

PHILOSOPHY 336 A01  
Spring 2019 CRN 22371  
**Philosophy of Law**

### CourseSpaces

A CourseSpaces page has been set up for this course. You may access it by signing in with your netlink id. This page will be used to post announcements, to give you online access to lecture notes, handouts and assignment sheets and to collect short writing assignments

### Schedule of Readings

The following is the anticipated schedule of readings and assignments. Dates and readings may be modified over the course of the year. Such changes will be announced ahead of time.

A number of cases will be used to illustrate the concepts and arguments in each section. **These cases are part of the required reading load** and you will be expected to be able to discuss them in short answer assignments and essays.

#### *Background*

Jan 7            What is the Philosophy of Law?  
                  H.L.A. Hart, "The Concept of Law" **(M&B)**

#### *Theories of Law*

Jan 7, 10        H.L.A. Hart, "The Concept of Law" **(M&B)**  
                  *Roncarelli v. Duplessis* **(B)**  
                  *Edwards v. Attorney-General of Canada* **(B)**

Jan 14, 17      Lon Fuller, "Eight Ways to Fail to Make Law" **(CP)**  
                  *R.v Heywood* **(B)**  
                  **Assignment #1 Handed Out Jan 17, Due Jan 24 before class begins**

Jan 21, 24      Ronald Dworkin, "The Model of Rules I" **(M&B)**  
                  Ronald Dworkin, "Constitutional Cases" **(M&B)**  
                  *R v. Oakes* **(B)**  
                  *Re Singh and Minister of Employment and Immigration* **(B)**

#### *Theories of Interpretation*

Jan 28, 31      Cass Sunstein, "Incompletely Theorized Arguments" **(M&B)**  
                  Edward Levi, "An Introduction to Legal Reasoning" **(M&B)**  
                  Karl Llewellyn, "Remarks on the Theory of Appellate ..." **(M&B)**

Feb 4            *Reference Re Resolution to Amend the Constitution of Canada* **(B)**  
                  *Reference re: Secession of Quebec* **(B)**  
                  **Assignment #2 Handed out Feb 4, Due Feb 11 before class begins**

Feb 7,11        Richard Posner, "The Economic Approach to Law" **(M&B)**  
                  *Monsanto v. Schmeiser* **(CP)**

Feb 14           Patricia Smith, "Feminist Legal Critics.." **(M&B)**

**Feb 18, 21      Reading Break**

Feb 25           Kimberlé Crenshaw, "Critical Race Theories: The Key Writings..." **(M&B)**  
                  *Sauve v. Canada (Chief Electoral Officer)* **(B)**

Feb 28, Mar 4 John Borrows, "Living Between Water and Rocks" **(CP)**  
                  *Tsilhqot'in Nation v British Columbia* **(CP)**  
                  **Assignment #3 Handed out Mar 4, Due Mar 11 before class begins**

*Rights*  
Mar 7, 11

J. Feinberg, "The Nature and Value of Rights" **(CP)**  
Joseph Raz, "Rights and Individual Well-