Discussion Hour Questions.

Discussion 1: Introduction to the philosophy of law and to some basic concepts.

Readings: Blackstone *Commentaries on the Laws of England*; Thomas Hobbes *Leviathan*; *Norris v Newton*; *Riggs v Palmer.*

These questions are intended to generate discussion.  I doesn't matter if we don’t get through them all

Questions/Topics*.*

1. Elmer poisoned his grandfather in order to prevent his grandfather changing a will that left the bulk of the grandfather’s estate to Elmer. The law seemed clear: if there was a valid will and the testator (the person who wrote the will) died, the will took effect.

Should Elmer get the property? Why or why not?

1. What determines whether something *is*law? How it came about?  Something to do with its *content*: what it requires or allows?
2. We talked about the difference between content dependent and content independent theories of law.  Under which headings do the judges in *Norris* v *Newton* and *Riggs* v *Palmer* belong?
3. We talked about the difference between legal positivism and natural law theory.  Where do the various readings fit?
4. Why did *all*the judges in Quilter, even the one who thought there was discrimination against gay couples, also think that they had no discretion to override the Marriage Act? Were they mistaken?