

PHILOSOPHY OF LAW

PHIL-UA 52
Summer Session II
MTWR 11:30-1:05
5 Washington Place, Rm 302

Instructor:

Max Barkhausen (jmb714@nyu.edu)

Rm 412, 3-5 Washington Place

SCHEDULE OF READINGS

All required reading will be made available on the course Blackboard site. It is recommended that you acquire copies of Hart's *The Concept of Law* and Dworkin's *Law's Empire*.

Week 1: The Natural Law Theory

- T:** Aquinas, *Summa Theologiae*, I-II qq. 90-97; Finnis, "Aquinas' Moral, Political and Legal Philosophy", Section 7: "Law"
W/R: Fuller, *The Morality of Law*, Chapter 2

Week 2: Early Legal Positivism and its Critics

- M:** Austin, *The Province of Jurisprudence Determined* (excerpts)
T-R: Hart, *The Concept of Law*, Chapters 1-4

Week 3: Contemporary Legal Positivism

- M/T:** Hart, *The Concept of Law*, Chapters 5, 6, and 8
W/R: Dworkin, "The Model of Rules"

Weeks 4: Legal Positivism and Contemporary Natural Law Theory

- M:** Raz, "Authority, Law, and Morality"
T: Richard Holton, "Positivism and the Internal Point of View"
W: Finnis, "Describing Law Normatively"
R: Murphy, "Natural Law Theory"

Week 5: Legal Interpretation and the Perspective of the Judge

- M:** Dworkin, *Law's Empire*, Chapter 1
T: Dworkin, *Law's Empire*, Chapter 2/3
W: Dworkin, *Law's Empire*, Chapters 7/8
R: Dworkin, *Law's Empire*, Chapters 7/8

Week 6: The Moral Foundation of Tort Law

- M:** Coleman, "The Practice of Corrective Justice"
T/W: Calabresi, *The Cost of Accidents* (Excerpts)
R: Coleman and Ripstein, "Mischief and Misfortune"

REQUIREMENTS

1. Four short assignments due on the July 8, 15, 22, 29. The three highest marks you receive will count for 60 % of your grade. The assignments will be posted after class on Thursdays and are due on Sundays no later than 4 pm. They will be returned to you on Mondays.
2. A take-home exam due on August 9, which counts for 40 % of your grade.

COURSE POLICIES

1. All assigned work must be handed in to receive a passing grade in the course.
2. Papers should be handed in on time. If there is an emergency and you need extra time, please contact me in advance to request an extension. Papers handed in late without an extension will be graded down in proportion to their lateness, and no such papers will be accepted at all after the last class on August 9.
3. Any student who is found to have cheated on an examination or to have committed plagiarism will receive an F grade in the course and the matter will be referred to the office of the relevant dean for consideration of further disciplinary action. A more detailed description of the College of Arts and Science's policies concerning cheating and plagiarism can be found online at <http://cas.nyu.edu/object/bulletin1012.ug.academicpolicies> under the heading "Academic Integrity".

OFFICE HOURS

Mondays and Wednesdays from 13:15 to 14:15. Please sign up at bit.ly/MaxTimeSummer2012.