

Jurisprudence
Summer 2010 – Jason A. Smith, MTS, JD
Northeastern University School of Law

Jurisprudence is philosophy of law and seeks to understand the underpinnings of law and legal systems on a more theoretical/philosophical level. Typical questions—questions asked in this class—include: What is a law; Is there moral content to law; Is there a relationship between the law and morals; Is there a moral obligation to obey the law, even an unjust one.

This class focuses on these questions primarily in the context of Anglo-American and European legal philosophy and focuses on the major philosophers in this field and their theoretical systems for working through these problems. The class is heavily focused on theory and its application to concrete legal problems.

Text: Gottlieb et al., *Jurisprudence Cases and Materials: An Introduction to Philosophy of Law and Its Applications* 2d Edition; Various readings on reserve.

Grade: You will be graded based on class participation (40%) and a final examination (60%).

The class will be held from 6:00 – 9:00PM on Mondays. I will be available for office hours from 4:30 – 5:30 *by appointment* on Mondays. You may contact me at <http://www.jasonasmith.net/contact/>

June 7 – Ancient Near East and Natural Law
5-27,57-83,179-188

June 14 – Justice
247 – 300; 590 – 617; 961 - 972

June 21 – Legal Realism
384 – 410; 862 – 877; Viewing parts of *Fog of War*.

June 28 – Hart, Positivism, Formalism
103 – 115; 137 – 165; 913 - 934

July 5 – HOLIDAY

July 12 – Hans Kelsen
166 – 178; 849 - 861

July 19 – Lon Fuller and Finnis
188 - 228

July 26 – Ronald Dworkin
229 – 245; 877 - 911

August 2 – Rule of Law
Readings on Reserve

August 9 – Critical Theory and Law
443 – 460; 627 – 723; 1002 - 1026

August 16 – FINAL EXAM WEEK