LEGAL THEORY SEMINAR

Description
In this seminar we’ll discuss a number of texts that cover a wide range of issues in legal theory. They fall into two main categories. Some of the readings look at law from the outside, posing the question, What is law and what is the source of its authority? The main topics discussed include the distinction between natural law and positivism, the relationship between law and morality, and the duty to obey the law. The other set of readings adopts an internal perspective, focusing primarily on theoretical underpinnings of substantive legal areas, such as criminal law, constitutional law, and contracts. The main normative orientation that will be brought to bear on these areas is provided by two contrasting strands in liberal moral theory, utilitarianism and Kantianism. The aim is to identify salient ideas and values that shape legal discourse and inform legal policy.

Readings

Articles which I expect to be mostly from the following list:

Joseph Raz, “Legitimate Authority,” in Authority, Joseph Raz, ed., pp. 3-27
H.L.A. Hart, “Positivism and the Separation of Law and Morals”

**Requirements**
1. Before each session students will submit a short report on the weekly assignment. The reports will consist of a one-page outline of the argument, followed by 3 short questions for discussion/clarification, and one brief objection to some point/argument made in the reading. The reports have to be emailed to me by Sunday at noon.
2. Students will be asked to take turns in introducing the weekly reading in class and helping lead the discussion.
3. Attendance in all sessions of the seminar is mandatory.
4. Two take-home essays: a midterm (3 pages) and a final (5 pages).

**Grading**: 30% class participation (includes the submission of weekly reports and class presentations)
- 30% midterm
- 40% final

**Enrollment**
If you plan to take the seminar, please send me an email confirmation by Thursday.

**First assignment**
Murphy and Coleman, *The Philosophy of Law*, pp. 68-82.
The entries on *Utilitarianism* in the *Routledge Encyclopedia of Philosophy* or the *Stanford Encyclopedia of Philosophy* (both available on the web), or some comparable source.
Excerpt from Jeremy Bentham: *The Principles of Morals and Legislation* (will send this to you by email; please bring to class).

No written report is required for the next session.