

Course Outline

The University of Western Ontario
Department of Philosophy

Instructor: J. Hildebrand

Philosophy 2080 (650)
Philosophy of Law

2015-2016

Class Hours: N/A
Phone: 519-661-2111, ext. TBA

Office Hours: Monday and Wednesday 5:45 to 6:45 PM
Email: jfhildeb@uwo.ca

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, 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

Requirements:

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

Teaching Assistant: N/A

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***

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 2015 UWO Calendar at <http://www.westerncalendar.uwo.ca/2015/>.

1. Please consult the Undergraduate bulletin board for the departmental directory, instructors' office hours, course listings, examination schedules, important dates for the 2015-2016 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 or tutorial leader during class or office hours. 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 2015 Calendar. For further information, contact the Philosophy Undergraduate Academic Counselor, your Faculty's Academic Counselor, or the Ombudsperson.

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 2014 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.