

PHIL 155 section 01, **Philosophy of Law**
Mondays from 3 p.m. to 5:40 p.m. (In-Person)
Fall 2023

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Do we have an obligation to obey all laws simply because they are laws? Is our right to freedom of expression absolute? Is imprisonment an adequate form of criminal punishment? How far can the state go when it comes to restricting individual freedom?

In this course, we will tackle these important questions of philosophy (and many more). Specifically, this course is an introduction to the two main areas of the philosophy of law: analytical jurisprudence – the philosophical attempt to understand the relationship between law and ethics – and normative jurisprudence – the project of determining to what extent laws can legitimately restrict the freedom of citizens.

The objective of the course is both to provide students with knowledge of the main contemporary philosophical theories of law 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., controversial judicial decisions) taken from the American and Canadian legal contexts.

Lastly, we will examine three critical theories of law – feminist jurisprudence, the *Critical Legal Studies* movement and *Critical Race Theory* – which portray the legal systems of contemporary 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.