

POLS 4080  
Fall 2026  
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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*

Tuesday, August 18  
Introduction

Thursday, August 20  
*The Concept of Law*: 1-29, 42-49

Tuesday, August 25  
*The Concept of Law*: 50-71, 79-96

Thursday, August 27  
*The Concept of Law*: 100-136

### *II. Integrity in Law: Ronald Dworkin*

Tuesday, September 1  
*Taking Rights Seriously*: 1-31

Thursday, September 3  
*Taking Rights Seriously*: 31-45, 81-100

Tuesday, September 8  
*Taking Rights Seriously*: 101-137

Thursday, September 10  
*Taking Rights Seriously*: 137-49

Tuesday, September 15  
*Law's Empire*: 1-20

Thursday, September 17  
*Law's Empire*: 20-48

Tuesday, September 22  
*Law's Empire*: 48-65

Thursday, September 24  
*Law's Empire*: 65-86

Tuesday, September 29  
Review

Thursday, October 1--FIRST PAPER DUE  
*Taking Rights Seriously*: 150-168

Tuesday, October 6  
Affirmative Action Case Discussion

Thursday, October 8  
*Law's Empire*: 151-75

Tuesday, October 13  
*Law's Empire*: 176-195

Thursday, October 15  
*Law's Empire*: 195-219 (skim 220-24)

### III. *Law and Economics*

Tuesday, October 20  
Posner (packet): 81-102

Thursday, October 22  
Dworkin (packet): 237-66

Tuesday, October 27  
Coleman (packet): 1-22  
Fletcher (packet): 248-54, 275-84

### V. *Originalism*

Thursday, October 29  
Scalia, Bork (packet)

Tuesday, November 3  
Dworkin (packet), The New Originalists

Thursday, November 5  
*Law's Empire*: 355-379

## *VI. Critical Legal Studies and Feminist Legal Theory*

Tuesday, November 10

Review

Thursday, November 12--SECOND PAPER DUE

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

Tuesday, November 17

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

Thursday, November 19

Review

Tuesday, December 10—FINAL PAPER DUE

### Requirements

There are three course requirements. First, each student will write three papers on topics addressed by this class. The due dates for these papers are indicated in the list of assignments. Second, there will be five in-class quizzes. Computers and phones may not be used during the quizzes. 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 papers will constitute 80% of the course grade. The quizzes will count for 20%. 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. A makeup quiz will be scheduled at the end of the semester for students who have missed one or more quizzes.

Attendance is mandatory, and the instructor reserves the right to make up to a 10-20 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.** Assignments handed in late will be subject to significant grading penalties.

**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.