**THEORY AND PHILOSOPHY OF LAW**

**Lecturers:** mgr Justyna Jezierska (JJ) & mgr Wojciech Zomerski (WZ)

**Organization of classes**: a discussion about assigned texts

**Time and place**: Thursday, 08:00-9:30, room 2.02D **(except 05/03: 202B)**

**Office hours:** on request (e-mail)

**E-mail**: [justyna.jezierska@uwr.edu.pl](mailto:justyna.jezierska@uwr.edu.pl); [wojciech.zomerski@uwr.edu.pl](mailto:wojciech.zomerski%40uwr.edu.pl);

**Literature**: assigned texts

**Final grade:**

|  |  |  |
| --- | --- | --- |
| **Elements of final grade** | **Terms** | **Maximum** |
| **Attendance on classes**  **(update: knowledge of text)\*** | 1 point for each class, except of the first and the last one | 5 points |
| **Activity during classes**  **(update: sharing an opinion)\*** | 1 point for each class, except of the first and the last one | 5 points |
| **Response paper\*\*** | 5 points | 5 points |
|  | **Total:** | **15 points** |

*\* See below “update”.*

*\*\** ***Response paper*** *is a short essay (1-2 pages in .doc, Times New Romans 12, interline 1.2, justified) which conveys the student’s reaction to one or several texts that he or she has read during class. In a response paper shall demonstrate knowledge of concepts and problems discussed on classes but should not quote or reconstruct what somebody has said, but rather bring up an issue and present an own line of argumentation. The text analysis can be illustrated by matching examples. It is recommended to follow school essay format (introduction – body – conclusion). A response paper shall be submitted via e-mail to both lecturers, at any time starting from 6th March and no later than April 8th 23:59 CET. Late submissions would not be accepted.*

*UPDATE:*

Dear Students due to COVID-19 outbreak and switching to e-learning mode, the above rules are amended as follows:

1. **“Traditional path” (recommended)**

Each Thursday, you will be provided with materials for given classes via e-mail or e-learning platform. This should contain of PowerPoint presentation (which aims to replace regular classes), optionally some additional materials, and a short assignment (“**worksheet**”). By filling each worksheet, you can obtain 2 points, 1 one for demonstrating your knowledge of an assigned text (what aims to replace points for attendance on classes), and 1 for sharing your opinion (what aims to replace points for activity during classes). Each worksheet shall be submitted by the end of Tuesday next week via e-mail or e-learning platform. Please bear in mind that you cannot obtain second point, if you didn’t get first one (just as it is not possible to be active during classes on which you are not present, it is not possible to have opinion on issues discussed in text without knowing a content of a given text).

Additionally, I am looking forward for your response papers, just as it is described above (a final deadline for submission: 8 April).

**Please note, that however this path requires from you regular work on weekly basis, it might be seen as “safe”, predictable option. If you fill worksheets and write a response paper, you are very likely to obtain a top grading mark. Each student may opt for this path, including ones who hold a permission for individual course of studies.**

1. **“Special path” (provided for students holding permission for individual course of studies)**

As many of you had obtained permission for individual course of studies (*indywidualna organizacja studiów*) before we switched to an e-learning mode and we have already agreed alternative way of passing this classes, relying on *pacta sunt servanda* and protection of the acquired rights principles, our previous arrangements remains in force.

Instead of submitting worksheets and a response paper, one may opt for writing an **essay (a final deadline for submission: 2nd April)**:

* which is so to say an extended version of a response paper,
* in which one shall tackle a given issue from a domain of legal theory and philosophy, propose a thesis and defend it (please do not reconstruct what somebody else said, but rather – using an assigned literature – present your personal stand),
* in which one demonstrates knowledge of at least 3 texts discussed on the classes,
* that fulfills following formal criteria: Times New Romans 12, justified, interline: 1,2.

While grading an essay, I will take into consideration such issues as: originality, substantive quality of argumentation, ease in addressing theoretical and philosophical issues, as well as writing skills. Feel free to include in your essays references to a culture (to movie or book) or to a public sphere, as illustrations of you arguments and thesis.

**Please note, that this path could be taken by every student, regardless whether he or she holds a permission for individual course of studies. However, this path is more demanding, unpredictable and thus risky – the final grade will be given on one assignment instead of couple of them.**

*\*\*\**

Please be informed that any signs of plagiarism or any other forms of cheating will be severely punished and might lead to a negative mark from classes. This apply to all written assignments (worksheets, response papers, essay).

**Grading scale:**

5-6 3.0

6,5 - 8 – 3.5

8,5 - 9 – 4

9,5 - 11 – 4.5

11,5 - 15 – 5

**Schedule:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Date** | **Subject of classes** | **What to read?** | **Lecturer** | **Other remarks** |
| 1 | 27/02 | **Organizational classes** | n/a | WZ |  |
| 2 | 05/03 | **Separation of Law and Morality?** | H.L.A. Hart, [Positivism and the Separation of Law and Morals](http://users.umiacs.umd.edu/~horty/courses/readings/hart-1958-positivism-separation.pdf), s. 593-629. | WZ | single change of a classroom to 202B |
| 3 | 12/03 | ***postponed*** |  |  |  |
| 4 | 19/03 | **Is Law Political?** | R. Dworkin, "[Law as Interpretation](https://www.dropbox.com/s/es66y5cjn8h0qet/Dworkin%2C%20Law%20as%20Interpretation.pdf?dl=0)", s. 179-200. | WZ |  |
| 5 | 26/03 | **“I have a right!”** | J. Waldron, [Rights in Conflict](https://pdfs.semanticscholar.org/5270/d9f492effbbcae0602ef46edf340b3bcf5bb.pdf), s. 503-519. | WZ |  |
| 6 | 2/04 |  | S. Fish, [There Is No Textualist Position](https://www.law.columbia.edu/sites/default/files/microsites/law-theory-workshop/files/Intention%20Fish2.pdf), s. 1-22 | JJ | details t.b.a. |
|  |  |  | E. Łętowska, *Liberal Concept of Human Rights in Central and Eastern Europe* (excerpt) | JJ | details t.b.a. |
| 7 | 09/04 | **Grading** | n/a | JJ |  |