JURISPRUDENCE

LAW 845

SPRING 2018

MARTIN LEVY

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THE PROFESSOR

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OFFICE HOURS: M: 11-2
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(All other times by appointment only)

NOTE FROM THE PROFESSOR:

Information concerning this course, including syllabus, changes in class meeting, and questions from students, etc., will be available on the internet at:

1. **WWW.PROFMLEVY.COM**

2. **LAWSCHOOL.WESTLAW.COM, click on THE WEST EDUCATION NETWORK (TWEN) and select this offering.**

COURSE BOOKS & MATERIAL

MATERIALS:

1. Christie, *Jurisprudence,* 3rd. Edition, West
2. Handouts by Instructor

COURSE DESCRIPTION, LEARNING OBJECTIVES & STUDENT LEARNING OUTCOMES

The course will examine a variety of historically influential responses to basic questions concerning the nature and legitimacy of law and the difference (if any) between law and morality. Readings will include works by legal positivist, natural lawyers, and legal realists.

GRADING

Sixty per-cent of the final grade will be based on a "take-home" examination/paper, which will fulfill law school seminar/paper requirements.

FORTY PER-CENT OF THE FINAL GRADE WILL BASED ON BOTH THE QUALITY AND QUANTITY OF CLASS PARTICIPATION

ACCOMMODATIONS

Accommodation will be provided and administered as dictated by the Dean's office. If you require accommodation please provide approval and guidelines from the Dean's office.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Because verbal articulation of ones' ideas is an essential commodity in the practice of law, class participation is encouraged. With such in mind, as required per Student Rules. Attendance, preparation and participation are essential if we are to make this seminar "work"! Further to such, the Instructor may assign specific class sessions for students participation, which may be applied as up to 10% of the "Professor's" final grade.

FORTY PER-CENT OF THE FINAL GRADE WILL BASED ON BOTH THE QUALITY AND QUANTITY OF CLASS PARTICIPATION

POLICIES & PROCEDURES

All policies and procedures relative to this course are articulated in the Law School Student Rules. All such rules will be complied with by both students and the Instructor.

ACADEMIC CALENDAR

FALL SEMESTER ACADEMIC CALENDAR 2017 – 2018

2017 (SEVENTY DAYS OF CLASSES)
Orientation Monday-Friday August 14-18, 2017
First Day of Class Monday August 21, 2017
Last Day to ADD/DROP Friday August 25, 2017
Labor Day (NO CLASSES) Monday September 4, 2017
Purge of all unpaid course selections Thursday September 20, 2017
Mid Term Examinations Mon – Fri October 16-20, 2017
VETERANS DAY (NO CLASSES) Friday November 10, 2017 (tentative)
Thanksgiving Holiday Thurs – Fri November 23-24, 2017
Last Day of Classes Thursday November 30, 2017
Last Day to Drop a Class Thursday November 30, 2017
First Year Professors' Grades due Thursday November 30, 2017
Reading Period (NO CLASS) Friday - Sunday December 1-3, 2017
Final Examinations Mon –Fri December 4 -Dec. 15, 2017
Commencement Saturday December 16, 2017
SPRING SEMESTER 2018 (SEVENTY DAYS OF CLASSES)
School Opens Tuesday January 2, 2018
First Day of Class Monday January 8, 2018
Last Day to ADD/DROP Friday January 12, 2018
M L K Holiday (No Classes) Monday January 15, 2018
Purge of all unpaid course selections Wednesday February 7, 2018
President's Day Holiday (No Classes) Monday February 19, 2018
Mid Term Examinations Mon – Fri March 5– 9, 2018
Spring Break Mon – Fri March 12 – 16, 2018
Good Friday (No Classes) Friday March 30, 2018
Last Day of Classes Wednesday April 25, 2018
Last Day to Drop a Class Wednesday April 25, 2018
First Year Professors' Grades due Wednesday April 25, 2018
Reading Period (**No Classes**) Thur. – Sun April 26 - 29, 2018
Final Examinations Mon- Fri April 30 – May 11, 2018
Hooding Ceremony Friday May 11, 2018
Commencement Saturday May 12, 2018

Please note that the calendar events and /or dates are subject to change.

READING ASSIGNMENTS

Session 1. **The Meaning and Relevancy of Jurisprudence**

- Course Introduction
- Read Declaration of Independence (H)

Session 2. **The Power of the Word; The Unity of Philosophy**
For discussion:

- Jefferson, The Declaration of Independence
- Rousseau, *Du Social Contract; Discourse on the Origin of Inequality.*

Session 3. **Beginnings of Legal Thought**

- Aristotle, T(T=Text) - 23-93

Session 4. **Natural Law**

- Intro., T - 147-156
- St. Thomas Aquinas, T - 156-218
- Locke, T - 281-297, *Essays on the Law of Nature* (H)

Session 5. **Legal Positivism**

- Intro., T - 496-498
- Hobbs, T - 498-574
- Locke, T - 297-343

Session 6. **Legal Positivism: Analytical Positivism**

- Bentham, Austin and the Rise of Utilitarianism, T - 599-631
- Kelson, T - 696-715
- Hart, T - 717-737 and (H)

Session 7. **Legal Realism**

- Into., T - 752-775
- Holmes, T - 832-823
- Frank, - 872-906, (H)

Session 8. **Legal Realism II: Sociology of Law**

- Ehrlich, "Living Law - Sociology of Law" (H)

Session 9. **Legal Reasoning**

- Intro., T - 954-957
- Llewellan, 952-956
- Levi, T - 994-1011, (H)
- Posner, T - 1052-1082

Session 10. **Law and Morals**

- Skolnick, *Enforcement of Morals*, (H)
- Devlin, *Mill on Liberty in Morals*, (H)
- Hart, *Legal Enforcement of Morality*, (H)

Session 11. **Obligation and Civil Disobedience**

- Thoreau, *On Civil Disobedience*, (H)
- Rawls, *Legal Obligation-the Duty of Fair Play*, (H)
- King, *Letter From A Birmingham Jail*, (H)

Session 12. **Natural Rights and the Revival of Moral Philosophy**

- Kant, T - 343-366
- Rawls, T - 366-396, (H)

Session 13, 14. **What's New in the Law and the Law Schools?**

Critical Legal Studies: Is it Politically Correct?

- Introduction., Turley, Kennedy T - 1083-1120

Feminist Jurisprudence
- Introduction, Fineman, Graglia, T – 1120 - 1136
- Bender, *Feminist Theory and Tort*, (H)
- MacKinnon, *Toward a Feminist Jurisprudence,* (H)

Critical Race Theory

- Introduction, T - 1152-1166
- Barnes, *Race Consciousness*, (H)

Session 15. **Applicative Theory**

- Fuller, *Speluncean Explorers* (H)