

Huron University College
Philosophy 2821F Section 550
Philosophy of Law
Tu 1:30 p.m.-2:30 p.m.; Thu 12:30 p.m.-2:30 p.m.—HC W116
Course Outline September 2008

Instructor: Dr. D. Conter

Office: V 131

Office Hours: Mon 9:30 a.m.-10:30 a.m., Thu 11:30 a.m.-12:30 p.m., Fri 10:30 a.m.-11:30 a.m.

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Description

An introductory course in the philosophy of law, presupposing no prior knowledge of either the law or of philosophy. In the first three weeks of the course, students will be introduced to six different approaches to the philosophy of law which have been most influential historically (with emphasis upon the past hundred years): natural law theory, legal positivism, legal realism, the 'law and economics' movement, critical legal theory, and feminist legal theory. The course will then turn to a consideration of philosophical issues that arise in five areas of the law: criminal law, tort law, contract law, property law, and the law of evidence. The perspective will at that point broaden out to deal with issues where legal concerns become in a fairly obvious way entwined with the moral concerns. These issues will include the question whether there is always a moral obligation to obey the law; the nature of rights; the justification of punishment; the nature of personal responsibility; the interpretation and application of legislation; constitutional constraints on legislation; the nature of legal reasoning in the process of arriving at a judicial decision; the nature of privacy. The general approach of the course pretty much throughout will be from the point of view of Anglo-American or common-law legal systems, but the course will wind up with a consideration of Continental or Franco-German views, as well as of the more general question of whether it is possible to study law objectively.

Texts

Martin Golding and William Edmondson, *The Blackwell Guide to the Philosophy of Law and Legal Theory* (Malden: Blackwell, 2005)

Grading

1. There will be one 10-12 page essay (double-spaced) due **in class on Thursday, October 16**, worth 40%. The essay must be handed in class -- between 12:30 p.m. and 2:20 p.m. on the date specified; if it is not, it will be assigned a grade of zero. Students who cannot attend the class to hand in the essay in person must find a substitute to do so for them.
2. On **Thursday, November 13**, there will be a 50 minute short answer test in class worth 30% of the final grade.
3. There will be a two -hour final exam in the final examination period in December worth 30%. The exam will consist of five essay topics, out of which students must choose two and write a double-spaced 6-8 page essay on each of the topics they have chosen.

Absences from scheduled tests or late submission of essays for non-emergency reasons *will not be tolerated*. Students who miss tests and request make-ups, or request extensions, or miss deadlines, must present medical notes on letterhead which specify the nature of the medical complaint which caused the absence, the request, or the lateness, and which also include a signed statement by the doctor to the effect that the complaint in question was sufficiently serious to justify special accommodation. Absences or missed deadlines for non-medical reasons (e.g.,

legal, funerary) must be accompanied with comparably specific excusing documentation. Until such documentation is presented, I will not be prepared even to begin discussion of accommodation for a missed test or a late essay. Discussion of these matters must take place in person, and will not be conducted over the telephone or by e-mail. There is a deadline for the presentation of the relevant documents: since the documents themselves must specify a particular date or dates for which the documents provide an excuse, any such document must be presented within seven days of the last date covered by the document. If it is not presented within the relevant timeframe, then either further comparable documentation must be provided in order to explain the lateness in presenting the first set of documents, or no accommodation will be granted.

(Oversleeping, alarm clock failures, other standard academic work, travel plans, hangovers, etc., will not be taken to count as emergency reasons for missing a test or deadline.)

Medical Absences

For work representing 10% or more of the overall grade for the course, a student must present documentation indicating that the student was seriously affected by illness and could not reasonably be expected to meet his/her academic responsibilities. Huron students should take their medical documentation to the Academic Counsellor, Academic Services Centre at Huron University College, together with a Request for Relief specifying the nature of the accommodation requested. Documentation for non-Huron students must be submitted as soon as possible to the student's Faculty Dean's office. The request and documentation will be assessed and appropriate accommodation will be determined by the Dean's office in consultation with the instructor(s.) Academic accommodation will be granted ONLY where the documentation indicates that the onset, duration and severity of the illness are such that the student could not reasonably be expected to complete his/her academic responsibilities.

The UWO Student Medical Certificate (SMC)

(https://studentservices.uwo.ca/secure/medical_document.pdf) and Request for Relief (<http://www.huronuc.ca/pdf/AcademicCounsellingRequestforReliefFormMar08.pdf>) are available at the Student Centre Website (<https://studentservices.uwo.ca/secure/index.cfm>), the Huron University College Academic Counselling website (http://www.huronuc.ca/faculty_arts_social_science/academic_counselling/) or from the Academic Services Centre at Huron.

Prerequisite Information

Students are responsible for ensuring that they have successfully completed all course prerequisites. If you do not have the prerequisites for this course or written special permission from the Dean to enroll in this course, you will be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

Plagiarism

Plagiarism: Students must write their essays and assignments in their own words.

Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence. 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/handbook/appeals/scholoff.pdf> .

Plagiarism is an academic offence and will be treated as such. Students who are in doubt as to the nature of this offence should consult their instructor, Department Chair or the Dean, as well as the *Huron University College Statement on Plagiarism*, available at the reference desk in the HUC Library and at <http://www.huronuc.on.ca/pdf/FASSonPlagiarism.pdf>. In addition, students

may seek guidance from a variety of current style manuals available at the Reference Desk in the HUC Library Information about these resources can be found at:
http://www.huronuc.ca/library/research_guides_and_handouts/.

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>).

Technology

It is not appropriate to use technology (such as, but not limited, to laptops, PDAs, cell phones) in the classroom for non-classroom activities. Such activity is disruptive and is distracting to other students and to the instructor, and can inhibit learning. Students are expected to respect the classroom environment and to refrain from inappropriate use of technology and other electronic devices in class.

Academic Counselling

Philosophy students registered at Huron who require counselling about their program of study should arrange to meet with Ms. Debbie Chadwick, Academic Counsellor, and on related matters (e.g. appeals, letters of permission, special permission) should contact Dr. D. Conter, Chair of the Department of Philosophy, (i.e., me) Office V 131, Huron University College.

Other academic services such as academic counselling, community-based learning, career development, writing services, cross-cultural services, international opportunities are available through the Academic Services Centre: West Wing, Huron University College, and http://huronuc.ca/faculty_arts_social_science/academic_counselling/.