JURISPRUDENCE

Jurisprudence—the study of legal philosophies, theories and perspectives—plays an important role in intellectual life of the Law Center. The word "jurisprudence" derives from jurisprudentia, a Latin term meaning the science or knowledge of law. The Georgetown jurisprudence curriculum encompasses at least three broad areas of study.

One area consists of studies of natural law, positivism, realism, and other centuries-old secular and religious legal philosophies, including the legal philosophies of major world religions and cultures. A second area consists of studies of modern American legal thought, including studies of legal realism, and law and literature, along with recent theories of law emphasizing the interests and perspectives of individual social groups, especially feminist legal theory, critical race theory, and gay legal studies. A third area consists of studies of legal, social, political, ethical, and bioethical concepts pertinent to an understanding of judicial process and public policy. In some instances a single jurisprudence course or seminar may include materials touching on all three areas of study.

Jurisprudence is not a required course at the Law Center. First-year students enrolled in Curriculum A may elect to take one of several jurisprudence courses that may be offered as first year electives. These relate to such topics as comparative legal philosophies, theories of economic reasoning, modern legal thought, and the concept of subordination. Two of the first year courses in Curriculum B have a substantial jurisprudential content: the Legal Justice Seminar and Democracy and Coercion. Democracy and Coercion looks at themes of consensual participation and collective force suggested by constitutional principles and case law. The Legal Justice Seminar provides an overview of major nineteenth and twentieth century American legal theories, highlighting scholarly expositions and judicial application of formalism, realism, legal process theory, law and economics, critical legal studies, critical race theory, feminist legal theory, and law and literature.

Second- or third-year students may elect to take the basic upperclass jurisprudence course typically offered each year under the name Jurisprudence. Although the precise content of the basic jurisprudence course will vary from instructor to instructor and from year to year, the course typically features a survey of natural law, legal positivism, and realism. These three competing accounts of the nature of legal authority, obligation, and reasoning once framed most discussions of jurisprudence in the United States. Georgetown’s basic Jurisprudence courses generally extend beyond the triad of natural law, positivism and realism to include discussion of critical legal studies, feminism, and critical race theory. Some of the material covered in the basic jurisprudence course will be familiar to students who elected Curriculum B in their first-year of law school or who chose to take certain Curriculum A electives in the second semester of their first year. But all upperclass students are encouraged to deepen their understandings of jurisprudential issues through the upperclass Jurisprudence elective or other upperclass courses and seminars.

The Law Center offers a rich array of upperclass jurisprudence courses and seminars in addition to the basic course. Some of these examine the philosophical assumptions of the doctrines of common law, constitutional law, or statutory interpretation. Others trace the intellectual traditions that have helped to shape the law. Still others closely analyze particular law-related concepts and values— including liberty, equality, neutrality, privacy, progress, community, rationality, due process, democracy, human rights, the social contract, and the market. The “isms” critical to understanding of American law, notably, liberalism, conservatism, republicanism, federalism, majoritarianism, and racism, have also earned a central place in jurisprudence courses or seminars. Competing moral and ethical perspectives are examined in a number of jurisprudence courses, as is the relationship between law and morality. Epistemology, metaphysics, and the philosophy of language appear in jurisprudence courses to illuminate questions of knowledge, evidence, personhood, and meaning. Finally, jurisprudence courses tackle controversial public policy concerns, such as the death penalty, affirmative action, and environmental protection. Students who wish to satisfy their upperclass writing requirements in jurisprudence should consider one of many special interest jurisprudence seminars, including Conservative Jurisprudence Seminar, Conservatism in Law and Politics in America, Feminist Jurisprudence Seminar, Jewish Law Seminar, and Law and Philosophy: Hannah Arendt: Evil, Human Rights, and Law.

Search Jurisprudence Courses (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW
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LAW 1754 v00 Africana Legal Studies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201754%20v00)
J.D. Seminar (cross-listed) 2-3 credit hours
Western law—like Western religion, Western fashion, Western individualism, and Western education—has been imposed on African people enslavement, colonialism, and imperialism. But the history of African people and their thinking on “law” or rules for social living does not begin with these atrocities. This is the central, initial recognition of “Africana Legal Studies.” This seminar focuses on the indigenous African ways of knowing “law” and governance constructs. It will explore the need for application of an Africana Studies lens to legal scholarship, the tenets of Africana Studies, and the contours of Africana Legal Studies. The course will explore a theoretical framework for how to identify and distill precolonial, pre-enslavement (“pre-Maafa”) ways of knowing law. It will include an examination of how Africana legal frameworks have evolved in the face of Western colonialism, European enslavement, and other externally-imposed social structures and how Western law interrupted and interfered with Africana legal frameworks. From participating in this African-centered exploration of “law,” governance, and persistence, students may derive insights and strategies for addressing the issues of today, legal and beyond. The writing requirement offers students an opportunity to write on a topic of their choice pertaining to Africana legal frameworks.

Learning Objectives:

Students successfully completing this course will be able to (1) identify the Africana Studies conceptual framework, (2) de-center the West in their thinking about “law” and indigenous ways of knowing governance, (3) identify methods for researching and identifying Africana “legal” frameworks, (4) through class readings and discussions, analyze avenues of inquiry surrounding the relationship between Africana “legal” frameworks and other frameworks of governance, and (5) discuss and consider ways that American jurisprudence and statutes interfere(d) and interact(ed) with Africana governance protocols. The primary course evaluation is by the traditional two-draft seminar paper.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 103 v00 Conservatism in Law in America Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20103%20v00)
J.D. Seminar | 3 credit hours
This writing seminar explores various themes running through conservatism in American law. In the course of examining the meaning of American legal conservatism, it touches on certain basic questions about the nature and purpose of law both generally and in the United States in particular, as well as assumptions and beliefs about how human beings behave and how they learn to order their dealings with one another. It explores the relationship of conservatism in society to conservatism in American law, occasionally using current and past controversies to illustrate different ways of understanding conservatism in law as well as competing approaches.

Recommended: Constitutional Law I: The Federal System or Democracy and Coercion.

Note: This seminar is open to J.D. students only and non-degree students may not enroll.

LAW 1724 v00 Conservative Jurisprudence Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201724%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
The course will introduce students to the writings of the main conservative legal theorists, their contribution to modern legal theory and participation in modern legal theoretical debates. Students will read about the internal debates within the legal conservative movement by focusing on the split between libertarians and traditionalists within the movement including debates regarding “originalism” and “textualism” as conservative interpretive approaches to the law.

The course will be divided into three sections: The first section of the course will address the question: Who is a conservative? The second: Who is a legal conservative? And the third: What is a conservative method of legal interpretation?

LAW 1756 v00 Criminal Law Theory in Context (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201756%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will introduce students to contemporary theoretical thinking about substantive criminal law. We will explore some of the most pressing problems in criminal jurisprudence, as well as some perennial ones, through the lens of the tension between morality and context.

Philosophers of the criminal law have traditionally turned to moral reasoning when trying to justify or critique penal laws. Morality purports to dictate how individuals ought to act toward one another as a matter of universal truth, and therefore views social context as detrimental to analytical clarity. Sociolegal and critical scholars, on the other hand, highlight the relevance of contingent factors, such as material conditions, historical narratives, and political power relations, for proper understanding of the criminal law. However, they generally stop short of offering compelling normative theories to guide our way forward. The seminar will examine the prospects and perils of both views, explore whether they can be reconciled, and consider prominent alternative frameworks that are gaining traction in recent scholarship.

Students will become familiar with the central philosophical puzzles underlying the criminal law as well as with cutting edge theoretical approaches for tackling them. We will pay attention to both general issues, like criminalization (what to impose liability for), defenses (when to relieve of liability), and punishment (what form liability ought to take), and pertinent issues at this historical moment, like hate crimes, gun violence, and prison abolition.

There are no prerequisites. For JD students, prior or concurrent enrollment in Criminal Law is recommended, though not required.

Recommended: For JD students, prior or concurrent enrollment in Criminal Law is recommended, though not required.

Note: The 3 credit section of this seminar (LAWJ-1756-09) is restricted to J.D. students only.

This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 599 v00 Critical Legal Theory Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20599%20v00)
J.D. Seminar | 2 credit hours
This seminar focuses on radical challenges to traditional legal thought in the areas of race, gender and sexuality, including work from legal realism, critical legal studies, radical feminist jurisprudence, critical race theory and queer theory. No prior background in jurisprudence or philosophy is necessary.
LAW 530 v00 Federal Legislation Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20530%20v00)
J.D. Clinic | 10 credit hours
Please see the Federal Legislation Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/federal-legislation-clinic) for more detailed information about the program.

For registration-specific supplemental materials, please see the Federal Legislation PDF (https://georgetown.app.box.com/s/in812e5v0plo06u1qry59dxej40xxcv).

For information about clinic registration, please see the Clinic Registration Handbook (https://georgetown.box.com/s/y9f8wg3jvcuynelp3ytyrl6nj9pyv6).

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 189 v06 Feminist Legal Theory Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20189%20v06)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will provide students with an opportunity to take a deep dive into different strands of feminist legal theory and examine closely emerging discourses in more modern feminism(s). During the first few weeks, we will read several classics in feminist thought, analyzing their basic pre-suppositions about sex, sexuality, gender, power relations, and the role of law in constructing them. From the beginning, we will pay particular attention to the ways in which feminist theory and activism within the legal field were often informed and limited by the specific class and race positions of their participants.

The emphasis of the seminar is on theory because theory is the lens through which we view and therefore act in the world. However, students will have an opportunity to write their papers on topics of their own choosing, which may involve a specific case or controversy related to feminist causes/ideas/themes within the legal field, or even outside. We will also be discussing specific feminist controversies throughout the seminar, after we have covered some of the different strands of feminist legal thought.

The seminar will be graded on the basis of class participation and a final paper. Class participation has three components. It includes participation in classroom discussions, a 500 word post engaging with one of the week’s readings (each student expected to post once during the semester), and a concrete contribution to the seminar’s Annotated Lexicon and Bibliography on #MeToo. The Annotated Lexicon and Bibliography will be a collective, collaborative enterprise by seminar participants. It will reflect our collective effort to reflect on and understand the relationship between older strands of feminism and the emerging feminist discourses after the #MeToo movement.

The final paper will either be a 4000 word paper for the 2 credit option or a final paper that meets the requirements of the JD upper class legal writing requirement. The Law Center’s policy for such papers requires the submission of an outline, first draft and final paper. Both the first draft and final paper must be at least 6,000 words long (approximately 25 double-space pages) excluding footnotes. Students will write on topics of their own choosing, after discussing their topics with me. The final paper may be an extended discussion of materials introduced during the course of the semester or it may be a researched project.

A background in feminist theory may be helpful but is not a requirement, as we will cover some classic readings and build from there.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 341 v02 Great Philosophers on Law, Human Rights, and Obligations

J.D. Course | 2 credit hours
The course has a double purpose. It is designed to provide historical information about the developments in the meaning of “law” within the system of major philosophers and to offer the opportunity to the students “to do” philosophy in various historical and cultural context. In the first part of the semester the lectures and discussions focus on Antiquity; that is on the doctrine of Plato, Aristotle, Roman and Jewish thinkers, and Aquinas. In the second part they center on Modernity; that is, on the theories of Locke, Kant, Marx, as well as of representatives from the Positivist and Analytical Schools. The lectures intend to show that each of the selected thinkers made significant contribution toward the development of legal philosophy. The discussions and exercises are meant to help the students to find their own legal philosophy and to become philosopher-lawyers; that is, independently thinking advocates of justice – of justice rooted in the rich soil of the wisdom of all ages past and present.

LAW 1755 v00 International Human Rights: History, Theory, Promise and Critique

J.D. Seminar (cross-listed) | 2-3 credit hours
This course will examine the philosophical and historical underpinnings of international human rights law. Students will encounter early conceptions human rights protection, alternative visions for the modern human rights framework, the development of international human rights law, and critical perspectives on the evolution and implementation of human rights.

Students will be encouraged to critically examine the successes and failures of the normative framework for the protection of human rights, whether we have achieved the universal realization of human rights, and ways in which the system might be reimagined or strengthened. Particular attention will be paid to the legal framework applicable to the protection of the rights of non-citizens, including migrants, refugees, and stateless persons. Contemporary case studies will be used to illustrate the challenges in resolving protracted situations of statelessness or displacement, and how gaps in international legal protection may exacerbate looming human rights crises, including those related to global climate change.

There are no required prerequisites for this course. However, students may find it beneficial to have taken International Law I: Introduction to International Law and/or the introductory course to International Human Rights.

Learning Objectives:

- Students will gain an understanding of some of the historical movements in the creation of human rights and political forces driving outcomes.
- Students will learn how to assess the strengths of the international human rights regime and identify key areas and methods of critique.
- Students will gain the ability to think critically about our assumptions about the structure of international law and human rights in order to imagine ways in which international human rights can be strengthened towards the universal realization of rights.
- Students will strengthen their written and verbal communication skills through written reflections, papers, and classroom discussion.
- Students completing a paper for the writing requirement will gain mastery over their chosen topic related to international human rights law, enhance the clarity and precision of their writing, and sharpen their skills in conveying their understanding through an oral presentation.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement. The 3 credit section is open to J.D. students only and non-degree students may not enroll.
LAW 249 v00 Jewish Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20249%20v00)
J.D. Seminar | 3 credit hours
This seminar compares Jewish and American non-religious law. It examines the concepts, structure, and methodology underlying the Jewish legal system, as found in the Bible and as developed by Jewish courts, legislation, and legal writers down to the present. Particular attention is paid to sources of American legal concepts that may be found in the Jewish legal system; to the analogies between the two systems as they are today; and to the insight which Jewish law provides on contemporary legal issues, such as evidence, privacy, abortion, contracts, property, torts, and legal ethics. Primary source materials in translation are used, as are secondary materials prepared by noted authorities.

LAW 1523 v00 Judicial Biographies Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201523%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
In this seminar, students will analyze Supreme Court justices’ doctrinal tendencies and judicial philosophies in light of each justice’s personal history and early career. The course will focus on twentieth-century justices who no longer serve on the Court. Throughout the course of the semester, each student will write an original paper that aims to identify key elements of a justice’s life and core values and discusses the extent to which the justice’s history contributes to his or her judicial opinions (or fails to). After an introductory/overview class, each week two students will lead discussions on their selected justices based on the materials the students assemble—primarily the students’ papers and 2-3 key opinions by each selected justice. The professors will work with students to review their papers and materials prior to their presentations. Students also will have the opportunity to discuss various issues related to judges’ lives and their decision-making. We plan to invite a member of the judiciary to one of the classes to discuss his or her insights on these issues with the students. Evaluation will be based primarily on the student’s paper and presentation, plus contribution to the class discussions.

Prerequisite: Constitutional Law I: The Federal System (or Democracy and Coercion).

Note: This course will be enrolled via waitlist.

FIRST CLASS ATTENDANCE IS MANDATORY. All enrolled and waitlisted students must be in attendance at the first class session in order to be eligible for a seat in the class.

LAW 1658 v00 Law and Philosophy: Hannah Arendt: Evil, Human Rights, and Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201658%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
This seminar will focus on Hannah Arendt, one of the 20th century’s great political philosophers. Arendt is best known for the phrase “banality of evil,” which she coined to describe ordinary people who participate in extraordinary evils. Her questions about how the law should respond to radical evil are central to modern international criminal law. Arendt’s writings also include penetrating discussions of nationalism, human rights, personal responsibility under dictatorship, moral judgment, and the nature of political action. A stateless person herself for almost 20 years after she fled Hitler’s Germany, Arendt was one of the first philosophers to analyze the plight refugees. Above all, Arendt was interested in how freedom and pluralism can be preserved in “dark times,” her name for periods of crisis when politics and morality both seem in danger of collapse.

The seminar will focus on Arendt’s writings, but students will be encouraged to link them to current issues, both in class and in their seminar papers. We will explore both the strengths and weaknesses of Arendt’s ideas. Readings will include The Origins of Totalitarianism, Eichmann in Jerusalem, Responsibility and Judgment, selections from Arendt’s other books and correspondence, and writing by other relevant philosophers.

A background in philosophy or political theory is not a prerequisite for this seminar; a willingness to engage with philosophical ideas is essential.
LAW 1196 v00 Religion, Morality and Contested Claims for Justice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201196%20v00)  
J.D. Seminar (cross-listed) | 2 credit hours  
This interdisciplinary seminar will examine theories of justice and the relationship between law and morality in light of religious and theological visions of the good life and accounts of order. Materials and discussions will probe questions such as: What are the moral values underlying the law? How does the law achieve justice or fall short of this goal? How can moral judgments be brought to bear, if at all, in modern, secular legal institutions and in the formation of public policies?

Throughout the class we will have opportunities to consider how morality and ideas of justice shape, and are shaped by, contemporary legal problems such as: the legal regulation of sexual activity and marriage, controversies regarding federally mandated health insurance, abortion, euthanasia and physician assisted suicide, immigration, regulation of financial institutions, and/or other issues which emerge as topics of particular student interest.

Particular attention will be paid to understanding methods for dialogue across differing thought systems and disciplines and to developing the skills for communication across claims that would otherwise tend to generate religious and political polarization.

This seminar requires a series of short reflection and reaction papers which aim to facilitate thoughtful and active student participation in seminar discussions throughout the course. This course does not satisfy the JD Upper Level Writing Requirement.

Substantive Goals: This interdisciplinary seminar will examine theories of justice and the relationship between law and morality in light of religious and theological visions of the good life and accounts of order. Materials and discussions will probe questions such as: What are the moral values underlying the law? How does the law achieve justice or fall short of this goal? How can moral judgments be brought to bear, if at all, in modern, secular legal institutions and in the formation of public policies? Throughout the class we will have opportunities to consider how morality and ideas of justice shape, and are shaped by, contemporary legal problems.

Recent topics have included: arguments for and against exemptions, public health and religious freedom amidst the COVID-19 pandemic, euthanasia and physician assisted suicide, migration, environmental justice, and other issues which emerge according to student interest.

This course does not satisfy the JD Upper-Level Writing Requirement.

Skills-oriented goals:

1. This seminar requires a series of short reflection and reaction papers which provide an opportunity for students to hone the art of brief writing for a professional setting. For J.D. and L.L.M. students, the final paper is not a research project, but a short engagement (6-8 pages) with a particular set of issues arising from across the range of topics covered in the course.

2. Reflection papers also aid in preparation for thoughtful student participation in seminar discussions throughout the course, and the further opportunity to hone skills in speaking fluently and comfortably, even about difficult or contentious questions.

3. Seminar discussions will not shy away from sensitive, difficult, or even polarizing cultural and religious questions. Frequent breakout groups and exercises in communication aim to help students hone cognitive empathy, a capacity to listen to understand (rather than simply to debate), and agile skills for dialogue even across claims that would otherwise tend to generate religious and political polarization.

LAW 382 v00 Roman Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20382%20v00)  
J.D. Course (cross-listed) | 2 credit hours  
The subject matter is classical Roman law as it was born, developed, and reached maturity by about 160 CE. The first half of the semester focuses mainly on constitutional structures; the second part on contracts and tort, including practical exercises on reported ancient cases. Whenever is possible and useful, the expositions and explanations are given in a comparative manner vis-à-vis the common law of English origin. A student who completed this course should have enough knowledge and skill to begin a career of iurisprudent (wise person of the law); that is, they should be considered qualified to assist the Magistrate in his daily work at the Roman Forum; a position similar to that of clerking for an American judge.

Full-time and Visiting Faculty

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