The Warren Court helped transform American law, politics, and society. And American politics and society shaped the Warren Court and its ultimate legacy. This seminar will start with some background on Earl Warren, focusing on his biography, his role in the Japanese Internment, and Korematsu. In week 2, we will focus on Brown and desegregation. Week 3: One person, one vote: Baker v. Carr, Reynolds v. Sims, and John Hary Ely’s Democracy and Distrust. Week 4: The Criminal Rights Revolution: Gideon, Miranda, and Mapp. Week 5: The First Amendment and Privacy. Week 6: Religion, Presentations and the Warren Court’s legacy. There will be an in-class final exam.

Attributes: INLJ, LLM, PIF.
HSGL 0308. American Legal History. (3 Credits)
This course examines the tension between individual liberty and governmental authority expressed in law from the seventeenth century to contemporary debates among modern political and legal conservatives, liberals and moderates. The specific issues and details of the conflict between liberty and authority have changed over time, but they have involved questions regarding the specific rights in which freedom consists, the manner in which personal liberties should be enjoyed and exercised, who should enjoy them, and how law and public policies can best facilitate, protect, and regulate the exercise of personal freedom. This course explores how events and ideas have influenced the evolution of law relating to these subjects over the course of American history.
Attributes: JD, LLM, PIF.

HSGL 0322. Natural Law: Intent, Rights, and Justice. (2 Credits)
This course will examine the theoretical foundations and practical implications of natural law theory. Because "natural law" is often taken to mean many different things, one of the course's first aims will be to establish a common vocabulary for identifying and distinguishing the various "versions" of natural law theory. We will see that a common denominator in all natural law theory is the proposition that positive law (i.e., law as it is simply "posed" or enacted by lawmakers) does not exhaust the content of the law, and can be evaluated in light of a "higher law" or "natural law." Our ensuing discussion of the difference between positive law and natural law will open onto a series of questions that will guide us through the rest of the course: "Is there really a natural law?" " If there is a natural law, what is the basis upon which this law exists and becomes knowable to us?" " If natural law exists, then what is its moral content and what does this moral content have to say about individual goods and rights, and their relation to the common good?" " Furthermore, how is the moral content of natural law to be enforced or made effective through our system of positive law?" " Finally, how are we to make sense of the natural law tradition in light of our contemporary understandings of judicial review, governmental neutrality, and reasonable pluralism?"
The course will not only introduce the classical natural law tradition (based mainly on the thought of Aristotle and Aquinas), but will place this classical tradition in dialogue with contemporary thinkers. The ultimate aim of the course will be to achieve an understanding of the natural law tradition and its relevance for a variety of contemporary legal issues. No prior acquaintance with philosophy or jurisprudence is assumed; the relevant concepts will be developed in class. Students will have a choice between an open book in-class exam and a take-home exam.
Attributes: CEED, CEMP, INLJ, PIF.