

**Huron University College
Philosophy 2821F Section 550
Philosophy of Law
Course Outline September 2018
Tuesday 1:30 PM-2:30 PM, Thursday 12:30 PM-2:30 PM – HC W12**

Instructor: Dr. D. Conter

Office: V 131

Office Hours: Monday, Tuesday, Wednesday 8:30 AM-9:30 AM – in the Huron Food Court.
(Students who require confidentiality can arrange to meet me in my office.)

E-mail and Phone: dconter@uwo.ca

Content

This course does not presuppose any familiarity either with philosophy or with the law.

Students will read a major work of contemporary legal philosophy by Scott Shapiro. The central question to be addressed is the very general philosophical question: 'What is law?' Students will be introduced to several different versions of what is called legal positivism – the view that whatever law is, its content is determined entirely by the actions and choices of human beings, whether those actions and choices are good or bad, moral or immoral. Two historical versions of this view will be presented: a classical 19th-century version associated with John Austin, and a celebrated 20th-century version developed by the Oxford legal philosopher HLA Hart. A contrasting anti-positivist view originating with Ronald Dworkin will also be considered, as will natural law theory, according to which there is an essential connection between law and morality. Finally, students will examine Scott Shapiro's own influential planning theory of law. The central issue to be addressed is which of these theories is the most convincing.

Objectives

Students will familiarize themselves with the major theories of contemporary legal philosophy, and they will learn to develop comparative evaluations of the plausibility of abstract philosophical views about law in the light of real-world legal problems and practices. During this, they will familiarize themselves with the way that legislation and the common law work in the real world. Students will learn to present in writing succinct statements of theoretical positions, and to apply these positions to concrete situations.

Course Method

Lecture; with professor/student and student/professor question/answer exchanges.

Texts

Scott Shapiro, *Legality* (Cambridge Mass.: Belknap Press, 2011)

Assessment:

Students' grades will be determined on the basis of **three very short essays for which no outside research is required** – each 2 ½-3½ pages in length, and **each worth 22%** – for a total of **66%**.

There will also be a **two-hour final examination** worth **34%**.

1. **The due dates for the essays are Friday, September 28; Friday, October 26; Friday, November 23.**

The essays **MUST** be submitted in hard copy at the Huron drop box at 3:30 PM on the relevant due dates. The essays **MUST** also be submitted on **owl.ca** by 3:30 PM on the relevant due dates. For each essay, the topic will appear on **owl.ca** at approximately 10 AM on the day preceding the due date. The topic will not be handed out in class. **Note that you have no more than 29 hours in which to complete each assignment. Obviously, you need to arrange your work schedule appropriately.**

Under no circumstances will extensions be granted. Students who fail to submit an essay on time must consult the Academic Advisor. In such a case, if there is a recommendation from the Academic Advisor, students who get such a recommendation from the Academic Advisor must submit their assignments within 48 hours of the Academic Advisor's recommendation. Notwithstanding the above, students who FOR ANY REASON AT ALL fail to submit the three essays on time will not be permitted to write the final exam.

2. The **final exam** will be written during the final exam period at a date and time specified by the University.

Students who for any reason at all miss the scheduled final exam and are granted permission to write the special final on the date specified by the College must understand that both the content and the format of the special final may be different from the regularly scheduled final exam. **DO NOT MAKE TRAVEL ARRANGEMENTS FOR THE CHRISTMAS BREAK UNTIL YOU KNOW THE EXACT DATE OF YOUR FINAL EXAM. THE PRIVILEGE OF WRITING A SPECIAL FINAL EXAM WILL NOT BE GRANTED ON THE BASIS OF A STUDENT'S TRAVEL ARRANGEMENTS.**

Syllabus

(All page references are the Shapiro text listed above.)

Week 1 September 11, 13

NOTE: There will be no class on Tuesday, September 11, because that is the second day of the Jewish High Holiday of Rosh Hashanah.

Chapter 1

Week 2 September 18, 20

Chapter 1

Week 3 September 25, 27

Chapter 2

Week 4 October 2, 4

Chapter 3

Week 5 October 9, 11
Thanksgiving and Fall Reading Week – no classes

Chapter 4

Week 6 October 16, 18

Chapter 4

Week 7 October 23, 25

Chapter 5

Week 8 October 30, November 1

Chapter 6

Week 9 November 6, 8

Chapters 7

Week 10 November 13, 15

Chapters 8, 9

Week 11 November 20, 22

Chapters 10, 11

Week 12 November 27, 29

Chapter 12, 13

Week 13 December 4, 6

Chapter 14



The Appendix to Course Outlines is posted on the OWL course site.