

First Day Assignment for Jurisprudence

We will hold our first live Zoom class on Tuesday, June 9 at 6:15pm. To be prepared for this class, you should complete the following:

- (1) Purchase the required text for this course -- Chaim Perelman, *The Realm of Rhetoric* (William Kluback trans., 1982); Bookmark in your browser the network map to our “electronic text” – Larry Solum’s Legal Theory Lexicon. Network map available [here](#).
- (2) Sign up for the [course TWEN page](#); Download and skim the latest course syllabus on TWEN (under Course Information)
- (3) Watch [Class 01 Lecture](#) on Panopto (take notes!)
- (4) Read **Legal Theory Entry 065 (The Nature of Law)** [You only need to read intro and sections on “Natural Law Theory” and “Legal Positivism”. You should also carefully read Declaration of Independence on TWEN (under Handouts).
- (5) Review the **Class 1 Study Questions** listed below and come to class prepared to discuss them.
- (6) Finally, by the evening of June 8, please send me a short email (2-3 paragraphs max) introducing yourself, describing your reasons for taking the course, and letting me know about your prior exposure (if any) to legal philosophy or rhetoric.

I look forward to meeting everyone soon!
-CPS



Study Questions for Class 1 (6/9/20)

A. Legal Theory Entry 65 – The Nature of Law

1. Why does Professor Solum suggest that the title “The Nature of Law” is “misleading” for this entry? What is the entry really about?
2. Who are the classical thinkers associated with Natural Law? What is the Latin phrase that captures a key tenet of Natural Law philosophy? What is the claim that seems to distinguish Natural Law theory from its competitors?
3. Who are the classical thinkers associated with Legal Positivism? What do think constitutes the “command theory of law” often associated with classical positivism? What is the prominent feature of the “more sophisticated” modern form of positivism associated with H.L.A Hart?

B. Declaration of Independence [on TWEN]

1. Consider the possibility that the Declaration of Independence (DOI) advances an *argument*. Who do you think the intended audience(s) is/are for the argument made in the DOI? Do you think this audience would be persuaded by the argument?
2. Consider the structure of the DOI’s argument.
 - a. What is the ultimate thesis or conclusion of the argument advanced by the DOI? Is it a descriptive or normative argument?
 - b. What are the abstract or general premises of the DOI’s argument? Do you think these premises are more consistent with Natural Law or Legal Positivism?
 - c. What are the specific facts or particular claims adduced in support of the DOI’s argument? What is the relationship between these particular complaints and your understanding of the phrase “the rule of law”?
3. Is the DOI “Law”? Why or why not? Does your answer change if you consider the question from a Natural Law or Positivist perspective?