

University of Florida
Philosophy of Law
EUS3930
Spring 2026

COURSE INFORMATION:

Instructor: Prof. Alexander Panayotov, Ph.D.

Email: apanayotov@ufl.edu

Office Phone Number: 352-2947-153

Course Location: MAT 108

Course Time: Monday 10:40- 11:30 AM, Wednesday 10:40- 11:30, and Friday 10:40- 11:30

Office Location: Turlington Hall 3343

Office Hours: Wednesday 11:45AM -12:45 PM (in person), Friday 11:45AM -12:45 PM (in person), Monday 11:45 AM -12:45 PM (Zoom), and by appointment

“Thoughts without content are empty, intuitions without concepts are blind.”
Immanuel Kant

COURSE DESCRIPTION:

What is law? Is law different from morality? Why? Why do people obey the law? Is the command of a robber different from that of a legitimate authority? Philosophy of law tries to answer these questions. It is a rich and profound subject. We will encounter the classical legal philosophers: H.L.A. Hart, Hans Kelsen, Joseph Raz, John Finnis, Lon Fuller, and Ronald Dworkin. We will debate some of the most pressing topics in legal philosophy: the nature of law, the relationship between law and morality, the obligation to obey the law, and the problems of interpretation. This list is by no means exhaustive. But the course will give you the tools to analyze and frame complex legal arguments. You will learn how to work with legal rules, interpretative techniques, and rhetorical strategies. You will move from your everyday understanding of legal rules to a general, more abstract, understanding of the nature of law. You will master textual, contextual, and interdisciplinary approaches to legal inquiry. In short, you will learn how to reflect on the nature of law, authority, and order.

The course will be organized around the most important book of legal philosophy: H.L.A. Hart’s *“The Concept of Law”*. Even though it was written as a primer for British undergraduate students, it quickly became the center of every philosophical discussion about the nature of law. Hart’s versatile writing style, original answers to thorny philosophical questions, and clear exposition of the nature of law are the main reasons that make this book suitable for undergraduate classes and highbrow philosophical colloquia alike. I will introduce you to the intellectual climate that influenced Hart, especially his exposure to the ordinary language philosophy and the work of J.L. Austin. Hart embraced Austin’s claim that *“a sharpened awareness of words to sharpen our perception of the phenomena”* and deployed it in the course of his book. Hart’s ideas will also be viewed as a matter of theory construction. You will learn

how Hart's embrace of a particular mode of theorizing affected his claims about the nature of law. By doing this, you will explore how the theory construction enables and constrains the types of substantive claims that scholars make in law, philosophy, and social science. In particular, you will learn how the mode of theorizing highlights the difference between Hart's theory of law and the one proposed by one of his main interlocutor, Hans Kelsen. As a result, you will learn how to construct, understand, and reflect upon legal theoretical claims.

You will encounter different styles of analysis and argumentation. Understanding these styles might prove challenging. Because of this, be prepared to discuss them during the class. The class discussion is a deliberative exercise: you are expected to contribute to it because everyone will benefit from a vigorous exchange of ideas. In addition, please respect your colleagues' views because we will study problems open to multiple interpretations. Don't forget that collegiality and tolerance are virtues not vices.

LEARNING OBJECTIVES:

Students in this course will:

- Explore the foundations of legal philosophy
- Learn how to articulate, construct, and justify legal arguments
- Refine their writing, editing, and presentation skills

COURSE TEXTS:

1. Brian H. Bix, *"Jurisprudence: Theory and Context"*, 9th edn [hereinafter *JTC*] (Carolina Academic Press, 2023). Please check carefully and don't buy previous editions of the book.
2. H.L.A. Hart. *The Concept of Law*, 3rd edn. (Oxford University Press, 2012) [hereinafter *CL*]. Please check carefully and don't buy previous editions of the book.
3. Additional readings will be posted on the Canvas web site.

EXAMINATIONS AND ACADEMIC HONESTY:

- I will not be able to change exams' parameters and presentation dates except in circumstances enumerated in the UF Attendance policies (please see below).
- Depending on our progress, there might be changes in the schedule. You will be notified of all changes in advance.
- No extra credit assignments will be offered.
- Please note that UF students are bound by The Honor Pledge which states We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Conduct Code specifies a number of behaviors that are in violation of this code and the possible sanctions. See the UF Conduct Code website (<https://sccr.dso.ufl.edu/policies/student-honor-code-student-conduct-code/>) for more information. If you have any questions or concerns, please consult with the instructor or TAs in this class."The requirements in

the syllabus are consistent with the UF grading policy. The policy can be found here: <https://catalog.ufl.edu/UGRD/academic-regulations/grades-grading-policies/>

ATTENDANCE POLICY:

- Please be advised that class attendance is mandatory. I will revise your overall grade by one grade step down (e.g., B+ to B) for systemic unexcused absences from class (four unexcused absences).
- If a student accumulates more than four unexcused absences, I reserve the right to prohibit further attendance and assign a failing grade. The student/s will be given a due warning. This right is recognized by the UF grading policy (please see below).
- Arrive on time. I will lower your attention and participation grade by 5(five) points in cases of systematic tardiness. I define systematic tardiness as “three or more late arrivals to class.”
- Do not leave early. If you leave early three or more times, I will lower your attention and participation grade by 5(five) points.
- Please provide documentation for all absences (except religious holidays), missed work, or inability to fully engage in class.

Please note that I will follow the provisions of the UF Attendance Policies. These provisions, in their totality, constitute an integral part of the attendance policy for this class. According to the Office of the University Registrar: “ Acceptable reasons for absence from or failure to engage in class include illness; Title IX-related situations; serious accidents or emergencies affecting the student, their roommates, or their family; special curricular requirements (e.g., judging trips, field trips, professional conferences); military obligation; severe weather conditions that prevent class participation; religious holidays; participation in official university activities (e.g., music performances, athletic competition, debate); and court-imposed legal obligations (e.g., jury duty or subpoena). Other reasons (e.g., a job interview or club activity) may be deemed acceptable if approved by the instructor.

For all planned absences, a student in a situation that allows an excused absence from a class, or any required class activity must inform the instructor as early as possible prior to the class. For all unplanned absences because of accidents or emergency situations, students should contact their instructor as soon as conditions permit.

The university recognizes the right of the instructor to make attendance mandatory and require documentation for absences (except for religious holidays), missed work, or inability to fully engage in class. After due warning, an instructor can prohibit further attendance and subsequently assign a failing grade for excessive absences.

Please familiarize yourself with the university policy regarding excused and unexcused absences and UF attendance policies. The full text is available here: [link](#)

INCOMPLETES:

Incompletes will be granted under exceptional circumstances. A student who wants to receive an incomplete must: (1) inform the professor 10 (ten) days prior to the last day of class and (2) provide a written explanation about the reasons necessitating the incomplete. These reasons must be properly documented. In addition, the student must provide a written plan for finishing the missing work. The student must complete the work during the following semester. Failure to complete the work will result in an E.

COMPLIANCE WITH UF ACADEMIC POLICIES:

This course complies with all UF academic policies. For information on those policies and for resources for students, please see: [UF Academic Policies & Resources](#)

USE OF ARTIFICIAL INTELLIGENCE (AI)

All assignments must be prepared by the student. The use of generative AI to complete any part of the assignment is prohibited and will be treated as plagiarism.

COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

ACCOMMODATIONS:

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the disability Resource Center by visiting disability.ufl.edu/students/get-started. It is important for students to share their accommodation letter with their instructor and discuss their access needs, as early as possible in the semester.

Faculty can expect to receive a student's accommodation letter within the first 3 weeks of classes; however, if a student registers with the DRC later in the semester faculty are still obligated to facilitate accommodations. Neither faculty nor administrators may independently deny a request for accommodation that is approved by the Disability Resource Center.

Students are also advised to explore the opportunities offered by the UF Disability Resource Center. The Center is located at 001 Reid Hall, web page: <https://disability.ufl.edu/#>.

COUNSELING AND WELLNESS CENTER:

Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

RECORDINGS:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

RESPONSIBILITIES:

- Ensure that you have a reliable access to Canvas because it will be used extensively throughout the semester. Note that you will be responsible for printing or viewing the assigned material.
- Read the materials in advance and in the order indicated in the syllabus.
- Silence your cell phones **before** coming to class.
- Restrict the use of electronic devices to class-related activities, e.g., note-taking or article reading.
- Please do not eat in class. Drinks in closed containers are permitted.
- Please note that I will call people in class. This means that it’s your responsibility to be prepared at all times. I reserve the right to lower your participation grade if you are unprepared.

GRADE SCALE:

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+	67-69
D	64-66
D-	60-63
E	0-59

ASSIGNMENTS AND DEADLINES:

DUE DATE	ASSIGNMENT	DESCRIPTION	WEIGHT
	Attendance and participation	<ul style="list-style-type: none">• Please be advised that class attendance is mandatory. I will revise your overall grade by one grade step down (e.g., B+ to B) for systemic unexcused absences from class (four unexcused absences).• If a student accumulates more than four unexcused absences, I reserve that right to prohibit further attendance and assign a failing grade. The student/s will be given a due warning. This right is recognized by the UF grading policy (please see the attendance policy section for the full text).• Arrive on time. I will lower your attention and participation grade by 5(five) points in cases of systematic tardiness. I define systematic tardiness as “three or more late arrivals to class.”• Do not leave early. If you leave early three or more times, I will lower your attention and participation grade by 5(five) points.• I reserve the right to revise your overall grade by one grade step up (e.g. A- to A) to reward exceptional and meaningful class participation.• I reserve the right to deduct 5(five) points from your attendance and participation grade for the lack of preparation for class discussions. <p>Please provide documentation for all absences (except religious holidays), missed work, or inability to fully engage in class. For more information, please see the attendance policy section.</p>	10%
12-Feb-2026	Précis	<p>The précis is a one-page summary of an important jurisprudential concept. I will post three concepts on Canvas and you will have to select one of them.</p> <p>The précis will have to be 1” margin all around, Times New Roman font, size 12, single line spacing. You may cite course materials or external sources — books, articles, judicial decisions or primary documents — related to the concept. All sources must be properly cited in a bibliography, which will not be counted toward the page requirement. I will deduct 10 points for a proposal submitted after the deadline and prior to 11:59 PM on February 13th . I will not accept submissions after that and no points will be awarded for this assignment.</p>	10%

21-Feb-2026 – 28-Feb-2026 11:59 pm	Midterm (take-home exam)	The midterm will consist of one essay question and one short answer. The short answer should not exceed five sentences. The answer should not exceed 6 double-spaced pages. The additional requirements for the essay question are: 1'' margin all around, Times New Roman font, size 12. Your answers should reflect the assigned readings and the class discussions. I will deduct 10 points for a proposal submitted after the deadline and prior to 11:59 PM on February 29 th . I will not accept submissions after that and no points will be awarded for this assignment.	40%
19-Apr-2026 – 26-Apr-2026	Final Exam (take-home exam)	The final exam will consist of two questions and one short answer. The short answer should not exceed five sentences. The answer should not exceed 6 double-spaced pages and a total of 12 double-spaced pages. The additional requirements for the essay question are: 1'' margin all around, Times New Roman font, size 12. Your answers should reflect the assigned readings and the class discussions. I will deduct 20 points for an answer submitted after the deadline and prior to 11:59 PM on April 28 th . I will not accept submissions after that and no points will be awarded for this assignment. Your answers should reflect the assigned readings and the class discussions. The final exam will cover all materials studied throughout the semester.	40%

SUBMISSIONS:

All assignments should be submitted via the Canvas course page. Please note that each student is responsible for the timely submission of her assignments. I will not send reminders for overdue assignments.

IMPORTANT DATES:

- **February 12th:** Precis due
- **February 28th:** Midterm due
- **April 26th:** Final Exam due

TOPICS AND READINGS:

PART ONE: INTRODUCTION

"I would rather have questions that can't be answered than answers that can't be questioned."
Richard Feynman

Date	Subject	Readings
12-Jan-2026	Introduction	1. JTC: 3-9
14-Jan-2026	What is Conceptual Analysis?	1. JTC: 11-28
16-Jan-2026	What is Legal Theory?	1. CL 1-17

PART TWO: THE NATURE OF LAW

"The purpose of law is to prevent the strong always having their way."
Ovid

Date	Subject	Readings
21-Jan-2026	Laws, Commands, and Orders I	1. CL 18-25
23-Jan-2026	Laws, Commands, and Orders II	1. JTC 31-37
26-Jan-2026	The Variety of Laws	1. CL 26-49
28-Jan-2026	John Austin: The Command Theory of Law	1. Brian Bix, "John Austin" in <i>The Stanford Encyclopedia of Philosophy</i> (Spring 2023 edition), pp.1-9 [Canvas]
30-Jan-2026	Hart and Austin: The Command Theory of Law and Its Demise	1. CL 50-78 2. JTC 37-39
02-Feb-2026	A New Beginning: The Union of Primary and Secondary Rules	1. CL 79-99
04-Feb-2026	How to Create a Legal System? The Rule of Recognition and Its Importance I	1. CL 100-110
06-Feb-2026	How to Create a Legal System? The Rule of Recognition and Its Importance II	1. CL 110-123
09-Feb-2026	How to Create a Legal System? The Rule of Recognition and Its Importance III	1. JTC 40-43
11-Feb-2026	Hans Kelsen and the Pure Theory of Law I	1. JTC 55-63
13-Feb-2026	Hans Kelsen and the Pure Theory of Law II	1. Hans Kelsen, "What is the Pure Theory of Law? (pp.269-276)" [Canvas]
16-Feb-2026	Hans Kelsen and the Pure Theory of Law III	1. Stanley L. Paulson, "Kelsen on Legal Interpretation", pp. 136-152 [Canvas]

18-Feb-2026	Natural Law I	1. <i>JTC</i> 65-76 2. John Finnis, “ <i>What is the Philosophy of Law?</i> ”, pp.133-142 [Canvas]
20-Feb-2026	Natural Law II	1. <i>JTC</i> 77-82
23-Feb-2026	Natural Law III	1. Lon Fuller, “ <i>Positivism and Fidelity to Law: A Reply to Professor Hart</i> ”, pp.630-672 [Canvas]
25-Feb-2026	Review Session	There are no readings for this class.
27-Feb-2026	Hart on Formalism and Rule-Skepticism I	1. <i>CL</i> 124-141 2. <i>JTC</i> 44-46
02-Mar-2026	Hart on Formalism and Rule-Skepticism II	1. <i>CL</i> 141-154
04-Mar-2026	Hart on Formalism and Rule-Skepticism III	1. H.L.A. “ <i>The Nightmare and the Noble Dream</i> ”, pp. 969-989 [Canvas]

PART THREE: LAW AND INTERPRETATION

We feel as if we had to repair a torn spider’s web with our fingers”

Ludwig Wittgenstein, “Philosophical Investigations”, §106

Date	Subject	Readings
06-Mar-2026	Ronald Dworkin and the Interpretative Theory of Law I	1. <i>JTC</i> 83-96
09-Mar-2026	Ronald Dworkin and the Interpretative Theory of Law II	1. Ronald Dworkin, “ <i>Law as Interpretation</i> ”, pp.529-550 [Canvas]
11-Mar-2026	The Meaning of Meaning: Law and Statutory Interpretation	1. <i>JTC</i> 139-150 2. <i>Smith vs. United States</i> , pp. 223-247 [Canvas]

PART FOUR: LAW, JUSTICE AND MORALITY

“Ius est ars boni et aequi”

(Law is the art of the good and the equitable)

Celsus, “Digests”, 2nd ct. AD

Date	Subject	Readings
13-Mar-2026	Law and Justice I	1. <i>CL</i> 155-167
23-Mar-2026	Law and Justice II	1. <i>CL</i> 167-184
25-Mar-2026	Law and Justice III	1. <i>JTC</i> 101-113
27-Mar-2026	Law and Justice IV	1. John Rawls, “ <i>Justice as Fairness: Political not</i>

		<i>Metaphysical</i> ", pp. 223-251 [Canvas]
30-Mar-2026	Law and Morality I	1. CL 185-212
01-Apr-2026	Law and Morality II	1. JTC 151-159
03-Apr-2026	Law and Morality III	1. Ursula Le Guin, " <i>The Ones Who Walk Away From Omelas</i> ", pp. 1-4 [Canvas] 2. US Department of Justice, Office of the Legal Counsel " <i>Memorandum from August 1st, 2002</i> ", pp. 1-18 [Canvas]
06-Apr-2026	The Postscript: Hart and Dworkin Yet Again	1. CL 254-278

PART FIVE: THE OBLIGATION TO OBEY THE LAW

"Right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must."

Thucydides "History of the Peloponnesian War", 4th ct. BC

Date	Subject	Readings
08-Apr-2026	Is There an Obligation to Obey the Law?	1. JTC 161-168
10-Apr-2026	Joseph Raz and the Service Conception of Authority	1. Kenneth Ehrenberg, " <i>Joseph Raz's Theory of Authority</i> ", pp.1-11 [Canvas]

PART SIX: MODERN APPROACHES TO LEGAL THEORY

Philosophers make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light because they are so high."

Francis Bacon

Date	Subject	Readings
13-Apr-2026	American Legal Realism Critical Legal Studies	1. JTC 173-183 2. JTC 211-215
15-Apr-2026	Law and Economics	1. JTC 185-210
17-Apr-2026	Legal Process, Pragmatism, Postmodernism, and Other Approaches	1. JTC 247-259
20-Apr-2026	The Future of Legal Philosophy	1. Raz, Joseph. " <i>Can There Be a Theory of Law?</i> " pp.1-27 [Canvas]
22-Apr-2026	Review Session	There are no readings for this class.

BIBLIOGRAPHY:

Bix, Brian. "John Austin." *The Stanford Encyclopedia of Philosophy*. Last modified January 14th, 2022. <https://plato.stanford.edu/entries/austin-john/>.

Bix, Brian H. *Jurisprudence: Theory and Context*", 9th edn. Durham NC: Carolina Academic Press, 2023.

Dworkin, Ronald "Law as Interpretation." *Texas Law Review* 60(3) (March 1982): 529-550.

Ehrenberg Kenneth, "Joseph Raz's Theory of Authority." *Philosophy Compass* (2011):1-11.

Finnis, John "What is the Philosophy of Law?" *The American Journal of Jurisprudence* 59(2):133-142.

Fuller, Lon. "Positivism and Fidelity to Law: A Reply to Professor Hart." *Harvard Law Review* 71(4) (February 1958): 630-672.

Hart, H.L.A. *The Concept of Law*, 3rd edn. Oxford: Oxford University Press, 2012. Hart, H.L.A. "American Jurisprudence Through English Eyes: The Nightmare and the Noble Dream," *Georgia Law Review* 11(5): 969-989.

Kelsen, Hans. "What is the Pure Theory of Law?" *Tulane Law Review* 34(2): 269-276.

US Department of Justice, Office of the Legal Counsel. 2002. *Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency*. 1-18.

Paulson, Stanley L. "Kelsen on Legal Interpretation" *Legal Studies* 10(2) (Summer 1990): 136-152.

Rawls, John. "Justice as Fairness: Political not Metaphysical." *Philosophy and Public Affairs* 14(3) (Summer 1985): 223-251.

Raz, Joseph. *Can There Be a Theory of Law?* Blackwell Guide to Philosophy of Law and Legal Theory, Martin Golding and William Edmundson (Eds.), Blackwell Publishing 2004(2007).

Rhodes, Robert E. "On the Historical School of Jurisprudence." 49 *American Journal of Jurisprudence* (2004): 165-184.

Smith vs. United States. 508 US 236 (1993).

USEFUL LINKS:

1. Stanford Encyclopedia of Philosophy: <https://plato.stanford.edu/> . This is a comprehensive resource that will serve you well during the semester.
2. Brian Bix's web page: <https://www.law.umn.edu/profiles/brian-bix>. Bix is a prolific author and exponent of legal philosophy.

USEFUL BOOKS (OPTIONAL):

LEGAL WRITING	Bryan A. Garner, " <i>Legal Writing in Plain English</i> " 2nd edn. (The University of Chicago Press, 2013)
LEGAL REASONING (BEGINNER)	Joel P. Trachtman, " <i>The Tools of Argument: How the Best Lawyers Think, Argue, and Win</i> " (CreateSpace Independent Publishing Platform, 2013)
LEGAL REASONING (ADVANCED)	Antonin Scalia and Bryan A. Garner, " <i>Reading Law: The Interpretation of Legal Texts</i> " (West Publishing, 2012) Edward H. Levi, " <i>An Introduction to Legal Reasoning</i> ", (The University of Chicago Press, 2013)
SOCIOLOGY OF LAW	Roger Cotterrell, " <i>The Sociology of Law: An Introduction</i> " 2 nd edn.(Oxford University Press, 2005)
PHILOSOPHY OF LAW (COLLECTIONS)	Denis Patterson (Ed.) " <i>Philosophy of Law and Legal Theory: An Anthology</i> " (Wiley-Blackwell, 2003)
PHILOSOPHY OF LAW (COLLECTIONS)	Coleman & Shapiro (Eds.) " <i>The Oxford Handbook of Jurisprudence and Philosophy of Law (Oxford Handbooks)</i> " (Oxford University Press, 2004)