



**Philosophy 2080 (570)**  
**PHILOSOPHY OF LAW**  
**Fall/ Winter 2025-2026**

**Instructor:** S. Lofts  
**Email:** slofts@uwo.ca

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**Course Information**

**Calendar Description:**

A study of some main problems in legal philosophy. Emphasis is given to actual law, e.g. criminal law and contracts, as a background to questions of law's nature. Specimen topics: police powers in Canada, contractual obligation, insanity defence, judicial reasoning and discretion, civil liberties, legal responsibility, natural law and legal positivism.

**Extra Information:** 2 hours.

**Course Weight:** 1.00  
**Breadth:** Category B  
**Subject Code:** PHILOSOP

Notice: Unless you have either the requisites for this course (fulfilment of pre-requisites, no anti-requisite conflicts), or special permission from your Dean to enrol in it, you may 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.

King's University College  
University of Western Ontario  
Department of Philosophy  
PHILOSOP2080 — Philosophy of Law

**Instructor:** Dr. Stephen Lofts  
**Email:** slofts@uwo.ca  
**Office Hours:** by appointment  
**Mode of Instruction:** In-person  
**Prerequisites:** None

**Course Description:** This course closely follows the typical jurisprudence course that law students are required to take in law school. The course is divided into two parts. The first section is historical. We will examine the classic philosophical perspectives on the nature, origin, function, and limitations of law in human society. The second section is systematic. We will examine several contemporary issues from the perspective of various legal theories, including those related to environmental and Internet law.

**Learning outcomes:**

By the end of this course, students will have:

- Gain an overview of central authors and the core problematics of contemporary jurisprudence;
- Develop an understanding of the nature of philosophical questioning;
- Develop an understanding of the relation between abstract philosophical questions and the historical reality of the world;
- Students will work toward taking a stand on what they believe the law is or ought to be, and its role in shaping our socio-political world.

**Required Texts:**

All readings will be posted on the course website two weeks before the class.

**Course Requirements and Due Dates:**

- Quiz I — October 29, 2025: 30% in class
- Quiz II — Wednesday, March 4, 2026: 40% in class
- Final Exam 30%

**Classroom Policies:**

- Be respectful of others and their views. You can disagree with a position, but do so respectfully.

- No phone use is permitted. If someone is using a phone, the lecture will stop.
- Use of laptops for taking notes is permitted, but watching movies, doing emails, etc., is not. If it is clear that this is happening, you will be asked to stop using your laptop.

**Missed classes:**

- If you miss a class, you are responsible for getting notes from a fellow student. Please do not write me to ask what you missed.
- Any and all PowerPoints are for class use only. They will not be posted on the Website nor provided afterwards.

**Communications:**

- I will generally respond to emails within 48 hours. I do not respond to emails on the weekend or right before a test.
- Emails that are not formal and respectful will be deleted.

**Makeup exams:**

- If (when) you miss one of the first two exams (October 29, 2025, or February 11, 2026), a makeup exam will be automatically submitted. The details of the makeup date will be sent out in a general email.
- If it is the final exam, you will have to deal with the Dean's office to get permission to write the makeup. There is no need to contact me, as I will just say (whatever the reason) that you should speak with the Dean's office.

**Readings:**

Please print out the readings posted on OWL and keep them in class at all times. We will regularly refer to them, and you will need them for the reading quizzes. You cannot use your computers when writing the Critical Reflections on the reading in class.

## TENTATIVE SYLLABUS

- **Wednesday, September 10, 2025**—Introduction to the Course
- **Wednesday, September 17, 2025**—Introduction to the Philosophy of Law (No readings)
- **Wednesday, September 24, 2025**—Aquinas: Natural Law Theory
- **Wednesday, October 1, 2025**—Aquinas: Natural Law Theory (**Continued with Aquinas Reading**)
- **Wednesday, October 8, 2025**—State of Nature and Social Contract Theory: Hobbes and Locke
- **Wednesday, October 15, 2025**—John Austin: Legal Positivism – The Command Theory of Law
- **Wednesday, October 22, 2025**—John Austin: Legal Positivism – The Command Theory of Law (Continued with Austin Reading)
- **Wednesday, October 29, 2025**—Quiz I — 30% in class
- **Wednesday, November 5, 2025** —READING WEEK NO CLASS
- **Wednesday, November 12, 2025**—Legal Formalism vs Legal Realism (No reading)
- **Wednesday, November 19, 2025**—Oliver Holmes, Law as Systematic Prediction
- **Wednesday, November 26, 2025**—Hart, The Concept of Law - Hart's Critique of Austin (No Reading: however, start reading Hart)
- **Wednesday, December 3, 2025**—No Class.
- **Wednesday, January 7, 2026**—Hart, The Separation Thesis
- **Wednesday, January 14, 2026**—Hart, Law as the Union of Primary and Secondary Rules
- **Wednesday, January 21, 2026**—Hart, The Open Texture of the Law
- **Wednesday, January 28, 2026**—Ronald Dworkin, Hard Cases
- **Wednesday, February 4, 2026**—Ronald Dworkin, The Model of Rules
- **Wednesday, February 11, 2026**—Ronald Dworkin, Law as Interpretation
- **Wednesday, February 18, 2026**—READING WEEK NO CLASS
- **Wednesday, February 25, 2026**—Ronald Dworkin, Law's Ambition for Itself
- **Wednesday, March 4, 2026**—Quiz II — 40% in class
- **Wednesday, March 11, 2026**—Kenneth Kang, On the problem of the justification of river rights

- **Wednesday, March 18, 2026**—Erin O'Donnell, Rivers as living beings: rights in law, but no rights
- **Wednesday, March 25, 2026**—to be posted
- **Wednesday, April 1, 2026**—to be posted
- **Wednesday, April 8, 2026**—Review
- **FINAL EXAM: 30%**

**KING'S UNIVERSITY COLLEGE**  
**GENERAL COURSE POLICIES**  
**2025-2026**

**1. Academic Accommodations, Consideration for Absences**

**Academic Accommodation (Accessibility)**

Accessibility Services works to ensure that academic programs are accessible to all students, and supports students who may have a condition related to, but not limited to, vision, hearing, mobility, different ways of learning, mental health, chronic illnesses, chronic pain, autism spectrum disorder, ADD/ADHD, and temporary conditions (beyond short-term academic consideration). Accessibility Services provides recommendations for accommodation based on medical documentation or psychological and cognitive assessment. The accommodation policy can be found here [Academic Accommodation for Students with Disabilities](#). Information on Accessibility Services at King's can be found [here](#).

**Academic Consideration for Student Absence**

If a student is unable to meet a course requirement due to substantial but temporary extenuating circumstances (medical or compassionate), they should follow the procedures below.

In some cases, where instructors have built flexibility into their assessments, this flexibility will already address consideration needs.

Requests for academic consideration should be directed to the Academic Advising Office of your faculty/college of registration. Requests must be made as soon as possible and no later than 48 hours after the missed assessment.

As a rule, documentation is required for academic consideration. For academic consideration requests on medical grounds, the Student Medical Certificate is available at [https://www.kings.uwo.ca/kings/assets/File/currentStudents/courses\\_enrollment/exams\\_and\\_tests/SMC-Feb-2025.pdf](https://www.kings.uwo.ca/kings/assets/File/currentStudents/courses_enrollment/exams_and_tests/SMC-Feb-2025.pdf).

Students are permitted one academic consideration request without supporting documentation per term per course.

Instructors may designate one assessment per half-course weight as requiring formal supporting documentation. Please refer to the course outline for each course.

For further information, please see:

[https://uwo.ca/univsec/pdf/academic\\_policies/appeals/academic\\_consideration\\_Sep24.pdf](https://uwo.ca/univsec/pdf/academic_policies/appeals/academic_consideration_Sep24.pdf)

**Absences from Final Examinations**

If you miss the Final Exam, contact the Academic Advising Office of your faculty/college of registration as soon as you are able to do so. They will assess your eligibility to write the Special Examination (the name given by the University to a makeup Final Exam).

You may also be eligible to write the Special Exam if you are in a “Multiple Exam Situation” (e.g., more than 2 exams in 23-hour period, or more than 3 exams in a 47-hour period).

If a student fails to write a scheduled Special Examination, the date of the next Special Examination (if granted) normally will be the scheduled date for the final exam the next time this course is offered. The maximum course load for that term will be reduced by the credit of the course(s) for which the final examination has been deferred. See the Academic Calendar for details (under Special Examinations).

### **Religious Accommodation**

Students should consult the University's list of recognized religious holidays, and should give notice in writing to the instructor and Academic Advising Office if a course requirement will be affected by a religious holiday/observance. Notice must be given as early as possible, and no later than two weeks prior to an examination, and one week prior to a midterm test date. It is the responsibility of such students to inform themselves concerning the work done in classes from which they are absent and to take appropriate action.

## **2. Support Services**

Accessibility, Counselling and Student Development at King's University College:  
<https://www.kings.uwo.ca/current-students/student-services/>

Students experiencing emotional or mental health distress can access services at King's University

College: <http://www.kings.uwo.ca/current-students/campus-services/student-supportservices/personal-counselling/>

Good2talk is a good online and phone 24/7 resource for students and is available in English, Mandarin, and French: <https://good2talk.ca>, 1-866-925-5454

MentalHealth@Western provides a complete list of options about how to obtain help:  
[https://www.uwo.ca/health/mental\\_wellbeing/](https://www.uwo.ca/health/mental_wellbeing/)

Academic Support Services at King's University College:  
<https://www.kings.uwo.ca/current-students/academic-resources/>

### **GBSV Support:**

King's is committed to reducing incidents of gender-based and sexual violence and providing compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence (either recently or in the past), you will find information about support services for survivors, including emergency contacts at:  
<https://www.kings.uwo.ca/about-kings/safe-campus/gender-and-sexual-violence/>

You can reach someone supports at Kings by emailing [Care@kings.uwo.ca](mailto:Care@kings.uwo.ca) or calling 519-930-4640 to reach a social worker who can offer help.

You can also reach Western's Gender-Based Violence & Survivor Support Case Manager by email or by calling 519-661-3568.

Further supports can be found on this website: <https://www.kings.uwo.ca/about-kings/safecampus/gender-and-sexual-violence/>

See also [https://www.uwo.ca/health/student\\_support/survivor\\_support/get-help.html](https://www.uwo.ca/health/student_support/survivor_support/get-help.html)

University Students' Council offers many valuable support services for students, including the health insurance plan: <http://westernusc.ca/services/>

### **3. Statement on Use of Electronic Devices**

Use of Electronic Devices: Unless explicitly stated otherwise, you are not allowed to have a cell phone, or any other electronic device, with you during tests or examinations. Unauthorized possession of such a device during a test or examination constitutes an academic offence.

Use of Laptops, Tablets, and Smartphones in the Classroom: King's University College at Western University acknowledges the integration of new technologies and learning methods into the curriculum. The use of electronic devices such as laptop computers, tablets, or smartphones can contribute to student engagement and effective learning. At the same time, King's recognizes that instructors and students share jointly the responsibility to establish and maintain a respectful classroom environment conducive to learning.

The use of electronic devices by students during lectures, seminars, labs, etc., shall be for matters related to the course at hand only. Students found to be using electronic devices for purposes not directly related to the class may be subject to sanctions under the Student Code of Conduct; see <https://www.kings.uwo.ca/current-students/student-affairs/code-of-student-conduct1/>

Inappropriate use of electronics (e.g., laptops, tablets, smartphones) during lectures, seminars, labs, etc., creates a significant disruption. As a consequence, instructors may choose to limit the use of electronic devices in these settings. In addition, in order to provide a safe classroom environment, students attending in-person class sessions are strongly advised to operate laptops with batteries rather than power cords.

### **4. Statement on Academic Offences**

King's is committed to academic integrity. Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, is posted at

[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)

It is expected that students will submit work that is truly their own, completed without external assistance (human or artificial) except as explicitly permitted by the course instructor. Check with you instructor on what tools, including generative AI (ChatGPT, translation tools, grammarchecking tools) are permitted in the course. Because a tool is permitted in one course, that does not mean it is permitted in other courses.

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; see <https://elearningtoolkit.uwo.ca/tools/Originality Reports - TurnItIn.html>.

Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating.

### **5. Copyright of Course Material**

Lectures and course materials, including PowerPoint presentations, tests, outlines, and similar materials are protected by copyright. Faculty members are the exclusive owner of copyright in those materials they create. Students may take notes and make copies for their own use. Students may not allow others to reproduce or distribute lecture notes and course materials publicly (whether or not a fee is charged) without the express written consent of a faculty member. Unauthorized sharing of class content is subject to academic discipline.

Similarly, students own copyright in their own original papers and exam essays. If a faculty member wishes to post a student's answers or papers on the course website, they should ask for the student's written permission.

### **6. Use of Recordings**

Participants in this course are not permitted to record the sessions, except where recording is an approved accommodation and/or the participant has the prior written permission of the instructor. Unauthorized recording and/or sharing of class content is subject to academic discipline.

### **7. Policy on Attendance**

Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course, will be reported to the Dean of the Faculty offering the course, after due warning has been given. On the recommendation of the department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course.