

Recent Topics in General Jurisprudence

QUARTER YEAR

Instructor information

Instructor: Laurenz Ramsauer
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Course description

In this seminar, we will work through recent work in 'general jurisprudence.' Topics will include the normativity of law, the rule of recognition, theoretical disagreement, the artifactual nature of law, and recent anti-positivist views.

Prerequisites

Students must be familiar with 20th century anglophone philosophy of law.

Texts

All texts will be made available online.

Course requirements

- Thoughtful participation in discussion.
- A 10-15-minute presentation of your essay topic.
- A final 15-20-page paper.

Assessment

Assessment will be based on a brief one-on-one conversation. After handing in your final paper, we will meet and I will ask you to give me a brief elevator-pitch about how your understanding of law has become more nuanced over the course of the quarter, and what you have contributed to the course. You will then grade yourself based on your own estimation of both your learning and your contribution to our discussions. In optional, upper-level courses, self-evaluations tend to be honest and accurate. But in order to prevent students from undervaluing their effort and contribution along e.g., gendered lines, I keep a veto-power over suggested grades, and may raise suggested grades if I believe suggestions to be overly modest. Because assessment will be conversation rather than a top-down judgment, I encourage you to keep reflecting about both

your contribution to our discussion and your own learning-process – as well as to your peers’ learning – throughout the course.

Accommodation for Students with Disabilities

If you need accommodation, please inform me as soon as possible. All discussions will remain confidential.

Schedule

Week 1: Practical reasons and law

David Enoch, ‘Reason-Giving and the Law’

Week 2: The efficacy of law

Thomas Adams, ‘The Efficacy Condition’
Hans Kelsen, *Pure Theory of Law* (excerpts)

Week 3: The rule of recognition

Julie Dickson, ‘Is the Rule of Recognition Really a Conventional Rule?’
Nicole Roughan, ‘The Official Point of View and the Official Claim to Authority’

Week 4: Theoretical disagreement in law

Kevin Toh, ‘Legal Philosophy a La Carte’
Brian Leiter, ‘Theoretical Disagreements in Law: Another Look’

Week 5: The ‘standard picture’

Mark Greenberg, ‘The Standard Picture and Its Discontents’
Mark Greenberg, ‘The Moral Impact Theory of Law’ (excerpts)

Week 6: The ‘standard picture’ and theoretical disagreement

Aaron Graham, ‘The Standard Picture and Statutory Interpretation’

Week 7: Grounding in law

Samuele Chilovi and George Pavlakos, ‘The Explanatory Demands of Grounding in Law’

Week 8: The 'planning theory'

Scott Shapiro, *Legality* (chapters 1,2 and 4)

John Gardner and Timothy Macklem, 'Review: *Legality*'

Week 9: The artefactual nature of law

Muhammad Khalidi, 'Three Kinds of Social Kinds'

Brian Leiter, 'Legal Positivism about the Artefact Law'

Mark Murphy, 'Two Unhappy Dilemmas for Natural Law Jurisprudence' (excerpt: 123-127)

Week 10: Pragmatist legal theory

Raff Donelson, 'The pragmatist school in analytic jurisprudence'

Natalie Stoljar, 'What Do We Want Law to Be? Philosophical Analysis and the Concept of Law'