

**PHILOSOPHY 2860 (A01) – PHILOSOPHY OF LAW (RL)**  
**COURSE SYLLABUS**  
230-320 MWF

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UC 468  
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Office Hours: Remote and By Appointment

Course Description: This course is divided into three parts that are broadly speaking metaphysical, social-political and epistemic in scope. In each we will examine theoretical questions in the philosophy of law and relate those theoretical matters to practical legal issues and concerns. In the first part of the course we will look at the perennial preoccupation of philosophy of law: the question ‘what is law?’ In the second part of the course we will spend some time looking at different institutional approaches to law (focusing on adversarial and non-adversarial systems). In the final part of the course we will examine legal inquiry as a truth-seeking venture.

Required Text: none, all course readings will be posted to UM Learn

Student Evaluation:

Mid-Term Test	15%
Term Essay	25%
Final Examination	60%

Important Note: Final course grades are subject to the approval of the Faculty of Arts and may be subject to change in order to fall within the parameters set by this Faculty, or in order to meet any new policies implemented by the Faculty.

Evaluation Explanations:

Tests: There will be one open book take-home test worth 15% of the final course grade on Wednesday October 14<sup>th</sup>. The test will consist of short answer questions regarding the material covered up to Thanksgiving.

Essay: Students will be required to submit one short essay (1500 words; about 6 *typed* pages), due on Friday November 6<sup>th</sup>. This essay is worth 25% of the student’s course grade. Topics will be distributed proximate to Thanksgiving.

Final Examination: There will be an open book final examination worth 60% of the student’s course grade. It will be scheduled in the regular end-of-term exam period. The final examination will consist of two parts; Part A will be short answer questions covering the course material since Thanksgiving and for Part B students will compose one essay from a selection of topic questions relating to the last half of the course.

Late Policy: Overdue work will only be accepted with a documented medical excuse or on the basis of a serious personal crisis. Note that failing to manage one’s time is not a ‘serious personal crisis.’

Academic Dishonesty: Students should acquaint themselves with the University’s policy on plagiarism, cheating and examination impersonation (see the University of Manitoba Academic Regulations, Undergraduate Calendar, 2020-21). Please note that the Philosophy Department possesses a ‘no tolerance’ policy with regard to exam offences.

Approximate Grade Scale:

A+	93%+	A	87-92%	B+	80-86%	B	74-79%
C+	68-73%	C	62-67%	D	55-61%	F	<55%

## APPROXIMATE SCHEDULE

Sep 9 ..... Course Syllabus & Expectations

### What is Law?

Sep 11 ..... Read Austin, excerpt from *The Province of Jurisprudence Determined*  
Sep 14, 16 ..... Read Hart, excerpt from *The Concept of Law*  
Sep 18, 21 ..... Read Bix, *Natural Law Theory*, pp. 211-218  
Sep 23, 25 ..... Read Dworkin “Natural Law Revisited”; Bix, *Natural Law Theory*, pp. 221-225  
Sep 28, 30 ..... Read Grey, “Langdell’s Orthodoxy” pp. 1-15  
Oct 2, 5 ..... Read Holmes “The Path of the Law”, Frank excerpt from *Law and the Modern Mind*  
Oct 7, 9 ..... Read Christopher, Ch 7 *The Ethics of War and Peace*  
Oct 12 ..... Thanksgiving, no class  
Oct 14 ..... **Take-Home Test #1**

### Comparative Legal Studies

Oct 16, 19 ..... Read Carbonneau, Ch 2 *Alternative Dispute Resolution*; Langbein, “The German Advantage in Civil Procedure” pp. 823-835  
Oct 21, 23 ..... Read Fried, “The Lawyer as Friend”  
Oct 26, 28, 30 ..... Read Luban, Ch 5 *Lawyers and Justice*  
Nov 2, 4 ..... Peter Mansbridge Interview with Marie Henein, *R. v. Ghomeshi*  
Nov 6 ..... Read Clairmont, “The Development of an Aboriginal Criminal Justice System”;  
**Essay Due**  
Nov 9-13 ..... Fall Break, no classes  
Nov 11 ..... Remembrance Day, no class  
Nov 16 ..... Read Schwartz, “A Separate Aboriginal Justice System”

### Epistemology and Law

Nov 16, 18 ..... Read Pojman, Ch 8 *What Can We Know?*  
Nov 20, **23** ..... Read Goldman, Ch 9, pp. 272-285, *Knowledge in a Social World*; **Nov 23 VW Date**  
Nov 25, 27, 30 ..... Read Goldman, “Epistemic Paternalism”; *R. v. Kearley*, *R. v. Seaboyer*, *Demeter v. The Queen*, *R. v. Perry*, *R. v. Khan*  
Dec 2, 4 ..... Read Goldman, Ch 9, pp. 304-311, *Knowledge in a Social World*; *Frye v. U.S.*, *Daubert v. Merrel Dow Pharmaceuticals Inc.*, *R. v. J.-L.J.*  
Dec 7, 9 ..... Read Langbein, “The German Advantage in Civil Procedure” pp. 835-841  
Dec 11 ..... Tips for the Final Exam  
Dec 12-23 ..... Final Exam Period