

## Course Outline

The University of Western Ontario  
Department of Philosophy

Instructor: **J. Hildebrand**

**Philosophy 2080**  
**Philosophy of Law**

Fall / Winter - 2020-2021

**Class Hours: Asynchronous**

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**Office Hours:** TBA

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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.

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. 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.

Prior to each area of law, students will read an essay dealing with that area of law. For example, for tort law, an essay comparing the U.S. style of tort litigation with the "principled" Canadian approach will inform the readings.

Controversial areas of the law will be discussed including such topics as the independence of the courts from political influence, freedom of speech, pornography, abortion law, 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*, 4<sup>th</sup> 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**

**Course Notes will be posted on the course web site that will coordinate with the assigned readings for each week.**

### **Requirements:**

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

## Teaching Assistant:

## 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 RE-WEIGHTED.** Dates, times and places for all of the following exams will be announced and posted on the course web site. **Exam particulars will not be available over the phone in the Philosophy department.**

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 2020 *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 the academic counselor for your faculty, we are able to 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.

Academic and Administrative Policies:

## DEPARTMENT OF PHILOSOPHY GUIDELINES 2020-21

**Proficiency in English:** Students are reminded that University policy requires proficiency in English to be taken into account in the assignment of grades in all courses (see 2015 *Calendar*).

### Scholastic Offenses

**Plagiarism.** Plagiarism is a form of cheating. It is viewed as a very serious scholastic offense by the University, and is treated as such. Penalties for plagiarism range from a failing grade for the assignment or the course to suspension or even expulsion from the University (see 2015 *Calendar*). As well, it also automatically leads to the establishment of a scholastic offense record in the Dean's Office of the student's home faculty.

Plagiarism is *unacknowledged copying or paraphrasing of the words or ideas of another person*. In general, anyone who learns something from a source (other than course lectures or general background knowledge any student of the course could reasonably be expected to have) and then presents that knowledge as their own discovery is considered to have plagiarized, even if the words used to express the ideas are not exactly the same. Other examples of plagiarism include, but are not limited to:

- misrepresenting co-authored or group work as individually done;
- cutting and pasting copied or paraphrased work by others in with your own work;
- paraphrasing or altering the order of words or phrases and/or substituting words or phrases of similar meaning without acknowledging that you are doing so.

In your written work, you should take care to make adequate reference to the sources of the ideas and words you borrow, either in your footnotes, endnotes, or in the body of your text. Your instructor will be happy to show you a proper method of documenting your sources.

The University of Western Ontario and the Philosophy Department treat a number of other practices as academic offenses. These include but are not limited to:

- **Recycling:** Submitting for credit any academic work for which credit previously has been obtained or is being sought in another course or program of study in the University or elsewhere without the knowledge and *written* approval of the instructor to whom it is/was originally submitted.
- **Cheating** on an examination or falsifying material subject to academic evaluation.
- **Aiding or abetting** any such offense.

**Further information** about the range of scholastic offenses can be obtained from the 2020 UWO Calendar at <https://www.westerncalendar.uwo.ca>.

1. Please consult the Undergraduate bulletin board for the departmental directory, instructors' office hours, course listings, examination schedules, important dates for the 2020-2021 academic year, and miscellaneous items of interest to undergraduate students. Also consult the Department web site at <http://www.uwo.ca/philosophy>.
2. Instructors and tutorial leaders make their own appointments. Information about how to contact your instructor can be found on your course outline. Students wanting to contact their instructors or tutorial leaders at other times may leave a note in the drop-off box.
3. Students should submit course work directly to their instructor. When this is not possible, work may be placed in the Philosophy Department drop-off box in Stevenson Hall. Items will be date-stamped (not time-stamped) and placed in the instructors' or tutorial leaders' mailboxes three times daily -- at approximately 8:30 a.m., 12:15 p.m., and 4:15 p.m. Work received after 4:15 p.m. will be date-stamped for the following day. Essays sent by fax cannot be accepted. Essays submitted by email, with the prior consent of the instructor, should be sent to the instructor's email address.
4. 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 Counseling office of their home Faculty and provide documentation. Academic accommodation cannot be granted by the instructor or department.

Academic Policies on examinations, appeals, absences due to illness, etc. may be found in the 2020 Calendar. For further information, contact the Philosophy Undergraduate Academic Counselor, your Faculty's Academic Counselor, or the Ombudsperson.

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

5. Students who miss classes or parts of classes are responsible for the material they have missed. Instructors are not obliged to review the contents of lectures, repeat announcements or retain notes, handouts or overheads.

Any student who, in the opinion of the instructor, is absent too frequently from class or tutorials may be reported to the Dean and, with the recommendation of the Department concerned, and the permission of the Dean, barred from taking the final examination in the course. See 2020 Calendar.

6. **All course work** (with the exception of final examinations) must be submitted *by the last day of classes*. (Students seeking return of course work after the last meeting of the term should leave a stamped, self-addressed envelope for their instructor.) Exceptions to these work submission dates may be granted only as a result of petition to the Academic Counselor of the student's faculty. Instructors have *no authority* to waive this requirement, and any unofficial arrangements they make with students will not be respected by the administration. This does not preclude instructors from setting earlier deadlines for course work.
7. The Department of Philosophy's Committee on Women's Concerns was formed to promote and ensure a non-sexist environment for all who work and study in the department. Further information, including a broader statement of the Committee's mandate is provided on the CWC poster on the undergraduate bulletin board. Students are encouraged to consult and implement the departmental guidelines for the non-sexist use of language posted on the undergraduate bulletin board.
8. The Department of Philosophy strives at all times to provide accessibility to all faculty, staff, students and visitors in a way that respects the dignity and independence of people with disabilities. Please contact the course instructor if you require any arrangements to make this course more accessible to you. You may wish to contact Services for Students with Disabilities (SSD) at 661-2111 #82147 for any specific questions regarding an accommodation. More information about "Accessibility at Western" is available at: <http://accessibility.uwo.ca>.
9. **Final marks** for courses can be obtained from your Student Center (<http://student.uwo.ca>). Consult your master timetable for information on how to do this.

*Appeal Process:*

See the appeal procedure outlined in the [Academic Calendar](http://www.westerncalendar.uwo.ca/Appeals) <http://www.westerncalendar.uwo.ca/Appeals>

**Problem with Marks**

If you have any problems concerning your grades, you **must** contact the instructor during office hours, or put a note in the department drop-box. This must be done within 3 weeks after the grades are posted.

Successful completion of this course requires compliance with the administrative guidelines.

THIS OUTLINE SUBJECT TO CHANGE, GIVEN SUFFICIENT PRIOR NOTICE.

**You are responsible for ensuring that you have successfully completed all course prerequisites and that you have not taken an anti-requisite course. Lack of prerequisites may not be used as basis of appeal. If you are not eligible for a course, you may be removed from it at any time, and you will receive no fee adjustment. These decisions cannot be appealed.**