Instructor: Steven Brence
Email: brences@uoregon.edu
Office: 332 PLC
Hours: 1-3, Thursdays (or by appointment)

GTF: Elizabeth Balskus, 322 PLC, 4-5, Mondays and Wednesdays

**Course Description:** This course will introduce students to several major theoretical approaches to the question, What is the Law?, and as well as several theoretical challenges to these views. It will then seek to explore the ways in which these approaches inform the present operations of the law in respect to some contentious contemporary issues.

**Required Text:** All course readings will be made available for download from the Blackboard page associated with the course. Please print them and bring them to class (discussion included).

**Course Requirements and Grades:**

- Three Essays (~5 pp.): 75% (25% each)
- Written Responses, ~1 pg. in length, to selected readings. These will be assigned in class. They are also due in class, the day the relevant reading is discussed in class, and may not be submitted late. Two of these may be missed with no penalty, but none will be accepted late. Extra credit will be granted if all are submitted and of high quality.: 15%
- Attendance and Participation: 10%

**Assignment Guidelines: (please read this carefully):**

All written work, unless otherwise specified, should be written independently. You are encouraged to discuss all aspects of this course with your fellow students, but the work you turn in must be entirely your own. All materials quoted or referenced in producing your written work must be properly cited. Essays must be submitted through SafeAssignment, a Blackboard based anti-plagiarism service subscribed to by the University of Oregon (details on assignments). Any confirmed incidence of plagiarism will result, at minimum, in a failing grade for the course. Late essays will be marked down according to degree of lateness. Late responses will not be accepted. No work will be accepted via email unless by prior arrangement.

**Technology Guidelines:**

No electronic devices may be used during class time. This includes all portable computers, tablets, phones, blackberries, mp3 players, etc. When emailing your esteemed instructor, please reference PHL 344 in the topic heading, address the email ("Steven", "Dr. Brence", "Funkmaster
of Fairmount", etc.), use complete sentences, proper punctuation and spelling, and sign your message. Please do email me if I can be of assistance, but do not contribute to the further deterioration of our capacity for language, or to basic standards of politeness and civility, in the process.

Classroom Guidelines:

Class attendance is required. You are expected to arrive before class begins, be respectful and polite to me and your classmates, and to stay until it ends. If you should need to leave before the end of class, please let me know before class begins.

COURSE SCHEDULE*

Week One       - ____________       ______
Monday, 1/7 - Introduction
Wednesday, 1/9 - Read "The Case of the Speluncean Explorers" by Lon L. Fuller
Friday, 1/11 - "Speluncean Explorers" continued

Week Two       - Natural Law Theory
Monday, 1/14 - Read Nicomachean Ethics, Book V by Aristotle
Wednesday, 1/16 - Read from Summa Theologica by Thomas Aquinas
Friday, 1/18 - Read "The Morality of Law" by Lon Fuller

Week Three    - Legal Positivism
Monday, 1/21 - Dr. Martin Luther King Jr. Holiday
Wednesday, 1/23 - Read "Positivism and the Separation of Law and Morals" by H.L.A. Hart
Friday, 1/25 - Hart continued
[Essay #1 assigned]

Week Four      - Privacy
Monday, 1/28 - Read "The Right to Privacy" by Samuel D. Warren and Louis D. Brandeis
Wednesday, 1/30 - Read "Protect Our Right to Anonymity" by Jeffrey Rosen and "Nothing to Hide: The False Tradeoff between Privacy and Security" by Daniel J. Solove
Friday, 2/1 - Read "Visible Man: Ethics in a World Without Secrets" by Peter Singer

Week Five      - Privacy
Monday, 2/4 - Read "Griswold v Connecticut"
[Essay #1 due]
Wednesday, 2/6 - Read "The Right of Privacy: The Construction of a Constitutional Time Bomb" by Robert Bork and "The Bad Decision that Started It All" by Robert P. George and David L. Tubbs  
Friday, 2/8 - Read "Roe v. Wade"  

**Week Six**  
Monday, 2/11 - Read "In the Cathedral" from *The Trial* by Franz Kafka  
Wednesday, 213 - Read "Form of Law" from *Homo Sacer* by Giorgio Agamben  
Friday, 2/15 - Read "Franz Kafka's Outsider Jurisprudence" by Douglas E. Litowitz and "Waiting for Justice: Benjamin and Derrida on Sovereignty and Immanence" by James Martel  

**Week Seven**  
Monday, 2/18 - Read "The Path of the Law" by Oliver Wendell Holmes  
Wednesday, 2/20 – Read "A Realist Conception of Law" by John Chipman Gray  
Friday, 2/22 - "The Model of Rules" by Ronald Dworkin  

**Week Eight**  
Monday, 2/25 - "Marxist Theory of Law" by Alan Hunt  
Wednesday, 2/27 - "The Autonomy-Community Balance and the Equity-Law Distinction: Anarchy's Task for Psychological Jurisprudence" by Dennis R. Fox  
Friday, 3/1 - "Four Themes in Feminist Legal Theory: Difference, Dominance, Domesticity, and Denial" by Patricia Smith  

**Week Nine**  
Monday, 3/4 - Read "Cruzan v. Missouri Department of Health"  
Wednesday, 3/6 - Read "The Other Right-To-Life Debate: When Does Fourteenth Amendment 'Life' End?" by Douglas O. Linder  
Friday, 3/8 - Read "Washington v. Glucksberg"  

**Week Ten**  
Monday, 3/11 – Read "from *On Liberty*" by John Stuart Mill  
Wednesday, 3/13 - Read "Citizens United v. Federal Election Committee"  
Friday, 3/15 -  

**Finals Week**  

[Essay #3 due]: Monday, March 18 at 3:15 p.m. (180 PLC)
* I will do my best to stick to this schedule, but reserve the right to change it if necessary. Any changes will be announced in class. Students will be responsible for attending and noting such changes, should they be announced.