

## PHILOSOPHY 6C03: PHILOSOPHY OF CONSTITUTIONAL LAW

Fall 2018

Class meets: Fridays, 8:30am – 11:20am

Instructor: Dr. Nathan Adams  
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Office hours: TBA

### Course Objectives

By the end of the course, students will be able to critically discuss and inquire into questions such as the following. What is constitutionalism and what distinguishes it from other positions? What values does constitutionalism attempt to capture, embody, or promote? Why might constitutionalism matter? What problems does constitutionalism face? Does constitutionalism require a Constitution? Is constitutionalism in conflict with democracy and, if so, is there a balance to be struck between them? How does constitutionalism matter for judges, legislators, and citizens?

### Textbooks, Materials, & Fees

Larry Alexander, ed., *Constitutionalism: Philosophical Foundations* (2001, Cambridge)  
N. W. Barber, *Principles of Constitutionalism* (2018, Oxford)

### Method of Assessment

Graduate students are expected to attend and participate in every class and hand in reconstructions of the weekly reading, approximately 500 word reconstructions; due at the start of class, on paper, in person, each week. Graded pass/fail. Each missed or failed reconstruction subtracts 4% from final grade.

100% of final overall grade: 2 research papers, worth 50% each, 5000 words minimum. Papers are due **Oct 5**, **Nov 2**, and **Dec 15**. Hand in on paper; for first two, counts as weekly reconstruction. Student need only write two, but if three, top two grades will be counted towards final. Each of the first two papers can be rewritten once after graded; revised grade accepted.

Regular and high-quality participation may positively affect the final grade.

### Policy on Missed Work, Extensions, and Late Penalties

No missed or late work will be accepted outside of MSAF cases. Extensions are not granted outside exceptional circumstance.

### Topics and Readings

TBD

## Please Note the Following Policies and Statements:

### Academic Dishonesty

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity.

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: "Grade of F assigned for academic dishonesty"), and/or suspension or expulsion from the university.

It is your responsibility to understand what constitutes academic dishonesty. For information on the various types of academic dishonesty please refer to the Academic Integrity Policy, located at [www.mcmaster.ca/academicintegrity](http://www.mcmaster.ca/academicintegrity)

The following illustrates only three forms of academic dishonesty:

1. Plagiarism, e.g. the submission of work that is not one's own or for which other credit has been obtained.
2. Improper collaboration in group work.
3. Copying or using unauthorized aids in tests and examinations.

### Email correspondence policy

It is the policy of the Faculty of Humanities that all email communication sent from students to instructors (including TAs), and from students to staff, must originate from each student's own McMaster University email account. This policy protects confidentiality and confirms the identity of the student. Instructors will delete emails that do not originate from a McMaster email account.

### Modification of course outlines

The University reserves the right to change dates and/or deadlines etc. for any or all courses in the case of an emergency situation or labour disruption or civil unrest/disobedience, etc. If a modification becomes necessary, reasonable notice and communication with the students will be given with an explanation and the opportunity to comment on changes. Any significant changes should be made in consultation with the Department Chair.

### McMaster Student Absence Form (MSAF)

In the event of an absence for medical or other reasons, students should review and follow the Academic Regulation in the Undergraduate Calendar Requests for Relief for Missed Academic Term Work. Please note these regulations have changed beginning Fall 2015. You can find information at [mcmaster.ca/msaf/](http://mcmaster.ca/msaf/). If you have any questions about the MSAF, please contact your Associate Dean's office.

### Academic Accommodation of Students with Disabilities

Students who require academic accommodation must contact Student Accessibility Services (SAS) to make arrangements with a Program Coordinator. Academic accommodations must be arranged for each term of study. Student Accessibility Services can be contacted by phone 905-525-9140 ext. 28652 or e-mail [sas@mcmaster.ca](mailto:sas@mcmaster.ca). For further information, consult McMaster University's Policy for [Academic Accommodation of Students with Disabilities](#).

### Academic Accommodation for Religious, Indigenous and Spiritual Observances

Students requiring academic accommodation based on religion and spiritual observances should follow the procedures set out in the Course Calendar or by their respective Faculty. In most cases, the student should contact his or her professor or academic advisor as soon as possible to arrange accommodations for classes, assignments, tests and examinations that might be affected by a religious holiday or spiritual observance.