Law

LAWGENRL 435 : Theories of Private Law (15 POINTS)
2021 Semester Two

Course Prescription
Different theories of private law and how it leads to different solutions to concrete legal questions. This course explores some of the main schools of normative thought in contemporary private law theory. It examines the key concepts and values associated with each theory before considering different theoretical frameworks for understanding two of the main categories of private law: property and contract.

Course Overview
Theories of Private Law investigates the concepts and principles which are considered to be the philosophical foundations of tort law, contract law, property law, and equity. This course is specifically concerned with three inquiries. The first considers what it means to be responsible for a wrong committed against another person. In this paper we will explore the notions of causation, responsibility, fault, loss, and reasonableness, that tort law, contract law, property law, equity, rely on. The second considers how tort law, contract law, property law, and equity, govern different types of wrongs. In this paper we will what can explain these doctrinally distinct branches of private law. The third considers the aims or purposes that these different branches of private law pursue. In this paper we will examine the moral precepts, conceptions of justice, and social goals, that animate these areas of law.

Course Requirements
Prerequisite: LAW 231, 241 Restriction: LAWHONS 739

Capabilities Developed in this Course
Capability 1: Disciplinary Knowledge and Practice
Capability 2: Critical Thinking
Capability 4: Communication and Engagement
Capability 5: Independence and Integrity
Capability 6: Social and Environmental Responsibilities

Graduate Profile: Bachelor of Laws

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Learning Outcomes

By the end of this course, students will be able to:

1. Articulate and discuss competing theoretical accounts of the categories of private law doctrine (Capability 1.1, 2.1, 2.2 and 4.1)
2. Analyse the competing aims and values that contract, tort, property, and equity, can be said to be predicated upon. (Capability 1.1, 2.1, 2.2, 4.1, 5.1 and 6.2)
3. Appraise the philosophical concepts that private law liability presuppose. (Capability 1.1, 1.3, 2.1, 2.2 and 4.1)

Assessments

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<thead>
<tr>
<th>Assessment Type</th>
<th>Percentage</th>
<th>Classification</th>
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</thead>
<tbody>
<tr>
<td>Reflective Essay - Students are required to complete a 2,250 words essay</td>
<td>30%</td>
<td>Individual</td>
</tr>
<tr>
<td>[30%]</td>
<td></td>
<td>Coursework</td>
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<tr>
<td>Final Exam - Unless students elect to complete Research Paper in lieu of an</td>
<td>70%</td>
<td>Individual</td>
</tr>
<tr>
<td>Exam, students will be required to complete a 2 hour Open Book exam [70%]</td>
<td></td>
<td>Examination</td>
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<tr>
<td>2 types</td>
<td>100%</td>
<td></td>
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<table>
<thead>
<tr>
<th>Assessment Type</th>
<th>Learning Outcome Addressed</th>
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<tbody>
<tr>
<td>Reflective Essay - Students are required to complete a 2,250 words essay</td>
<td>✓ ✓ ✓</td>
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<tr>
<td>[30%]</td>
<td></td>
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<tr>
<td>Final Exam - Unless students elect to complete Research Paper in lieu of an</td>
<td>✓ ✓ ✓</td>
</tr>
<tr>
<td>Exam, students will be required to complete a 2 hour Open Book exam [70%]</td>
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There will be discussion throughout the course in discussion-based seminars. Students will receive informal feedback on their answers and their understanding of the content. These discussions will have no marks attached to them.

Workload Expectations

This is a standard 15-point course. There will be around 36 hours of lectures in this course. As a general guide, you should expect a workload of three hours outside of the classroom for each hour spent in class. The guideline for the total workload for this course is 150 hours.

Delivery Mode

Campus Experience

Attendance is required at scheduled activities to complete components of the course.

Lectures will be available as recordings. Recordings are not a reliable substitute for attendance.
The course will not include live online events. Attendance on campus is required for the exam. The activities for the course are scheduled as a standard weekly timetable.

**Student Feedback**

At the end of every semester students will be invited to give feedback on the course and teaching through a tool called SET or Qualtrics. The lecturers and course co-ordinators will consider all feedback and respond with summaries and actions.

Your feedback helps teachers to improve the course and its delivery for future students.

Class Representatives in each class can take feedback to the department and faculty staff-student consultative committees.

**Digital Resources**

Course materials are made available in a learning and collaboration tool called Canvas which also includes reading lists and lecture recordings (where available).

Please remember that the recording of any class on a personal device requires the permission of the instructor.

**Academic Integrity**

The University of Auckland will not tolerate cheating, or assisting others to cheat, and views cheating in coursework as a serious academic offence. The work that a student submits for grading must be the student's own work, reflecting their learning. Where work from other sources is used, it must be properly acknowledged and referenced. This requirement also applies to sources on the internet. A student's assessed work may be reviewed against online source material using computerised detection mechanisms.

**Inclusive Learning**

All students are asked to discuss any impairment related requirements privately, face to face and/or in written form with the course director, lecturer or tutor.

Student Disability Services also provides support for students with a wide range of impairments, both visible and invisible, to succeed and excel at the University. For more information and contact details, please visit the [Student Disability Services’ website](http://disability.auckland.ac.nz)

**Special Circumstances**

If your ability to complete assessed coursework is affected by illness or other personal circumstances outside of your control, contact a Student Academic and Support Adviser as soon as possible before the assessment is due.
If your personal circumstances significantly affect your performance, or preparation, for an exam or eligible written test, refer to the University’s aegrotat or compassionate consideration page https://www.auckland.ac.nz/en/students/academic-information/exams-and-final-results/during-exams/aegrotat-and-compassionate-consideration.html.

This should be done as soon as possible and no later than seven days after the affected test or exam date.

Learning Continuity

In the event of an unexpected disruption we undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. You will be kept fully informed by your course co-ordinator, and if disruption occurs you should refer to the University Website for information about how to proceed.

Student Charter and Responsibilities

The Student Charter assumes and acknowledges that students are active participants in the learning process and that they have responsibilities to the institution and the international community of scholars. The University expects that students will act at all times in a way that demonstrates respect for the rights of other students and staff so that the learning environment is both safe and productive. For further information visit Student Charter https://www.auckland.ac.nz/en/students/forms-policies-and-guidelines/student-policies-and-guidelines/student-charter.html.

Disclaimer

Elements of this outline may be subject to change. The latest information about the course will be available for enrolled students in Canvas.

In this course you may be asked to submit your coursework assessments digitally. The University reserves the right to conduct scheduled tests and examinations for this course online or through the use of computers or other electronic devices. Where tests or examinations are conducted online remote invigilation arrangements may be used. The final decision on the completion mode for a test or examination, and remote invigilation arrangements where applicable, will be advised to students at least 10 days prior to the scheduled date of the assessment, or in the case of an examination when the examination timetable is published.