



湖北工業大學  
HUBEI UNIVERSITY OF TECHNOLOGY

<b>Course Title</b>	Philosophy of Law
<b>Course Code</b>	PHIL 3321
<b>Semester</b>	Summer 2026
<b>Course Length</b>	4 Weeks, 60 Contact Hours
<b>Credits</b>	4
<b>Instructor</b>	TBA
<b>Office</b>	TBA
<b>Email</b>	TBA
<b>Prerequisite</b>	PHIL 1111 Introduction to Philosophy / PHIL 1331 Ethics

### Course Description:

This course provides a comprehensive investigation into the philosophical foundations of legal systems. It begins by examining the fundamental question "What is law?" through the lens of classical and contemporary jurisprudence, specifically the debate between legal positivism and natural law theory. The second half of the course transitions into normative issues within the law, exploring the moral limits of state coercion, the tension between individual liberty and public morality, and the conceptual requirements for legal responsibility and civil disobedience. Students will engage with landmark legal cases and philosophical texts to develop a critical understanding of how abstract principles shape concrete legal outcomes.

### Course Goals:

Students who successfully complete this course will demonstrate competency in the following general education core goals:

- **Critical Thinking Skills** – Students will engage in analytical thinking, demonstrating the ability to critically evaluate, synthesize, and apply knowledge to complex problems, and construct well-reasoned solutions and arguments.
- **Independent Research and Inquiry** – Students will conduct independent research, utilizing academic resources to explore relevant topics, formulating research questions, analyzing data, and presenting findings in a coherent, scholarly manner.
- **Problem-Solving and Application** – Students will apply theoretical concepts and methodologies learned in the course to real-world problems, demonstrating the ability to develop practical solutions informed by academic inquiry.
- **Global and Cultural Awareness** – Students will gain awareness of the global and cultural contexts relevant to the course, appreciating diverse perspectives and considering the implications of their studies in a broader, international context.

**Student Learning Outcomes:**

Upon completion of this course, students will be able to:

- Differentiate between major schools of legal thought, including Positivism, Natural Law, and Interpretivism.
- Analyze the Separability Thesis and the Social Fact Thesis regarding law and morality.
- Evaluate the limits of state power using the Harm Principle and its applications to privacy and paternalism.
- Construct rigorous philosophical arguments regarding the duty to obey the law and the ethics of punishment.

**Textbooks/Supplies/Materials/Equipment/ Technology or Technical Requirements:**

**Primary:** HLA Hart, *The Concept of Law*, 3rd ed. Oxford University Press.

**Secondary:** Jeffrie G. Murphy & Jules Coleman, *Philosophy of Law: An Introduction to Jurisprudence*. Routledge.

**Course Requirements:****Quizzes (15%)**

Five to ten unannounced, multiple-choice quizzes will be given over the course of the semester. The purpose of these quizzes is to test your completion and comprehension of the day's reading assignment, and to encourage attendance at class. These quizzes are not easy, so it is vital that you read the material carefully and in advance of class.

**Jurisprudential Argumentative Essay (20%)**

Students must write a 1500-word essay comparing two major legal theorists (e.g., Hart and Radbruch) in the context of a historical legal crisis. This assessment tests the ability to synthesize abstract theory with historical legal reality.

**Midterm Examination (20%)**

A closed-book exam consisting of short-answer definitions and one long-form essay response. It covers the material from the first half of the semester, focusing on the definition of law and the evolution of positivism.

**Legal Case Analysis (15%)**

Students will be assigned a landmark case and must provide a 1000-word analysis. The goal is to identify the underlying philosophical principle used by the judge to reach their verdict and offer a critique based on course readings. Rather than summarizing the facts, the student must identify if the presiding judge adopted a "formalist" approach or an "interpretivist" approach. This task bridges the gap between abstract theory and the practical application of law in the courtroom.

**Final Research Paper (30%)**

A comprehensive 2500-word research paper exploring a specific normative issue, such as the limits of privacy in the digital age or the validity of "necessity" as a legal defense. Students must integrate primary sources from *Hart* and secondary critiques

from *Murphy & Coleman* to defend a thesis regarding the limits of state coercive power. This serves as the capstone of the course.

<b>Assessments: Activity</b>	<b>Percent Contribution</b>
Quizzes	15%
Jurisprudential Argumentative Essay	20%
Midterm Examination	20%
Legal Case Analysis	15%
Final Research Paper	30%

### Grading:

Final grades will be based on the sum of all possible course points as noted above.

<b>Grade</b>	<b>Percentage of available points</b>
A	94-100
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D	64-69
D-	60-63
F	0-59

### Course Schedule:

*The schedule of activities is subject to change at the reasonable discretion of the instructor. Minor changes will be announced in class, major ones provided in writing.*

<b>PHIL 3321 Schedule</b>		
Lecture	Topic	Readings
L1	Intro: The Scope of Jurisprudence	<i>Hart</i> Ch. I
L2	The Nature of Rules and Coercion	<i>Hart</i> Ch. II
L3	Austin's Command Theory	<i>Hart</i> Ch. II
L4	Varieties of Laws & Application	<i>Hart</i> Ch. III
L5	The Sovereign and the Subject	<i>Hart</i> Ch. IV
L6	Hart's Critique of the Command Model	<i>Hart</i> Ch. V
L7	Obligations & Elements of Law	<i>Hart</i> Ch. V
L8	Rule of Recognition & Legal Validity	<i>Hart</i> Ch. VI
L9	Natural Law: Classical Foundations	<i>Hart</i> Ch. IX
L10	The Radbruch Formula & Nazi Law	<i>Hart</i> Ch. IX
L11	Lon Fuller: Procedural Natural Law	<i>M&amp;C</i> Ch.1
L12	Formalism and Rule-Scepticism	<i>Hart</i> Ch. VII Case Analysis Due
L13	<b>Midterm Examination</b>	/
L14	Dworkin's Interpretivism	<i>M&amp;C</i> Ch.1
L15	Hard Cases & Judicial Discretion	<i>M&amp;C</i> Ch.2
L16	Justice, Morality, and the Law	<i>Hart</i> Ch. VIII

L17	J.S. Mill's Harm Principle	<i>Hart</i> Ch. IX
L18	Limits of Expression & Speech	<i>Hart</i> Ch. VIII
L19	Public vs. Private Morality	<i>Hart</i> Ch. IX
L20	Criminal Law & Moral Theory	<i>Hart</i> Ch. VIII Essay Due
L21	Paternalism and Self-Directed Harm	<i>M&amp;C</i> Ch.3
L22	Responsibility and Excuses	<i>Hart</i> Ch. V
L23	Retribution and Punishment	<i>Hart</i> Ch. VIII
L24	Philosophy of Private Law	<i>M&amp;C</i> Ch.4
L25	Law, Economics, and Review	<i>Hart</i> Ch. X Final Paper Due

### **Accommodation Statement:**

Academic accommodations may be made for any student who notifies the instructor of the need for an accommodation. It is imperative that you take the initiative to bring such needs to the instructor's attention, as he/she is not legally permitted to inquire. Students who may require assistance in emergency evacuations should contact the instructor as to the most appropriate procedures to follow.

### **Academic Integrity Statement**

Each student is expected to maintain the highest standards of honesty and integrity in academic and professional matters. The University reserves the right to take disciplinary action, up to and including dismissal, against any student who is found guilty of academic dishonesty or otherwise fails to meet the standards. Any student judged to have engaged in academic dishonesty in coursework may receive a reduced or failing grade for the work in question and/or for the course.

Academic dishonesty includes, but is not limited to, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or outside the University; and nondisclosure or misrepresentation in filling out applications or other University records.

### **Other Items:**

#### **Attendance and Expectations**

All students are required to attend every class, except in cases of illness, serious family concerns, or other major problems. We expect that students will arrive on time, be prepared to listen and participate as appropriate, and stay for the duration of a meeting rather than drift in or out casually. In short, we anticipate that students will show professors and fellow students maximum consideration by minimizing the disturbances that cause interruptions in the learning process. This means that punctuality is a must, that cellular phones be turned off, and that courtesy is the guiding principle in all exchanges among students and faculty. You will be responsible for the materials and ideas presented in the lecture.

#### **Assignment Due Dates**

All written assignments must be turned in at the time specified. Late assignments will not be accepted unless prior information has been obtained from the instructor. If you believe you have extenuating circumstances, please contact the instructor as soon as possible.

**Make-Up Work**

The instructor will not provide students with class information or make-up assignments/quizzes/exams missed due to an unexcused absence. Absences will be excused and assignments/quizzes/exams may be made up only with written documentation of an authorized absence. Every effort should be made to avoid scheduling appointments during class. An excused student is responsible for requesting any missed information from the instructor and setting up any necessary appointments outside of class.

**Access, Special Needs, and Disabilities**

Please notify the instructor at the start of the semester if you have any documented disabilities, a medical issue, or any special circumstances that require attention, and the school will be happy to assist.