

The University of Western Ontario
Department of Philosophy

Instructor: **J. Hildebrand**

Philosophy 2080 (001)
Philosophy of Law

2021-2022

Class Hours: Wednesdays 7-9 PM

Office Hours: Mondays and Wednesday 5:45 to 6:45 PM

Classroom: TBA

Phone: 519-661-2111, ext. TBA

Students are responsible for following the Philosophy Department procedures included with this outline. Instructors, and / or teaching assistants will post information regarding the dates, times and locations of tests and review sessions on the Course web site and in class.

Course 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.

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**

Course evaluation will be through four, equally weighted, non-cumulative, multiple-choice tests, two in each term.

Examinations:

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, November 13, 2021	2:00 P.M.	
Exam #2:	Contract Law	(during December 2021 examination period)		

Exam #3:

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 Academic Accommodation. 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.

SELF- REPORTED ABSENCE FORM

Students who experience an unexpected illness or injury or an extenuating circumstance (48 hours or less) that is sufficiently severe to temporarily render them unable to meet academic requirements (e.g., attending lectures or labs, writing tests or midterm exams, completing and submitting assignments, participating in presentations) should self-declare using the online Self-Reported Absence portal. This option should be used in situations where the student expects to resume academic responsibilities within 48 hours or less.

The following conditions are in place for self-reporting of medical or extenuating circumstances:

http://westerncalendar.uwo.ca/PolicyPages.cfm?Command=showCategory&PolicyCategoryID=1&SelectedCalendar=Live&ArchiveID=#SubHeading_322

EVALUATION OF ACADEMIC PERFORMANCE

At least three days prior to the deadline for withdrawal from a course without academic penalty, students will receive 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 discretion of the Dean, a student may be exempted from this policy. For more information, please contact the Office of the Dean of Academic Accommodation at dean@uwo.ca.

COURSE ASSIGNMENT

The last day of scheduled classes in any course will be the last day on which course assignments will be

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.