LJST 10: Introduction to Legal Theory

This course provides an introduction to the primary texts and central problems of modern legal theory. Through close study of the field’s founding and pivotal works, we will weigh and consider various ways to think about questions that every study, practice, and institution of law eventually encounters. These questions concern law’s very nature or essence; its relations to knowledge, morality, religion, and the passions; the status of its language and interpretation; its relation to force and the threat of force; and its place and function in the preservation and transformation of political, social, and economic order.

Required Texts (available at Amherst Books)
Ronald Dworkin, Law’s Empire
Michel Foucault, Security, Territory, Population
H. L. A. Hart, Concept of Law
Thomas Hobbes, On the Citizen
Immanuel Kant, Groundwork for the Metaphysics of Morals
Immanuel Kant, Perpetual Peace and Other Writings
John Locke, Two Treatises on Government
Catherine MacKinnon, Towards a Feminist Theory of the State
J.S. Mill, On Liberty and Other Writings
Course Reader (available from Megan Estes in Clark 208)

Course Requirements
(a) 4 Take-Home Tests (80% of grade)
(b) Close Reading and Active Participation in Class (20% of grade)
(c) Compliance with Amherst College Honor Code
Week One
Tuesday, January 26: Introduction: What is Theory?
Thursday, January 28: Thomas Hobbes, On the Citizen, Section I (“Liberty”)

Week Two
Tuesday, February 2: Hobbes, On the Citizen, Section II (“Dominion”)
Thursday, February 4: Hobbes, On the Citizen, Section III (“Religion”)

Week Three
Tuesday, February 9: John Locke, Two Treatises of Government, Second Treatise, Chapters I-VII
Thursday, February 11: Locke, Second Treatise, VIII-IX

Week Four
Tuesday, February 16: Locke, Second Treatise, Chapters X-XVII
Thursday, February 18: Locke, Second Treatise, Chapter XVIII-XIX and “A Letter Concerning Toleration”
Friday, February 19: Take-Home Test #1 Due

Week Five
Tuesday, February 23: Immanuel Kant, Groundwork for the Metaphysics of Morals, “Preface” and Sections I-II
Thursday, February 25: Kant, Groundwork, Section III

Week Six
Tuesday, March 2: Kant, “Toward Perpetual Peace,” “Idea for a Universal History with a Cosmopolitan Purpose” and “What is Enlightenment?”
Thursday, March 4: Kant, “On the Common Saying: This May Be True in Theory, but It Does Not Hold in Practice,” and “Metaphysics of Morals, Doctrine of Right §43-62”

Week Seven
Thursday, March 11: Mill, “The Subjection of Women”
Friday, March 12: Take-Home Test #2 Due

Week Eight
Tuesday, March 23: J.L. Austin, “The Uses of the Study of Jurisprudence”; Jeremy Bentham, “Anarchical Fallacies” (both in Course Reader)

Week Nine
Tuesday, March 30: H.L.A. Hart, The Concept of Law, Chapters I-V
Thursday, April 1: Hart, *Concept of Law*, Chapters VI-VII

**Week Ten**
Tuesday, April 6: Hart, *Concept of Law*, Chapters VIII-X
Thursday, April 8: Hart, “Positivism and the Separation of Law and Morals” and Lon Fuller, “Positivism and Fidelity to Law: A Reply to H. L. A. Hart” (both in *Course Reader*)

**Week Eleven**
Tuesday, April 13: Ronald Dworkin, *Law’s Empire*, Chapters 1-5
Thursday, April 15: Dworkin, *Law’s Empire*, Chapters 6-7

**Week Twelve**
Tuesday, April 20: Dworkin, *Law’s Empire*, Chapters 8-11
Thursday, April 22: Hart, *Concept of Law*, Postscript
Friday, April 23: **Take-Home Test #3 Due**

**Week Thirteen**
Tuesday, April 27: Michel Foucault, “Right of Death and Power Over Life” (in *Course Reader*); Foucault, *Security, Territory, Population*, Chapters 1-8

**Week Fourteen**
Tuesday, May 4: Catherine MacKinnon, *Towards a Feminist Theory of the State*, Sections I-II
Thursday, May 6: MacKinnon, *Feminist Theory of the State*, Section III

Monday, May 17: **Take-Home Test #4 Due**