

**Philosophy 206**  
Philosophy of Law  
**Spring 2023**

TTh 330-445  
East Duke 108

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**Reading schedule**

- January 12     Introduction.
- Jan 17         Austin, *The province of jurisprudence determined* (1832), lecture 1.  
Jan 19         Austin, lecture 6, pp. 164-217.
- Jan 24         Hart, *The concept of law* (Oxford, 1961), chh. 1-2.  
Jan 26         Hart, ch. 3.  
Jan 31         Hart, ch. 4.  
Feb 2          *No new reading.*  
Feb 7          Hart, ch. 5.  
Feb 9          Hart, ch. 6.  
Feb 14         Hart, chh. 8-9.
- Feb 16**         Dworkin, *Taking Rights Seriously* (Harvard, 1977), ch. 2.  
**First essay due.**
- Feb 21         Dworkin, *Law's Empire* (Harvard, 1986), chh. 1 and 3.  
Feb 23         *No new reading.*  
Feb 28         Dworkin, *LE*, ch. 4.  
March 2         Dworkin, *LE*, ch. 7.
- March 7         Smith, "Is there a prima facie obligation to obey the law?," *Yale Law Journal*  
(1973): 950-76.  
March 9         *No new reading.*
- March 14       Spring break.*
- March 21         Simmons, *Moral Principles and Political Obligations* (Princeton, 1979), pp. 29-  
45 and 143-56.  
**March 23**         Simmons, "The duty to obey and our natural duties," in Wellman and Simmons  
(eds.) *Is there a duty to obey the law?* (Cambridge, 2005), pp. 170-88.  
**Second essay due.**
- March 28         Wellman, "Toward a liberal theory of political obligation," *Ethics* 111 (2001):  
735-59.  
March 30         *No new reading.*

- April 4 McCloskey, "An examination of unrestricted utilitarianism," *Philosophical Review* 66 (1957): 466-85.
- April 6 *No class.*
- April 11 Murphy, "Marxism and retribution," *Philosophy and Public Affairs* 2 (1973): 217-43.
- April 13 Feinberg, "The expressive function of punishment," in his *Doing and Deserving* (Princeton: 1970).
- April 18 Quinn, "The right to threaten and the right to punish," *Philosophy and Public Affairs* 14 (1985): 327-73.
- April 20** Wellman, "The rights forfeiture theory of punishment," *Ethics* 122 (2012):371-93.  
**Third essay due.**
- April 25 *No class.*

*End of lectures.*

## **Texts**

Apart from the Hart, all the readings will be made available in Sakai as either links or PDFs. Please purchase a copy of Hart's book.

## **Assignments**

There will be three required essays (2000 words each) in this course. Each essay will be worth 30 percent of the final grade. Participation in class is worth the remaining 10 percent. There will be no examinations.

Everyone will have the option to write a fourth essay. If your fourth grade is higher than one of your previous three, you may substitute it for your lowest previous grade.

## **Office hours**

By appointment. Please e-mail me or see me after class to arrange a meeting.

12 January, 2023