

Princeton University
Politics 563/Philosophy 526
Spring 2017
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 or (2) two shorter, critical essays. 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 (2nd edition)
-----, Philosophy of Law (in Collected Essays, Vol. IV)
Lon L. Fuller, The Morality of Law
H.L.A. Hart, The Concept of Law (2nd 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))