

POLS 4080
Fall 2025
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Legal Theory

Why do judges and legal practitioners disagree about the proper approach to reasoning about the law? What standard should judges apply when interpreting contested questions of law? If judges are not bound by the literal terms of statutory law, do they then possess unfettered discretion to amend the law?

In this course, we will focus on the form of reasoning that judges employ in deciding cases. The course aims to provide students with an understanding of some of the major issues and controversies faced by courts in interpreting and evaluating legal arguments. We will discuss the major schools of contemporary legal theory: positivism, integrity in law, law and economics, critical legal studies and feminist legal theory. Students should complete the course with the ability to read, follow and discuss intelligently the evolution of contemporary legal doctrine.

These texts are available at the University Bookstore:

Ronald Dworkin, *Taking Rights Seriously* (Harvard University Press)

Ronald Dworkin, *Law's Empire* (Harvard University Press)

H. L. A. Hart, *The Concept of Law* (Oxford University Press)

A packet of supplemental readings will be available at Beljeans after the midpoint of the semester.

Assignments

I. *Positivism: H. L. A. Hart*

Thursday, August 14
Introduction

Tuesday, August 19
The Concept of Law: 1-29, 42-49

Thursday, August 21
The Concept of Law: 50-71, 79-96

Tuesday, August 26
The Concept of Law: 100-136

II. *Integrity in Law*: Ronald Dworkin

Tuesday, August 28—Critical Response Exercise
Taking Rights Seriously: 1-31

Tuesday, September 2
Taking Rights Seriously: 31-45, 81-100

Thursday, September 4
Taking Rights Seriously: 101-137

Tuesday, September 9
Taking Rights Seriously: 137-49

Thursday, September 11
Law's Empire: 1-20

Tuesday, September 16
Law's Empire: 20-48

Thursday, September 18
Law's Empire: 48-65

Tuesday, September 23
Law's Empire: 65-86

Thursday, September 25
Taking Rights Seriously: 150-168

Tuesday, September 30
No class

Thursday, October 2
Affirmative Action Case Discussion

Tuesday, October 7
Midterm

Thursday, October 9
Law's Empire: 151-75

Tuesday, October 14
Law's Empire: 176-195

Thursday, October 16
Law's Empire: 195-219 (skim 220-24)

III. *Law and Economics*

Tuesday, October 21
Posner (packet): 81-102

Thursday, October 23
Dworkin (packet): 237-66

Tuesday, October 28
Coleman (packet): 1-22
Fletcher (packet): 248-54, 275-84

IV. *Integrity and the Constitution*

Thursday, October 30
Law's Empire: 355-79, 387-92

V. *Originalism*

Tuesday, November 4

Scalia, Bork (packet)

Thursday, November 6
Dworkin (packet), the New Originalists

VI. Critical Legal Studies and Feminist Legal Theory

Tuesday, November 11
Tushnet, D. Kennedy (packet): 157-178; 36-55 (skim)

Thursday, November 13
Minow, Nussbaum (packet): 56-76, 167-188

Tuesday, November 18
Review

Thursday, November 20
Final exam

Requirements

There are three course requirements. First, there will be three in class examinations: a midterm, a final, and a critical response exercise. These examinations will be closed book, closed notes, and no-internet. Second, there will be four in-class quizzes. The quizzes will be closed book, closed notes, and no-internet. The third requirement is engaged participation.

The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary.

Grades

The three examinations will constitute 90% of the course grade. The quizzes will count for 15%. Any semester average falling between two letter grades will be resolved according to the quality of class participation. The instructor reserves the right to raise the letter grades of students who have participated exceptionally well over the course of the semester. Grades are calculated on a 4-point scale.

Attendance is mandatory, and the instructor reserves the right to make up to a ten percent reduction in the overall course grade in the case of poor attendance. Three unexcused absences will lead to a **mandatory grade reduction**. **Five unexcused absences will lead to a mandatory F in the course.**

The instructor reserves the right to lower the letter grades of students whose behavior in class falls below the standards of civility and respect for fellow students expected of UGA students.

Finally, you are bound by the University's conduct regulations concerning academic honesty. In the context of this course, the inaccurate presentation of written materials as your original work would constitute academic dishonesty. **In particular, any submitted written work written in substantial part by ChatGPT or any other AI app will receive an F.** All academic work must meet the standards contained in a culture of honesty. Students are responsible for informing themselves about those standards before performing any academic work.