

**WESTERN UNIVERSITY**  
**Department of Philosophy**  
Undergraduate Course Outline 2024-25

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

**INSTRUCTOR INFORMATION**

Information including instructor contact details and course location can be found on the course Owl BrightSpace: <https://westernu.brightspace.com/>

**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.

## **LEARNING OUTCOMES**

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.

## **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**

## **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
<b>Exam #1:</b>	Torts	Saturday in November 2023	<b>2:00 P.M.</b>	
<b>Exam #2:</b>	Contract Law	(during December 2023 examination period)		
<b>Exam #3:</b>	Criminal Law	Saturday in February, 2024	<b>2:00 P.M.</b>	
<b>Exam #4:</b>	Constitutional Law	(during April 2024 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 OWL course web site "Gradebook" section or link. Marks can also be obtained with from your professor or TA upon request.

### **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.

### **AUDIT**

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

### **STATEMENT ON THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE (AI)**

"If plagiarism or unauthorized AI use is suspected, the instructor will ask for research notes and/or drafts of assignments after the assignment has been submitted. Students must keep all notes and first drafts until the assignment is returned to them."

### **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 [https://uwo.ca/univsec/pdf/academic\\_policies/appeals/academic\\_consideration.pdf](https://uwo.ca/univsec/pdf/academic_policies/appeals/academic_consideration.pdf)

The Student Medical Certificate is available at

[https://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/medicalform.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf)

## **ACADEMIC CONSIDERATION**

Students may request academic consideration in cases of extenuating circumstances – that is, personal circumstances beyond the student’s control that have a substantial but temporary impact on the student’s ability to meet essential academic requirements.

1. Requests for academic consideration are made to the Academic Advising office of Faculty in which the student is registered.
2. Requests for academic consideration include the following components:
  - a. Self-attestation signed by the student;
  - b. Indication of the course(s) and assessment(s) relevant to the request;
  - c. Supporting documentation as relevant

Requests without supporting documentation are limited to one per term per course.

Documentation for medical illness, when required, includes the completion of a [Western Student Medical Certificate \(SMC\)](#) or, where that is not possible, equivalent documentation, by a health care practitioner. Requests linked to examinations scheduled by the Office of the Registrar during official examination periods as well as practice laboratory and performance tests typically scheduled in the last week of term always require formal supporting documentation.

## **Policy on Academic Consideration – Undergraduate Students in First Entry Programs**

### **RELIGIOUS ACCOMMODATION**

Western’s Policy on Accommodation for Religious Holidays can be found here:

[https://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/accommodation\\_religious.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_religious.pdf).

In the case of mid-term tests, notification is to be “given in writing to the instructor as early as possible, but not later than **one week** prior to the writing of the test”.

### **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.

### **SCHOLASTIC 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](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf)

Computer-marked multiple-choice tests and exams may be subject to submission for similarity

review by software that will check for unusual coincidences in answer patterns that may indicate cheating.

### **ACADEMIC ADVISING**

Your Home Faculty's Academic Advising Office will support or refer whenever you have an issue that is affecting your studies, including information on adding/dropping courses, academic considerations for absences, appeals, exam conflicts, and many other academic related matters. Do not hesitate to reach out to them if you are struggling and unsure where to go for help. Contact info for all Faculties is here:

[https://registrar.uwo.ca/faculty\\_academic\\_counselling.html](https://registrar.uwo.ca/faculty_academic_counselling.html)

### **MENTAL HEALTH SUPPORT**

Students who are in emotional/mental distress should refer to Mental Health@Western (<https://uwo.ca/health/>) 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 (24/7 availability).

### **GENDER-BASED AND SEXUAL VIOLENCE**

Western University [is committed to reducing incidents of gender-based and sexual violence](#) (GBSV) and providing compassionate support to anyone who is going through or has gone through these traumatic events. If you are experiencing or have experienced GBSV (either recently or in the past), you will find information about support services for survivors, including emergency contacts at the following website:

[https://www.uwo.ca/health/student\\_support/survivor\\_support/get-help.html](https://www.uwo.ca/health/student_support/survivor_support/get-help.html). To connect with a case manager or set up an appointment, please contact [support@uwo.ca](mailto:support@uwo.ca).