Class Requirements:

- Weekly reading
- A weekly 500-word response to the assigned readings (60%). These should serve as the basis for our in-class discussions.
- A 3000-4000 word term paper (the remaining 40%). Final papers are due a week after the last class of the semester. (Incompletes are bad for your soul.)

Texts and Readings:

1. February 2nd: Introduction. Classical Natural Law:
   (1) Thomas Aquinas, Questions 90-97, *Summa Theologica, Treatise on Law*:
   http://dhspriory.org/thomas/summa/FS.html#TOC09;

   Recommended:

2. February 9th: Positivism:

3. February 18th: The Hart-Fuller Debate:


4. February 23rd: The Debate Continues:
   
   
   (2) HLA Hart, Postscript, *The Concept of Law* pp. 238-276.

   Recommended:
   

5. March 2nd: Oliver Wendell Holmes' Positivism to Legal Realism:

   (1) Holmes, The Path of the Law, 10 *Harvard Law Review* 457 (1897);
   
   (2) Holmes, Law in Science and Science in Law, 12 *Harvard Law Review* 443 (1899);
   
   (3) Holmes, Natural Law, 32 *Harvard Law Review* 40 (1918);
   

   Recommended:
   
   


7. March 16th: Critical Legal Studies I:

   (1) James Boyle (ed.), *Critical Legal Studies*, NYU Press, Chapters 1-5, 7, 12-13;
(2) Duncan Kennedy interview:


8. March 23rd: Critical Legal Studies II:

(1) Hutchinson (ed.), Critical Legal Studies, Introduction and Chapters 6, 9, 12, 16;
(2) Duncan Kennedy, The Critique of Rights in Critical Legal Studies:
http://duncankennedy.net/documents/The%20Critique%20of%20Rights%20in%20CLS.pdf.
http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1854&context=law_faculty_scholarship.

Recommended:

(1) Duncan Kennedy, A Critique of Adjudication [fin de siècle], Harvard University Press, 1998;


(1) Intro: xiii-xxxii;
(2) Bell (5-20), Bell (20-29), Freeman (29-46);
(3) Part 2 (Matsuda, Dalton, Cook, Crenshaw);
(4) Lawrence III (235-257); Gotanda (257-276); Bell (302-312).


14. May 11th: Legal Pragmatism II:

**Legal Theory Bibliography:**

An excellent, comprehensive bibliography may be found at: