

**JURISPRUDENCE SEMINAR:
WHAT IS THE RULE OF LAW?**

Fall 2007

TEACHER: Gordon A. Christenson
Professor of Law Emeritus

CREDITS: 3

PRIMARY BASIS FOR GRADE: Each Student is expected to read weekly assignments and regularly participate in seminar discussion. Grades are computed from two specific tasks: 1) presentation to the seminar on a justice's jurisprudential viewpoints (30%) and 2) a final paper evaluating the justice's jurisprudence and arriving at the student's own in light of the readings, materials and discussion (70%). The two added together determine the final grade, which may be increased or reduced one grade increment based upon participation.

PREREQUISITES: None

ENROLLMENT: Limited to 12

TYPE OF COURSE: Seminar

COURSE DESCRIPTION:

New generations of law students continue to ask whether in our society law merely conceals the rule of the strongest, whether law has anything to do with justice, whether the rule of law ideal is a formal myth in service of competing ideologies, whether a community's moral sense should guide judges in making the best interpretation of its laws, and whether the rule of law ideal is able to reconcile the common good with individual human rights. We will survey the various schools of jurisprudence that provide different approaches to these and other questions using two 21st century books, one which laments that American instrumentalism threatens the Rule of Law.

To breathe more life into our inquiry, each member of the seminar will select a particular justice of the United States Supreme Court to figure out and report to the seminar a snapshot of the justice's philosophy of law. What conscious or unconscious theories or ideologies can you identify in a justice's approach to "saying what the law is" in important cases or controversies? Through reports on justices and final papers. Students will arrive at their own provisional presuppositions as they enter a "learned profession."

Seminar Texts and Materials: Brian Bix, *Jurisprudence: Theory and Context* (3rd ed., 2004, Carolina Academic Press); Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge University Press, 2004); Gordon A. Christenson, *Supplemental Materials on Jurisprudence* (on CD, 2007).