

**LAW, RELIGION & THE ETHICS OF DEBT**  
**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**  
**Fall 2023 Syllabus – Law 6936 (2 Credits)**

INSTRUCTOR: Professor Christopher D. Hampson

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OFFICE HOURS: Tuesdays, 9–11 a.m. (Office); Fridays, 9–11 a.m. ([Zoom](#))

**MEETING TIME:** Mondays, 3:00 p.m. to 5:00 p.m.

**LOCATION:** Holland Hall 285A

**COURSE DESCRIPTION**

Debt is one of the most fraught concepts in law: empowering and binding lenders and borrowers into a relationship that is far more complex than most people realize. This seminar will dig into debt across a broad range of contexts throughout commercial and consumer law. No final exam. Instead, students will have the chance to develop their own thought in a series of short response papers or one longer paper that will meet the Advanced Writing Requirement (“AWR”) for law students. We will analyze and apply theories ranging from the economic analysis of law, critical legal theory, Islamic finance, the Jubilee tradition, American indigenous thought, and other approaches based on student interest. Cross-registrants from other UF Colleges are encouraged to join the discussion. For cross-registrants, enrollment is by instructor permission only and is capped at a small number of seats. Please send a cover letter describing your background and interest, along with your resume, transcript, and a writing sample, to Professor Hampson.

**I. Learning Goals**

By the end of this course, students will have achieved the following:

- ❖ Demonstrated an advanced understanding of the debtor-creditor relationship in the context of current, legally challenging problems.
- ❖ Evaluated and applied a broad range of competing legal theories to debt law and policy.
- ❖ Engaged in sustained critical thinking, civil discussion, and original scholarship in an area of the student’s choice.
- ❖ Drafted at least 25 pages (double-spaced, 12-point text) of reflection and analysis.

**II. Required Materials & Workload**

We will not use a textbook for this course.

I have listed all class assignments in the syllabus below. All material will be either online or on Canvas. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This course has 2 “classroom hours” of in-class instruction each week, requiring at least **4 hours of preparation** outside of class reading, preparing, and reviewing material for our class meetings each week.

### **III. A Word About Seminars**

Seminars are an exciting opportunity in your 2L and 3L year. We will have 2 hours to discuss ideas, challenge each other, and refine our thinking. I will begin each class meeting with an agenda for discussion, but I will not summarize the readings for the class. The group is expected to read the materials closely, prepare questions and comments, and be ready to discuss.

### **IV. Class Meetings and Professionalism**

#### ***A. Showing Up***

I suspect you will look forward to our class meetings! Still, attendance is mandatory and an essential part of the course. You are allowed a total of three absences from class for any reason (including for illness, medical appointments, job interviews, school activities, work tasks, family obligations, and the like). For ease of administration and to respect your privacy, I do not differentiate between “excused” or “unexcused” absences. As a result, there is no need to tell me why you will be or were absent from class, so long as you have no more than three absences total. Only observance of a University-recognized religious holiday does not count toward your three absences, but you must notify me in advance of those religious observance-related absences. Excused absences, including observance of religious holidays, are consistent with [University](#) and [Law School](#) policies and require appropriate documents and/or notification before or shortly after class about your absence.

Each absence after three absences results in a reduction of your final grade by one third of a point (*e.g.*, from a B+ to a B) or even failing the course.

#### ***B. Respectful Presence***

We all benefit from your active presence in class meeting. Please do not arrive late, leave early, or leave to take a break during class absent extenuating circumstances. Please refrain from eating or drinking in class, apart from water and any food you may need for medical reasons. Please refrain from wearing cologne or perfume in class, as strong scents can create problems for

your colleagues with allergies.<sup>1</sup> I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

### ***C. Electronic Device Policy***

You may use your cellphone or a tablet for interactive polling. Should you choose to use a laptop or tablet to take notes, please close all software and browser windows that do not relate to this course. Please mute all devices.

## **V. Diversity & Discussion**

Among our greatest resources in learning contracts law is the diversity of background, experience, and perspectives of the class — including age, color, disability, gender, gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, veteran status, and more. We will welcome, celebrate, and draw on the wealth of difference in our class throughout the semester in various ways, including in our group-based activities. Throughout the semester, we will practice respect for each other, including in forms of personal address (pronouns, names, and honorifics). This will help us create an inclusive, honest, and rigorous learning environment.

When we turn to ethical and policy-based questions, my goal is to help you develop as thinkers and advocates by practicing argument within the parameters of the legal tradition, *i.e.*, building from relevant legal authorities, solid reasoning, and evidence. All perspectives within that tradition are welcome, including both traditional and transformative ideas. That said, I may ask you to articulate the strongest argument for a position with which you do not personally agree. While that can feel uncomfortable, it strengthens your legal mind (and allows you to learn the course material without feeling that you must have opinions on ideas you have just learned!).

## **VI. Drop-In Hours and How to Contact Me**

I hold regular office hours (or “drop-in” hours) to answer your questions about the course, law practice, law school, finding a job, your legal career, or anything else that may be on your mind. Please stop by my office in Holland Hall 380! My door will be open to all students — no appointment necessary — and you may swing by individually or in groups. If you would like to schedule a private appointment, please let me know and we will set something up.

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<sup>1</sup> Lest you think I made this up, Judge Laura Taylor Swain (S.D.N.Y.) adopted this rule for her courtroom overseeing the *Puerto Rico* bankruptcy. See Sixteenth Amended Notice, Case Management and Administrative Procedures, Dkt. No. 20190-1, § III.C, *In re Commonwealth of Puerto Rico*, No. 17-03283 (D.P.R. Feb. 22, 2022) (“Those in attendance in the main courtroom at any hearing shall refrain from wearing cologne or perfume.”). Practice Tip: always read the local rules, the judge’s individual rules of practice, and any case management order before getting ready to go to court. You do not want to be known as that lawyer that the judge sent out to the washroom!

## **VII. UF Levin College of Law Standard Syllabus Policies**

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this [link](#).

## **VIII. Final Assessment**

Consistent with the learning objectives for this course, your final grade will be based on your participation in class (25%) and your writing (25% process, 50% final product). I will follow UF Law's grade distribution policy, which does not require a curve for classes of 15 or fewer students.

You must complete at least 25 pages of written analysis as part of this course, (12-point font, double-spaced), but you can choose how to go about it. Here are the three options.

*Track A:* Prepare a short response paper (2 pages) for each of our 13 class meetings. Each paper will be due at the beginning of our class meeting. (N.b.: If you choose this option, your papers will ***not*** be eligible to satisfy your AWR.)

*Track B:* Prepare a long response paper (5 pages) for any four of our 13 class meetings, and then expand one of them to a final, 10-page research paper, due by the end of finals period.

*Track C:* Draft a single, 25-page research paper, due by the end of finals period. I will ask for regular progress reports.

You may change your track at any point during Part I of the course at your discretion; and afterward, subject to instructor approval. For example, I recommend starting off with Track A or B and then deciding at the end of Part I of the course whether you wish to change to Track B or C. For you to meet your AWR in this course, you must produce a "major, written product that shows evidence of original scholarship based on individual research." Please tell me as soon as possible whether you wish to use this course to meet your AWR.

I expect professionalism from every member of the class. I will take exceptional professionalism into account, and I reserve the right to increase grades by 1/3 of a point (*e.g.*, from a B to a B+) if I conclude that a student's performance does not reflect that student's contributions to our learning environment. Grade adjustments are the exception, not the norm.

There is no final exam for this seminar.

## **IX. Accessibility & Accommodation**

In accordance with law and UF policy, I aim to make this course accessible to all members of the community. Students requesting accommodation for disabilities must first register with the [Disability Resource Center](#). Once registered, students will receive an accommodation letter and should present the letter to the Assistant Dean for Student Affairs, Dean Mitchell, when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with

their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the [UF Law Student Resources Canvas page](#).

## **X. Student Course Evaluations**

Great teaching matters deeply to me and to UF Law. Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing evaluations online. Please review the [guidance on GatorEvals](#) on how to give professional and respectful feedback. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via [Blue](#). Students may also [view summaries](#) of course evaluation results.

## **XI. Academic Honesty**

Academic honesty and integrity are fundamental values of the UF Law School community. Please ensure that you understand and comply with the [UF Student Honor Code](#), and [UF Law's application](#) of it. UF students are bound by The Honor Pledge which states,

*We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment."*

Unauthorized aid includes the use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments. The Honor Code specifies a number of other behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with me.

Beyond your time at UF Law, honesty and integrity will be key pillars of your ethical obligations as lawyers. Most law students and lawyers are not "bad people," but we can yield to temptation under significant pressure, whether pressure from life events or simply pressure to succeed. Even if you have made a mistake (e.g., you misread the due date for an assignment), I encourage you to acknowledge the mistake than to make the problem worse by cheating or covering it up. In my experience, lawyers get into the most serious trouble when they ignore a problem or cover up a mistake. The stories I could tell you!

## **XII. Class Recording Policy**

Since this seminar will focus on student discussion, I will not permit recordings. If you miss a class, you should get notes from a colleague and drop by my office.

### **XIII. Health & Wellness Resources**

Law school can be a daunting experience, especially when life outside the law becomes challenging or turbulent. UF Law provides numerous resources for your support, and I encourage you to seek help if you have concerns. Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

- ❖ *U Matter, We Care*: If you or someone you know is in crisis, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu), (352) 392-1575 (available 24/7), or visit the [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in crisis.
- ❖ *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) or call (352) 392-1575 for information on crisis services as well as non-crisis services.
- ❖ *Student Health Care Center*: Call (352) 392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- ❖ *University Police Department*: [Visit UF Police Department website](#) or call (352) 392-1111 (or 9-1-1 for emergencies).
- ❖ *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call (352) 733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [visit the UF Health Emergency Room and Trauma Center website](#).

#### XIV. Course Schedule

This schedule sets forth a guide to the direction of the course. Our pace will depend on the level of interest and difficulty of each section and is subject to change. Please read the pages thoroughly before class and come prepared to work through them together. I reserve the right to modify this syllabus depending on our progress, most likely by trimming pages or problems. At the end of each class meeting, I will notify you of any changes to the assignment for the next class. Please let me know if you require any accommodation to access the course material.

You can find all the materials online or on Canvas.

PART I – PROBLEMS AND THEORIES	
1. Mon., Aug. 21	<p><b><i>Disaggregating Debt</i></b></p> <p>We will kick things off with a deceptively simple question: What is debt?</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"><li>• 11 U.S.C. § 101(5); 2 COLLIER ON BANKRUPTCY (16th Ed.), ¶ 101.05 (“Claim”).</li><li>• <i>Ohio v. Kovacs</i>, 469 U.S. 274 (1985).</li><li>• <i>Matthew</i> 6:9–13 (“The Lord’s Prayer”) (NASB).</li><li>• Personal and Professional Background Survey (5 mins.)</li><li>• Send me your résumé; join our LinkedIn group.</li></ul>
2. Mon., Aug. 28	<p><b><i>Economics, Contracts &amp; Credit</i></b></p> <p>Next, we turn to explore a law-and-economics approach to debt. If we assume that actors seek to maximize utility in the creditor-debtor relationship, how do legal rules affect their decisionmaking? Traditionally, law-and-economics theorists use parsimonious models to predict and refine decisionmaking, seeking the most efficient rules and leaving distributive goals to the tax-and-spend system. We will apply this theory to the student loan crisis and automobile repossession.</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"><li>• 11 U.S.C. § 523(a)(8); 2 COLLIER ON BANKRUPTCY (16th Ed.), ¶ 523.14 (“Discharge Exception for Educational Loans”).</li><li>• <i>Nadalin v. Automobile Recovery Bureau, Inc.</i>, 169 F.3d 1086 (7th Cir. 1999) (Posner, J.).</li><li>• Richard Hynes &amp; Eric A. Posner, <i>The Law and Economics of Consumer Finance</i>, 4 AM. L. &amp; ECON. REV. 168 (2002).</li><li>• Amir Sufi, <i>Lender Incentives, Credit Risk, and Securitization: Evidence from the Subprime Mortgage Crisis</i>, in A DEBTOR WORLD: INTERDISCIPLINARY PERSPECTIVES ON DEBT 87–106 (Ralph Brubaker <i>et al.</i>, eds. 2012).</li></ul>

Mon., Sept. 4	<b><i>[Labor Day – No Class]</i></b>
3. Mon., Sept. 11	<p><b><i>Discharge &amp; Discrimination</i></b></p> <p>Critical legal theories broaden our scope of legal analysis to pull in additional color, context, and texture — and rely on a wide set of methodological tools to do so. With our theoretical lens set more broadly, we can pull into our field of vision how legal actors deploy facially neutral legal rules in ways that subordinate or discriminate against disadvantaged people groups. Even though debt may seem clean and mathematical, it is far from a bloodless subject.</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"> <li>• 11 U.S.C. § 523 (“Exceptions to Discharge”).</li> <li>• <i>Bruner v. Taylor (In re Taylor)</i>, 72 B.R. 696 (Bankr. E.D. Tenn. 1987).</li> <li>• <i>Wilson v. Fayette Sand &amp; Gravel, Inc. (In re Armentrout)</i>, No. 06-71069, 2010 WL 60917 (Bankr. N.D. Ala. Jan. 5, 2010) [N.b.: This opinion recounts defendant’s use of racial slurs and threats of racial violence.].</li> <li>• Nicole Langston, <i>Discharge Discrimination</i>, 111 CALIF. L. REV. ____ (forthcoming 2023).</li> <li>• Christopher D. Hampson, <i>Critical Theory &amp; Commercial Law in the Sunshine</i> (working paper 2023).</li> </ul>
4. Mon., Sept. 18	<p><b><i>Interest, Insolvency, &amp; Islamic Finance</i></b></p> <p>By some accounts, global Islamic finance markets amount to \$3 to \$4 trillion. Yet finance instruments compliant with Islamic law (“<i>Shari’a</i>”) cannot use interest (<i>riba</i>). We will explore the ethical, moral, and religious underpinnings of the ban on interest and how it fits into Islamic insolvency regimes.</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"> <li>• Abed Awad &amp; Robert E. Michael, <i>Iflas and Chapter 11: Classical Islamic Law and Modern Bankruptcy</i>, 44 INT’L LAW. 975 (2010).</li> <li>• Ibrahim Warde, <i>After the Meltdown: New Perspectives on Islamic Finance</i>, in BUILDING BRIDGES ACROSS FINANCIAL COMMUNITIES 19–30 (S. Nazim Ali ed. 2012).</li> <li>• <i>Bahrain Islamic Bank v. Arcapita Bank (In re Arcapita Bank)</i>, 640 B.R. 604 (S.D.N.Y. 2022).</li> </ul>



<p>5. Mon., Sept. 25</p>	<p><b><i>The Jubilee Tradition &amp; Equal Opportunity</i></b></p> <p>The Hebrew Bible contains numerous provisions concerning debt collection and debt forgiveness. The most famous are the Jubilee provisions, which provide for a return to ancestral land every 50 years. But are the Jubilee provisions really about debt forgiveness — or something bigger?</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"> <li>• <i>Leviticus</i> 25:1–55 (NASB).</li> <li>• Special Field Order No. 15, William Tecumseh Sherman (1865).</li> <li>• ANNETTE GORDON-REED, ON JUNETEENTH 118–37 (2021).</li> <li>• Martin Luther King, Jr., <i>Where Do We Go From Here?</i> (Aug. 16, 1967).</li> <li>• <i>San Antonio Independent School District v. Rodriguez</i>, 411 U.S. 1 (1973).</li> <li>• WILLIAM J. BARBER II &amp; JONATHAN WILSON-HARTGROVE, THE THIRD RECONSTRUCTION 111–26 (2016).</li> </ul> <p>N.b.: I have not assigned King’s two most famous texts, his <i>I Have a Dream</i> speech (1963) and his <i>Letter from a Birmingham City Jail</i> (1963). Please read them if you have not already done so or need a refresher. I will also assume that you are familiar with the sordid history of race relations in the United States, including Black Codes, Reconstruction, Jim Crow, the Civil Rights Movement, and the Black Lives Matter Movement. Please read up on Wikipedia or another credible source if you are not familiar with these developments in American history: we will build on this foundation.</p>
<p>6. Mon., Oct. 2</p>	<p><b><i>Sovereign Debt &amp; Dignity</i></b></p> <p>Deontological ethics focuses on what we owe to each other, and many ethicists working within this tradition have focused on the innate dignity of the human person (sometimes cast in religious language, like the <i>imago Dei</i>). Within the creditor-debtor relationship, what would it mean to treat each other with dignity, and how can we apply that principle to the question of sovereign debt?</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"> <li>• 11 U.S.C. § 362(a) (“Automatic Stay”).</li> <li>• <i>OI European Group B.V. v. Bolivarian Republic of Venezuela</i>, 73 F.4th 157 (3d Cir. 2023).</li> <li>• David A. Skeel Jr., <i>When Should Bankruptcy Be an Option (for People, Places, or Things)</i>, 55 WM. &amp; MARY L. REV. 2217 (2014).</li> <li>• Odette Lienau, <i>The Time Has Come for Disaggregated Sovereign Bankruptcy</i>, 37 EMORY BANKR. DEV. J. 599 (2021).</li> </ul>

<p>7. Mon., Oct. 9</p>	<p><b><i>Future Generations and Ecological Debt</i></b>  Sitting here on a rapidly warming planet, can debt provide a helpful frame for analyzing the crisis of ecological devastation? Apart from what we may owe fellow human beings across the globe, do we owe anything to future generations? Do we owe anything to ecosystems — or to nature itself? To grapple with these questions, we will explore tribal law and ethics as a source of innovation and inspiration.</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"> <li>• U.S. CONST., art. III, sec. 2; 11 U.S.C. § 1109 (“Right to Be Heard”).</li> <li>• <i>Minnesota Department of Natural Resources v. Manoomin</i>, No. AP21-0516 (White Earth Band of Ojibwe Ct. App. Mar. 10, 2022).</li> <li>• Elizabeth Kronk Warner &amp; Jensen Lillquist, <i>Laboratories of the Future: Tribes and Rights of Nature</i>, 111 CAL. L. REV. 325 (2023).</li> <li>• Neil H. Buchanan, <i>What Do We Owe Future Generations?</i>, 77 GEO. WASH. L. REV. 1237 (2009).</li> </ul>
<p>8. Mon., Oct. 16</p>	<p><b><i>When Should “We” Forgive?</i></b>  Virtue ethics departs from teleological and deontological ethics by focusing on human beings as habitformers, rather than decisionmakers. The focus is on formation rather than casuistry or “quandary” ethics. Can we better understand debt by setting aside outcomes and duties and turning instead to notions like character, community, or narrative?</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"> <li>• 28 U.S.C. § 959; DEL. CODE ANN. tit. 8, § 365(a) (West 2020).</li> <li>• STANLEY HAUERWAS, <i>THE PEACEABLE KINGDOM: A PRIMER IN CHRISTIAN ETHICS</i> 1–34, 116–34 (1983).</li> <li>• Heidi M. Hurd &amp; David C. Baum, <i>The Virtue of Consumer Bankruptcy</i>, in <i>A DEBTOR WORLD: INTERDISCIPLINARY PERSPECTIVES ON DEBT</i> (Ralph Brubaker ed., 2012)</li> <li>• Christopher D. Hampson, <i>Bankruptcy Fiduciaries</i> (working paper 2023).</li> </ul>
<p>9. Mon., Oct. 23</p>	<p><b><i>The Law of Debtors, Creditors, and Redeemers</i></b>  Debt does not operate between creditors and debtors alone but also envelops networks and communities. We will close our exploration of debt, ethics, and religion by exploring how the debt relationship might fit into legal categories like assignment, delegation, and redemption.</p> <p><u>Before Class:</u></p> <ul style="list-style-type: none"> <li>• <i>Matthew</i> 18:21–35 (“Parable of the Unforgiving Servant”) (NASB).</li> <li>• Seana Valentine Shiffrin, <i>Hidden Delegations: The Assignment of Contractual Rights and Consumer Debt</i>, 86 MODERN L. REV. 1 (2023).</li> <li>• Christopher D. Hampson, <i>Harsh Creditor Remedies &amp; the Role of the Redeemer</i>, 92 FORDHAM L. REV. __ (forthcoming 2023).</li> </ul>

<b>PART II – WRITING WORKSHOPS</b>	
10. Mon., Oct. 30	<b><i>Workshop Group A</i></b> We will review and comment on seminar papers from the group. I may assign additional readings (TBD) based on the direction of the seminar papers.
11. Mon., Nov. 6	<b><i>Workshop Group B</i></b> We will review and comment on seminar papers from the group. I may assign additional readings (TBD) based on the direction of the seminar papers.
12. Mon., Nov. 13	<b><i>Workshop Group C</i></b> We will review and comment on seminar papers from the group. I may assign additional readings (TBD) based on the direction of the seminar papers.
13. Mon., Nov. 20	<b><i>Workshop Group D</i></b> We will review and comment on seminar papers from the group. I may assign additional readings (TBD) based on the direction of the seminar papers.