

WESTERN UNIVERSITY
DEPARTMENT OF PHILOSOPHY
Undergraduate Course Outline 2022-23

PHILOSOP 2080
Philosophy of Law

Fall/ Winter Term Wednesday 7:00 to 9:00 PM UCC 56	Instructor: James Hildebrand Office Hrs Wed 5:30 to 6:30 and by appt jfhildeb@uwo.ca
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DESCRIPTION

We will study the fundamental concepts of law, and the philosophical principles on which they are based. The course is divided into four sections, two each term, as follows: the first term will be spent on tort law and contract law; the second term criminal law and constitutional law. There will also be an introduction to the basic structure of our court system, the difference between statute law and common law, and some basic knowledge of the legal process.

In the study of tort law the main focus will be on the law of negligence, including the expanding areas of liability of product manufacturers, tavern owners, and other public - private entities. We will be reading an essay describing the difference between American and Canadian approaches to tort law, and illustrating themes that are ever present in the law's development.

In the study of contract law, the student will gain an understanding of the basics of contract law by looking at pivotal cases, and applying the principles found in those cases in various other situations. Again, a philosophical essay will lead the way to conceptual underpinnings of contract law.

For criminal law, the questions of culpability, intention, and available defences are considered.

Finally, constitutional law will be studied with the main focus on the *Canadian Charter of Rights and Freedoms* and litigation based on that legislation.

While there is no claim that the student will gain knowledge of the most current state of the law, there will be an effort to consider current events and controversial issues that are topical during the study of the course.

In addition, and in conjunction with the cases studied, will be a discussion of the philosophical principles that underlie, justify and inform the law. Controversial areas of the law will be discussed including such topics as the independence of the courts from political influence, freedom of speech, pornography, the tension between legal obligations to accused persons and the rights of victims of crime etc.

TEXTS

◀ Required Texts:

1. A course pack reproduction of the original text *Private Law, Tort and Contract*, 4th edition, Richard Bronaugh and Michael Eizenga editors, **available at the University Bookstore**.
2. A course pack reproduction of the original text: *Criminal Law*, Richard Bronaugh and Michael Eizenga editors, **available at the University Bookstore**.
3. For Constitutional law, a course pack to be prepared by professor, **available at the University Bookstore**.

There will be supplementary readings provided to students via email or through the course web site ▶

OBJECTIVES

A critical understanding of the main areas of law studied as well as their philosophical underpinnings and justifications.

To see the law as an evolving expression of our concepts of justice.

METHOD OF EVALUATION

There are four exams, one at the end of each course quadrant. The exams are non-cumulative, **one hour long** and consist of multiple choice questions. **Each exam is worth 25% of the final course grade. UNDER NO CIRCUMSTANCES WILL EXAM GRADES BE REWEIGHTED.** Dates, times and places for all of the following exams will be announced in class, and posted on the course web site. **Exam particulars will not be available over the phone in the Philosophy department.**

	Type	Date	Time	Location
Exam #1:	Torts	Saturday in, November 2022	2:00 P.M.	
Exam #2:	Contract Law	(during December 2022 examination period)		
Exam #3:	Criminal Law	Saturday, February , 2023	2:00 P.M.	
Exam #4:	Constitutional Law	(during April 2022 examination period)		

Exam Conflicts

An exam conflict occurs when two exams are scheduled at the same time, or when a student has three examinations scheduled within a 24 hour period. ***Having two exams in close proximity or***

other indications of a heavy workload will NOT constitute a conflict. Remember that tests/exams held outside of the December and April examination periods are classified as tests, not exams. See your 2018 *Calendar* for more details.

Remember that it is our policy that **under no circumstances** will exam scores be re-weighted. Furthermore, make-up exams will not be treated as a second chance. So if, for example, you are ill and are unable to write the exam, seek medical attention, if at all possible, inform the Instructor (he/ she will have both voice-mail and e-mail), and do not write the exam. With permission from your faculty, we are able accommodate your appeal to write a make-up exam. We will not retrospectively accommodate a poor performance on a regularly scheduled exam if you choose, instead, to write it.

Make-up exams will be the same format as regularly scheduled exams.

Posting of Exam Marks

Examination marks will be made available online through the course web site “my grade” section or link. Marks can also be obtained with from your professor or TA upon request.

AUDIT

Students wishing to audit the course should consult with the instructor prior to or during the first week of classes.

DEPARTMENT OF PHILOSOPHY POLICIES

The Department of Philosophy policies that govern the conduct, standards, and expectations for student participation in Philosophy courses are available in the Undergraduate section of the Department of Philosophy website <http://uwo.ca/philosophy/undergraduate/policies.html>.

It is your responsibility to understand the policies set out by the Senate and the Department of Philosophy, and thus ignorance of these policies cannot be used as grounds of appeal.

ACCOMMODATION

Students seeking academic accommodation on medical grounds for any missed tests, exams, participation components and/or assignments worth 10% or more of their final grade must apply to the Academic Counselling office of their home Faculty and provide documentation. Academic accommodation cannot be granted by the instructor or department. Documentation shall be submitted, as soon as possible, to the Office of the Dean of the student’s Faculty of registration, together with a request for relief specifying the nature of the accommodation being requested.

The UWO Policy on Accommodation for Medical Illness and further information regarding this policy can be found at

http://uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf.

EVALUATION OF ACADEMIC PERFORMANCE

At least three days prior to the deadline for withdrawal from a course without academic penalty, students will receive an assessment of work accounting for at least 15% of their final grade. For 3000- or 4000-level courses in which such a graded assessment is impracticable, the instructor(s) must obtain an exemption from this policy from the Dean and this exemption must be noted on the

corresponding course syllabus. In rare instances and at the Dean's discretion, other courses could receive a similar exemption, which also must be noted in the course syllabus.

COURSE ASSIGNMENT

The last day of scheduled classes in any course will be the last day on which course assignments will be accepted for credit in a course. Instructors will be required to return assignments to students as promptly as possible with reasonable explanations of the instructor's assessment of the assignment.

ACADEMIC OFFENCES

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

PLAGIARISM CHECKING

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com <http://www.turnitin.com>.

SUPPORT SERVICES

Registrarial Services <http://www.registrar.uwo.ca>

Student Support Services <https://student.uwo.ca/psp/heprdweb/?cmd=login>

Services provided by the USC <http://westernusc.ca/services/>

Student Development Centre <http://www.sdc.uwo.ca/>

Students who are in emotional/mental distress should refer to Mental Health@Western <http://www.uwo.ca/uwocom/mentalhealth/> for a complete list of options about how to obtain help. Immediate help in the event of a crisis can be had by phoning 519.661.3030 (during class hours) or 519.433.2023 after class hours and on weekends.