Positive Political Theory of Law
Political Science 104L
Warren 2205

Darren Schreiber
Spring 2007
Social Science Building 367
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Class Meets: Tuesday and Thursday, 9:30 a.m. – 10:50 a.m.

Office Hours: Wednesday, 2:00 – 3:00 p.m.

My Mission as a Teacher:
“To enable my students to learn joyfully, think clearly, read carefully, and write well.”

Books
H.L.A Hart The Concept of Law second edition (1997) ($38.00)
Course Reader Available at:
University Readers
www.universityreaders.com
(800) 200-3908

Topics and Readings

Meeting 1 (Tuesday, April 3rd) – Introduction
Lon Fuller's “The Case of the Speluncean Explorers” (27 pages)
Martin Luther King, Jr., “Letter from a Birmingham Jail.” (12 pages)

Meeting 2 (Thursday, April 5th) – Divine and Natural Law
Moses, Exodus 19-24 (8 pages)
L.W. King “Code of Hammurabi” (10 pages)
Wing-Tsit Chan “The Natural Way of Lao Tzu” (15 pages)
Benjamin Hoff “The Tao of Pooh” (24 pages)

Meeting 3 (Tuesday, April 10th) – Legal Formalism
Ernest Weinrib (1988) “Legal Formalism: On the Immanent Rationality of Law” (49 pages)

Meeting 4 (Thursday, April 12th) – Legal Realism
Karl Llewellyn “A Realistic Jurisprudence – The Next Step” (24 pages)

Meeting 5 (Tuesday, April 17th) –
H.L.A. Hart The Concept of Law Preface, Chapter 1 (15 pages)
Meeting 6 (Thursday, April 19th) –  
H.L.A. Hart *The Concept of Law*, Chapter V (12 pages)

Meeting 7 (Tuesday, April 24th) –  
H.L.A. Hart *The Concept of Law*, Chapter VI (17 pages)

Meeting 8 (Thursday, April 26th) –  
**First Paper Due (5 pages)**  
H.L.A. Hart *The Concept of Law*, Chapter VII (23 pages)

Meeting 9 (Tuesday, May 1st) –  
Ronald Dworkin *Law’s Empire*, Chapter 1 (44 pages)

Meeting 10 (Thursday May 3rd) –  
Ronald Dworkin *Law’s Empire*, Chapter 2 (42 pages)

Meeting 11 (Tuesday, May 8th) –  
Ronald Dworkin *Law’s Empire*, Chapter 3 (27 pages)

Meeting 12 (Thursday, May 10th) –  
Ronald Dworkin *Law’s Empire*, Chapter 4 (37 pages)

Meeting 13 (Tuesday, May 15th) –  
H.L.A. Hart *The Concept of Law*, Postscript (34 pages)

Meeting 14 (Thursday, May 17th) – **Midterm**

**Jurisprudence and the Brain**

Meeting 15 (Tuesday, May 22nd) –  
Daniel Dennett *Freedom Evolves*, Chapters 1 & 2 (62 pages)

Meeting 16 (Thursday, May 24th) –  
Micheal Gazzaniga and Megan Steven, “Free Will in the 21st Century” (19 pages)  
Jonathan Fugelsang and Keven Dunbar “A cognitive neuroscience framework for the understanding of causal reasoning and the law” (6 pages)

Meeting 17 (Tuesday, May 29th) –  
Morris Hoffman “The neuroeconomic path of the law” (10 pages)  
Joshua Greene and Jonathan Cohen “For the law, neuroscience changes nothing and everything” (11 pages)

Meeting 18 (Thursday, May 31st) –  
Stephen Morse, “New Neuroscience, Old Problems” (41 pages)
Meeting 19 (Tuesday, June 5th) –
Patricia Smith Churchland “A review of The Ethical Brain by Michael Gazzaniga” (7 pages)
Patricia Smith Churchland “Moral Decision-Making and the Brain” (27 pages)

Meeting 20 (Thursday, June 7th) –
Second Paper Due (10 pages)
Oliver Goodenough and Kristin Prehn “A neuroscientific approach to normative judgment in law and justice” (18 pages)
Oliver Goodenough “Responsibility and punishment: whose mind? A response” (5 pages)

Final Exam (Wednesday, June 13th) – 8:00 a.m. – 11: a.m.

Assignments & Grading

40% -- Two Papers (5 pages and 10 pages)
25% -- Midterm Exam
25% -- Final Exam
10% -- Five Quizzes (you can drop one)

D Regurgitation – Like an infant, you are good at spitting it back out.
C Basic – Applying the facts and skills "as is."
B Intermediate – Applying the facts and skills to new problems or situations.
A Advanced – Asking counter-factual questions, modifying or changing operative principles to illustrate command of the core-principles in challenging contexts.

Grade Changes and Extensions
All requests for grade changes must be made formally to your teaching assistant. Requests must be typed, double spaced, and include precise textual citations that support your contention. A review of any grade may result in either a higher or a lower grade. Extensions on assignments and make-up exams will only be granted in cases of documented illness or family medical emergencies. Please contact your teaching assistant as soon as possible if you need to request one.

Late Policy
Papers are due at the beginning of class. 2% bonus if an assignment is turned in more than 25 hours early. A 5% penalty applies for any papers turned in after the beginning of class, with a 5% additional penalty for each day an assignment is turned in late. No papers will be accepted electronically. A paper is not submitted until I have a physical copy of it.

Plagiarism
Fidelity to ones’ own ideas and the ideas of others dictates that proper citation be made for any work or idea of another. If I believe that you have violated this principle, I will change from being your advocate to being your prosecutor and I will seek the strongest penalty consistent with university policy.