

**Princeton University**  
**Politics 563/Philosophy 526**  
**Spring 2021**  
**Prof. Robert P. George**

This seminar will consider a range of issues in philosophy of law with particular emphasis on various dimensions of the relationship between law and morality. **Course Requirements:** Students are required to read each week's assignments carefully and participate regularly in class discussions. Each student must make a presentation to the seminar. Two writing options are available: (1) a research paper (approximately 6000 words) or (2) two shorter, critical essays (each approximately 2500 words). Readings are drawn mainly from contemporary legal philosophers working within the tradition of analytic jurisprudence. Those readings marked with an asterisk (\*) are on E-Reserves. The following books (all available in paperback editions) are worth purchasing:

Ronald Dworkin, Law's Empire  
John Finnis, Natural Law and Natural Rights (2<sup>nd</sup> edition)  
-----, Philosophy of Law (in Collected Essays, Vol. IV)  
Lon L. Fuller, The Morality of Law  
H.L.A. Hart, The Concept of Law (2<sup>nd</sup> edition)  
Joseph Raz, Practical Reason and Norms

**Week 1: Organizational Meeting**

John Finnis, Philosophy of Law, ch. 5 ("A Grand Tour of Legal Theory")

**Week 2: Hart's Concept of Law**

H.L.A. Hart, The Concept of Law, chs. I-VI

\*Jonathan Cohen, "Critical Notice of Hart's The Concept of Law," in Mind, Vol. 71 (1962)

**Week 3: Hart's Legal and Political Philosophy**

H.L.A. Hart, The Concept of Law, chs. VII-IX

John Finnis, Philosophy of Law, chs. 10 and 11

**Week 4: Dworkin vs. Hart**

\*Ronald Dworkin, Taking Rights Seriously, chs. 2-4

H.L.A. Hart, The Concept of Law, Postscript

\*H.L.A. Hart, Essays on Bentham, ch. 10

### **Week 5: Raz's Legal Positivism**

\*Joseph Raz, The Authority of Law, chs. 3 and 9

Joseph Raz, Practical Reason and Norms

John Finnis, Natural Law and Natural Rights, ch. I and pp. 426-436

### **Week 6: Finnis's Natural Law Theory**

\*John Finnis, "Foundations of Practical Reason Revisited"

John Finnis, Natural Law and Natural Rights, chs. II, V-XII and pp. 437-476

\*Robert P. George, "Natural Law," in American Journal of Jurisprudence, Vol. 52 (2007)

### **Week 7: Unger on the "Critical Legal Studies" Movement**

\*Roberto M. Unger, The Critical Legal Studies Movement

John Finnis, Philosophy of Law, ch. 13

### **Week 8: Dworkin's "Law as Integrity"**

Ronald Dworkin, Law's Empire

John Finnis, Philosophy of Law, ch. 12

### **Week 9: Fuller's "Inner Morality of Law"**

Lon L. Fuller, The Morality of Law

\*H.L.A. Hart, "Review of Fuller, The Morality of Law," in Harvard Law Review, Vol. 78 (1965)

\*Joseph Raz, The Authority of Law, ch. 11

### **Week 10: Is There an Obligation to Obey the Law?**

\*M.B.E. Smith, "Is There a Prima Facie Obligation to Obey the Law?," in Yale Law Journal, Vol. 82 (1973)

John Finnis, Philosophy of Law, ch. 2

\*Joseph Raz, "The Obligation to Obey: Revision and Tradition," in Notre Dame Journal of Law, Ethics & Public Policy, Vol. 1 (1984)

John Finnis, Philosophy of Law, ch. 3

### **Week 11: Moral Philosophy in Legal Interpretation**

\*Ronald Dworkin, "Introduction: The Moral Reading and the Majoritarian Premise," in Freedom's Law

\*Jeremy Waldron, "The Constitutional Conception of Democracy," in Law and Disagreement

\*Robert P. George, "Natural Law and Positive Law," in The Autonomy of Law: Essays on Legal Positivism

### **Week 12: "Legal Positivism" and "Natural Law" Revisited**

\*Jules Coleman and Brian Leiter, "Legal Positivism" in Dennis Patterson (ed.), A Companion to Philosophy of Law and Legal Theory

John Finnis, Philosophy of Law, ch. 1

\*David O. Brink, "Legal Positivism and Natural Law Reconsidered" (The Monist, Vol. 68, pp. 364-387 (1985))