to let you further develop your ideas based on the feedback received. It is due at the end of the term.
- **If your second assignment gets a higher grade than the first, then—good job!—it will replace your first. That is, your second assignment will count for 60% of your final grade and the first will count for 0%.**

(Non-essay formats (e.g. film, play, or story) for the writing assignment may be accepted upon consultation. Please reach out to me in advance to discuss your proposal.)

(2) Small Tests (Open book) (10+30%)

- The first test serves as a mini "prep" test, providing feedback to help you prepare for the second one. It will be held at the end of the term.
- The second test will cover the same topic but with different questions. It will be smaller in scale than a traditional exam and held during the formal exam period.
- Both tests will be in-person, open book (but no electronic books), and use Lockdown Browser
- **If your second test gets a higher grade than the first, then—good job!—your second test will**

replace your first. That is, your second test would count for 40% of your final grade and your first will count for 0%.

“I have never seen any assignments like these. Why do you design them this way?”

This assessment system with built-in retry is informed by pedagogical research and my own teaching experience (See, for instance, Benjamin Bloom 1968; Fred Keller 1968; Thomas Guskey 2007; Linda Nilson 2015). Research has shown that students learn more effectively, achieve higher performance, and are more motivated if:

(i) they receive formative feedback and are given opportunities to improve

The multi-submission policy gives you multiple opportunities to learn from formative feedback and make improvements.

(ii) they know clearly what are they expected to do and how to achieve their goals

The criteria for achieving each grade on an assignment are clearly stated. They are also further clarified by the feedback.

Assignment Deadline and Marking Policy

(i) The deadline for an assignment will be at least 7 days after the posting of the full instructions for the assignment.

(ii) If an assignment allows a second attempt, the deadline for this second attempt will be set at least 5 days after the release of the grades of and feedback on on-time first attempt submissions.

(iii) All assignment deadlines will be automatically adjusted according to (i) and (ii). If you see a deadline that is contrary to (i) and (ii), it has not been adjusted but will be.

(iv) We aim to finish the marking of each assignment in 7 days.

Late Submission and Extension Policy

If you cannot submit your assignments on time and require academic accommodations, you are welcome to come and talk to me about your situation, but please do so as early as possible. Extensions may be given depending on your circumstances. If you have a legitimate reason, e.g. you are dealing with too much work, I will generally give you an extension that you need. However, late assignments without a legitimate excuse will be subject to penalties (**1% final grade per day, directly applied to the final grade**).

Please note that any submission that is more than 7 days (winter term)/5 days (summer term) late will not be accepted (unless you have received an extension or can provide legitimate reasons).

AI Policy

You are allowed to and, to an extent, encouraged to use generative AI to facilitate your learning and draft your assignments. But you must use it appropriately. **You should always verify and assess output from GenAI.** If you don't and you use the false/misrepresented information in your assignment, you may commit falsification (misrepresentation), which is a **serious academic misconduct** (regardless of your intentions). **I don't want any of you to fail a course for this reason.** Even if the information GenAI gives you is accurate, its outputs may still be sub-par or not suitable for your needs, so you should always assess its output.

Please see the guidelines on appropriate use of AI on Canvas. We will also discuss the use of AI throughout the term.

Plagiarism

Plagiarism is a serious academic misconduct. It will not and should not be treated lightly. Please cite properly if you take any text from someone else. For details on UBC's plagiarism policy and tips on avoiding plagiarism, please see

<http://www.calendar.ubc.ca/Vancouver/index.cfm?tree=3,54,111,959> and

<http://learningcommons.ubc.ca/resource-guides/avoiding-plagiarism/>

Diversity and Inclusivity

No one is born to be good/bad at philosophy (or anything). You are here to learn new things and improve your thinking and argument skills over the course of several weeks. I encourage you to take this opportunity to learn as much as you can and make improvements, and I will do my best to design the course and arrange the lectures in ways that give everyone a fair chance to do so. If you have any thoughts or comments on the course arrangements, you are always welcome to come talk to me in person or send me an email.

The University provides academic accommodations for students with disabilities. You can find more details on academic accommodations by contacting Accessibility Services or go to <http://students.ubc.ca/success/student-supports/academic-accommodations#registerad>.

I understand that institutions may sometimes seem unapproachable. **You are always very welcome to come and talk to me** if you have any concerns, e.g. assignment deadlines, missing classes, etc.

Attendance & Participation

Attendance is crucial to success in this course because in-class participation (e.g. discussions) is an essential part of the learning process. Assessment expectations will also be discussed in detail in the lectures. **Self-study is important, but you can't learn everything on your own. I therefore strongly encourage you to attend the lectures.**

Although assessment is not based on attendance, it is your responsibility to attend lectures

where lots of important information will be given. If you miss any lectures, please ask your classmates for what you have missed. I will give priority to enquiries that have not already been addressed in lectures.

Lecture Policy

Students are expected to respect other participants during the lecture. Please refrain from using computers and other electronic devices for purposes not related to the lectures, e.g. messaging, watching videos, playing games, online shopping, etc. Such behaviours are both disruptive and disrespectful. Students are also expected to take part in in-class learning activities and discussions. Improper use of electronic devices, disruptive and disrespectful behaviour, lack of due participation, and other inappropriate behaviour, if repeated, will result in disciplinary actions.

Course Alignment with University Goals

The design of this course is aligned with the themes and goals set out in the University Strategic Plan 2018 - 2028 (<https://strategicplan.ubc.ca/>). In particular:

Theme 1: Inclusion; Strategy 4: Inclusive Excellence:

This course is committed to promoting inclusivity and addressing historical marginalization and exclusion. It aims to enable and encourage all those who have historically excluded to actively participate, contribute, and thrive in this course. Several core elements of this course that contribute to this goal:

- The blended learning model combines online and face-to-face learning, accommodating different learning preferences and accessibility needs.
- Multiple avenues of learning, including individual and collaborative, synchronous and asynchronous, and verbal and written methods, ensure diverse learning styles are accommodated.
- Thoughtful selection of reading materials ensures access.
- The submission and extension policy considers individual circumstances, providing flexibility for all participants to engage and succeed in the course.

Theme Two: Collaboration; Strategy 14: Interdisciplinary Education

Collaborative learning is a fundamental pillar of this course, fostering an environment where students from diverse disciplines come together to engage in meaningful and interactive learning. By combining their unique perspectives, insights, and expertise, students actively participate in a collaborative learning process that enriches their educational experience.

Theme Three: Innovation; Strategy 11: Education Renewal

This course incorporates evidence-informed and innovative pedagogies, such as blended learning and collaborative learning, to create an engaging and effective learning environment.

The following are some UBC campus-wide policies:

Statement of UBC values and policies:

UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated, nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious and cultural observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions. Details of the policies and how to access support are available here: <https://senate.ubc.ca/policies-resources-support-student-success/>.

Academic Concession

[UBC's academic concession policy](#) “articulates the University’s commitment to support students in their academic pursuits through the application of academic concessions in the event that students experience unanticipated events or circumstances that interfere with their ability to accomplish academic work.” An academic concession may be granted for a student when an unexpected situation or circumstance prevents them from completing graded work or exams. Students may request an academic concession for the following three reasons:

- Unanticipated changes in personal responsibilities that create a conflict
- Medical circumstances
- Compassionate grounds

If students have a disability or ongoing medical condition that affects their studies for more than one term, they may request an [academic accommodation](#).

Requests should be made as early as reasonably possible. Depending on the situation, either the academic advising office or course instructor will manage student’s request.

Academic Integrity

The academic enterprise is founded on honesty, civility, and integrity. As members of this enterprise, all students are expected to know, understand, and follow the codes of conduct regarding academic integrity. At the most basic level, this means submitting only original work done by you and acknowledging all sources of information or ideas and attributing them to others as required. This also means you should not cheat, copy, or mislead others about what is your work. Violations of academic integrity (i.e., misconduct) lead to the breakdown of the academic enterprise, and therefore serious consequences arise and harsh sanctions are imposed. For example, incidences of plagiarism or cheating may result in a mark of zero on the assignment or exam and more serious consequences may apply if the matter is referred to the President’s Advisory Committee on Student Discipline. Careful records are kept in order to monitor and prevent recurrences. A more detailed description of academic integrity, including the University’s policies and procedures, may be found under [Discipline for Academic](#)

Misconduct in the Academic Calendar.