

PHIL 155 section 01, **Philosophy of Law**

Mondays from 3pm to 5:45pm

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Laws regulate nearly every aspect of our lives, but to what extent do we have an obligation to obey them? And what exactly is law? Does any system of rules enforced through political institutions in order to govern the behavior of citizens count as law?

This course is an introduction to the two main areas of the philosophy of law: analytical jurisprudence – the philosophical attempt to distinguish law from other system of norms – and normative jurisprudence – the project of determining to what extent laws can legitimately restrict the freedom of citizens. In the course of our reflection, we will tackle questions such as: what is the nature and purpose of law; what is the relationship between law and morality; is civil disobedience justifiable; what kind of legal punishment is morally acceptable and is judicial review anti-democratic?

The objective of the course is both to provide students with knowledge of the main contemporary theories of law (jusnaturalism, positivism, interpretivism and realism) and with the capacity to use those theories to interpret and evaluate contemporary judicial decisions. For this reason, the course will not only focus on legal theory, but also on so-called “hard cases” (i.e. disputed judicial decisions) taken from the American and Canadian legal contexts.

The course will end with an examination of two critical theories of law – feminist jurisprudence and the *Critical Legal Studies* movement – which envision the legal systems of contemporary liberal democracies as based on deep social inequalities and aim to transform the way law is made, learned, theorized and applied.

Course prerequisite: 3 units of philosophy or upper division standing.