

**MOSCOW STATE INSTITUTE OF INTERNATIONAL RELATIONS  
(MGIMO-UNIVERSITY),  
THE MINISTRY OF FOREIGN AFFAIRS OF RUSSIA**

**B.A. in Government and International Affairs  
School of Government and International Affairs**

**«Approved»**

**Director of School of Government and International Affairs**

**Mikhail Troitskiy**

**«\_\_»\_\_\_\_\_ 2018**

**Legal and Political Theory**

The course program developed by Professor Tim Potier: 2018

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The course “Legal and Political Theory” is elaborated in accordance with the MGIMO Educational Standard for the Bachelor’s Program in International Affairs (program track “Government and International Affairs”).

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Director of the MGIMO library \_\_\_\_\_ Marina Reshetnikova

**PART 1:  
INSTRUCTOR INFORMATION, COURSE DESCRIPTION  
AND TEACHING METHODS**

**1.1 General information**

- Full course title: Legal and Political Theory
- Type of course: Optional
- Level of course B.A.
- Year of study: 3rd
- Number of ECTS credits allocated: 2
- Name of lecturer(s) and office hours:  
Professor Tim Potier,  
Invited Professor  
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**1.2. Course aims, thematic structure and learning outcomes**

**Aims**

The main legal and political theorists are frequently quoted by scholars, the media and (today) even in social media. Yet, their works are read and studied by very few. The consequence of this is to give post-modern man (in society) the impression that his/her own experiences and findings are in some way novel. The reality, though, is that man (both the natural and social animal) has not changed over 2,500 years of recorded philosophy.

The principal aim of this course, therefore, is to introduce the key works of legal and political theory which have had an impact on society and helped shape history up until today. Sixteen works, from a potential shortlist of many more, have been selected. These sixteen works are those deemed, by the instructor, to have had the greatest impact. They begin with Plato's Republic and conclude, in the late 20<sup>th</sup> century, with John Finnis' Natural Law and Natural Rights. These works have discussed the various systems of government (democracy / oligarchy / tyranny, for example); contributed to the birth of discourse on human rights; and, recommended to the citizen the desirable level of State intervention (for instance, the liberal state as propounded by Mill or a planned one, Marx).

By the end of the semester, the students will have an outstanding knowledge of the texts studied. This knowledge will hopefully inspire them to further reading on the subject, with an additional range of theorists. We are currently in danger of losing knowledge. This course will at least attempt in its small way to reverse that trend.

The objectives of the course are:

- To offer the students a thorough grounding in the main (historic) schools of legal and political theory: including, Natural Law and Positivism. Is the law nothing more than its rules or is it rooted in a higher morality? This discussion has dominated man's consciousness since even before the Ancient Greeks, and this course hopes to provide at least some possible answers.
- To indicate what democracy meant to the Greeks, set out its many different forms and explain

why it was not always regarded as the ideal system of government.

■ To illustrate the impact of Christian theology and dogma upon legal and political theory following the Classical Age. It is common to speak of a ‘Dark Age’ descending on western Europe after the fall of Rome. Yet, the knowledge that was inspired, during the succeeding centuries, has contributed much to the more tolerant, liberalized and humane world that we live in today. This needs to be much more greatly acknowledged.

■ To chart the millennium-long struggle away from absolutist government, beginning in 1215 with the Magna Carta. England had its second and third revolutions, in the seventeenth century, with the removal of King Charles I, to be followed, a few decades later, with the Glorious Revolution. Two works (which shall be studied) Thomas Hobbes’ Leviathan and John Locke’s Second Treatise of Government reflect this turbulent century in England. Little could they have appreciated, the impact they would have on the eighteenth and subsequent centuries, in respect of the relationship between government and citizen.

■ To remind students of the fundamental importance of the Enlightenment and the American and French revolutions to Western civilization. It is impossible to understand why the West, even in the 21<sup>st</sup> century, thinks and behaves in the way that it does, without having a thorough knowledge and appreciation of the events from the late seventeenth through to the early nineteenth centuries. Three works dominate the period: Jean-Jacques Rousseau’s Social Contract, Thomas Paine’s Rights of Man and Edmund Burke’s Reflections on the Revolution in France, and these too will be studied in close detail during the semester.

■ To illustrate the impact that ideology can have on subsequent generations. It is commonplace to acknowledge the debt that Western societies owe to theorists such as John Stuart Mill. However, the fashion of dismissing what Karl Marx wrote, in recent decades, deserves some correction. It is very likely that the labour movement would not have achieved so much, so quickly in the period since had it not been for Marx’s writings.

■ To illustrate how, during the 20<sup>th</sup> century, the leading theorists attempted to bring up-to-date both Natural Law and Positivism. In The Concept of Law, H.L.A. Hart responds to the criticisms levelled against Austin. Hart and Lon Fuller then, in the Harvard Law Review, proceeded to have a famous debate on the connection between law and morality. Finally, John Finnis brings Aquinas into the modern age with his own statement on Natural Law theory. This is, of course, not to overlook John Rawls’ take on modern liberalism in A Theory of Justice; along with Hart’s, the other most important work of legal and political theory of the 20<sup>th</sup> century.

### **Thematic/area coverage and structure**

This course covers legal and political theory. The course will not be delivered, though, in its customary abstract manner, each School being treated separately and in turn, but, rather, by key works (sixteen in all), from the most important theorists in history; the works themselves being allowed to speak for themselves. The course shall commence with the Ancient Athenian Plato’s most famous work The Republic. Plato was the student of the father of philosophy, Socrates. The course shall then embark on a 2,500-year journey, concluding with the most famous of all the modern restatements of Natural Law theory, in the former Oxford Professor John Finnis’ Natural Law and Natural Rights. One book will be considered each week during the semester.

### **Planned learning outcomes**

<b>Competency contents</b>	<b>Planned learning outcomes</b>
Knowledge and understanding of the main ideas of legal and political theory, particularly those	Know: – the essential differences between Positivism and Natural Law; be able to chart their historical development and progression; and, appreciate the way in

<b>Competency contents</b>	<b>Planned learning outcomes</b>
<p>represented in the works of the theorists studied during the semester</p>	<p>which they have both been adapted, to suit modern conditions, during the 20<sup>th</sup> century;</p> <ul style="list-style-type: none"> <li>– the contemporary factors which may have inspired the theorists to emphasise their ideas at the time they did, to be able to place these works also in their historical context and not merely regard them in the abstract; and,</li> <li>– in what ways a given work inspired a reaction / clarification from contemporaries and successors, and appreciate the reasons for such occurring.</li> </ul> <p>Manage:</p> <ul style="list-style-type: none"> <li>– the material provided in the lecture notes, enabling them to cross-reference across works and Schools, in order to be able to take a comparative approach to a given issue (for example: morality and the law); and,</li> <li>– the knowledge obtained in such a way that it enables the student to review and research additional works (including from a wider range of theorists); this being possible only with a good command of the main ideas outlined in the works studied.</li> </ul> <p>Master:</p> <ul style="list-style-type: none"> <li>– the key concepts of the discipline, the timelines and factors of influence;</li> <li>– the important terminology of the subject, in order that the student can use it accurately and with confidence in his/her scholarly or professional work; and,</li> <li>– the essential ideas propounded in each of the works studied, in order to have an appreciation of why each work has had the impact it has had.</li> </ul>
<p>Being able to identify the main Schools of legal and political theory; explain in a few sentences the fundamental vantage point of each; and, provide examples of the points of emphasis / differences reflected in the works of the theorists.</p>	<p>Know:</p> <ul style="list-style-type: none"> <li>– that some of the Schools operate at different conceptual levels (compare, for example, Natural Law with Communism) and be able to explain why this might be so;</li> <li>– why different Schools of legal and political theory may have emerged / predominated at particular moments in history, and be able to evaluate why and when their influence may have waned; and,</li> <li>– the other factors (non-legal/political) which might have influenced the direction of the field at any given time (for example, during the 19<sup>th</sup> century, advances in the field of biology and industrialization).</li> </ul> <p>Manage:</p> <ul style="list-style-type: none"> <li>– to separate the works, by being able to illustrate (at least to begin with) a handful of the main ideas presented in each work;</li> <li>– to engage with the secondary literature and identify the main criticisms levelled at each of the works studied and the theorist; and,</li> <li>– to be able to tender one’s critique of the continued relevance of each work, where it might have become anachronistic, and where (giving reasons), in the opinion</li> </ul>

Competency contents	Planned learning outcomes
	<p>of the student, the scholarly critiques have been justified or not.</p> <p>Master:</p> <ul style="list-style-type: none"> <li>– the current discourse in the field, its points of emphasis and the areas it has chosen to ignore / overlook; and,</li> <li>– the historiography of the subject (for example, why did Natural Law theory experience a revival after the Second World War?).</li> </ul>
<p>Being able to apply that knowledge in other spheres of the students' future scholarly and professional work; the works studied having been very carefully selected with this in mind, and not merely for the purposes of obtaining academic knowledge.</p>	<p>Know:</p> <ul style="list-style-type: none"> <li>– the contemporary applications of the main ideas studied in international politics and relations today, including the extent to which these ideas may have been misinterpreted; and,</li> <li>– the ideological barriers / prejudices, still in existence, which may be acting as a barrier to certain of these ideas being given a fair and reasonable critical appraisal by (particularly, but not exclusively) political leaders.</li> </ul>
	<p>Manage:</p> <ul style="list-style-type: none"> <li>– to read more widely in the field, including other works written by the theorists studied (for example, Aristotle's Ethics).</li> </ul>
	<p>Master:</p> <ul style="list-style-type: none"> <li>– legal and political theory's place in the social sciences; appreciate the different points of emphasis (certainly since the 20<sup>th</sup> century) in both legal and political theory; and, understand the reasons why this may have been less apparent prior to the last century.</li> </ul>

### 1.3. Course methods, requirements and guidelines

#### Teaching Methodology

The main characteristic of the course's learning process and teaching methods is that they are constructed:

- to balance lectures with students' activities;
- to require students to become familiar with primary works of legal and political theory;
- to develop and explicitly support the ability to think in an original, inquisitive manner, demonstrating good comprehension, as well as the ability to interpret and discuss.

A combination of these intellectual and practical skills does not exclude, but is given preference over memorization, conceptual fluency or abstract theorizing.

■ The one hour and twenty-minute sessions shall be a combination of lecture and seminar (besides the three mandatory in-class tests). The students shall have been sent the set of notes for the work being studied that week in advance of the session. They shall be required to have mastered the material and come to class ready to discuss its main and important ideas.

■ The lecture notes and readings are complementary, the one not substituting the other.

- The students are expected to attend lectures, complete the readings assigned for each work and participate in all class discussions.
- Three in-class tests shall be conducted during the course, in order to make sure that the students have acquired a sound command of the material addressed.
- Assessment of the students' course performance is reflected in an unseen written examination of one and a half hours.

In-class:

There shall be three in-class tests. All three in-class tests shall be 30 minutes in length. A student absent during either or both of the first two in-class tests shall be expected to undertake these tests during the session in which the third test is conducted, in addition to the third test itself.

**Guidelines for self-study**

In addition to attending lectures, and performing both in-class tests and examinations, the students are expected to engage in active self-study along the following suggested lines:

- To have completed the reading assigned for each lecture and formulate their own notes based on their reading;
- To have gained an appreciation of the advantage in consulting and reviewing primary texts;
- To remain engaged with the material both prior to the relevant lecture on a given work and subsequently. To this end, to make sure that the reading is undertaken and to develop the confidence to research more widely on the subject;
- To prepare for the three in-class tests, in accordance with the guidelines and advice tendered by the instructor;
- To do research for, be prepared for and attend the final course examination.

**Assessment criteria for final exam:**

**Strength and clarity of argument:** the exam answers should present an argument in an organized and coherent manner and follow it through. Summarizing someone else's ideas or reiteration of primary material is insufficient. The answer must address the question asked.

**Conceptual clarity:** the exam answers should demonstrate a clear understanding of the works studied during the course. Alertness to conceptual issues is encouraged.

**Relevance:** the exam answers should only present material that is relevant to the question asked. Failure to answer the question will lead to a lower mark.

**Critical analysis:** the exam answers should be based on analysis of the main and important ideas (of relevance to the question) of the given work under consideration. The phenomena and processes outlined in the answers should be *explained*, rather than simply *described*.

**1.4. Grading plan**

The final grade will be calculated on the basis of performance in the final exam. The three in-class tests are designed to ensure that the students keep up with the material and as a more informal practice

in advance of the final exam. Attendance is mandatory. A student's performance in the in-class tests will be taken into account when evaluating students in the final exam if they find themselves on the borderline of two given classifications.

**PART 2:**

**WEEKLY SCHEDULE & READINGS**

**2.1 Types of work**

<b>Types of work</b>	<b>Academic hours</b>
<b>Total</b>	
Total class contact time	21 hours 20 minutes
Lectures: incl. in-class tests	21 hours 20 minutes
Final exam	1½ hours
<b>Homework</b>	
Preparation for lectures: incl. in-class tests	48
Preparation for final exam	30

**2.2. Course content and readings by topic**

**Key books on Legal and Political Theory in the English language:**

(in no particular order: latest edition indicated)

Legal Theory

M.D.A. Freeman (ed.), Lloyd's Introduction to Jurisprudence (ninth edition, Sweet & Maxwell, 2014)

Nigel E. Simmonds, Central Issues in Jurisprudence (fourth edition, Sweet & Maxwell, 2013)

Wayne Morrison, Jurisprudence: from the Greeks to post-modernism (Cavendish, 1997)

James Penner and Emmanuel Melisarris, McCoubrey & White's Textbook on Jurisprudence (fifth edition, Oxford, 2012)

Raymond Wacks, Understanding Jurisprudence: An Introduction to Legal Theory (fifth edition, Oxford, 2017)

Brian H. Bix, Jurisprudence: Theory and Context (seventh edition, Sweet & Maxwell, 2015)

Jules Coleman and Scott Shapiro (ed.s), The Oxford Handbook of Jurisprudence and Philosophy of Law (Oxford, 2002)

Howard Davies and David Holdcroft, Jurisprudence: Texts and Commentary (Butterworths, 1991)

James Penner, David Schiff and Richard Nobles, Introduction to Jurisprudence and Legal Theory: Commentary and Materials (Butterworths, 2002)



J. G. Riddall, *Jurisprudence* (second edition, Oxford, 1999)

Scott Veitch, Emiliios Christodoulidis and Lindsay Farmer, *Jurisprudence: Themes and Concepts* (third edition, Routledge, 2018)

Suri Ratnapala, *Jurisprudence* (third edition, Cambridge, 2017)

Nicholas J. McBride and Sandy Steel, *Great Debates in Jurisprudence* (Palgrave, 2014)

### Political Theory

Cambridge History of Political Thought series (Cambridge University Press):

(in chronological, by time period, order)

Greek and Roman Political Thought, edited by Christopher Rowe and Malcolm Schofield (2005);

Medieval Political Thought c.350-c. 1450, edited by J.H. Burns (1991)

1450-1700, edited by J.H. Burns with the assistance of Mark Goldie (1994);

Eighteenth-Century Political Thought, edited by Mark Goldie and Robert Wokler (2016);

Nineteenth-Century Political Thought, edited by Gareth Stedman Jones and Gregory Claeys (2013);  
and,

Twentieth Century Political Thought, edited by Terence Ball and Richard Bellamy (2006).

Iain Hampsher-Monk, *A History of Modern Political Thought: Major Political Thinkers from Hobbes to Marx* (Wiley-Blackwell, 1993)

Peri Roberts and Peter Sutch, *An Introduction to Political Thought* (second revised edition, Edinburgh University Press, 2012)

J.S. McClelland, *A History of Western Political Thought* (Routledge, 1998)

Quentin Skinner, *The Foundations of Modern Political Thought*, volumes 1 and 2 (Cambridge, 1979)

Janet Coleman, *A History of Political Thought: From Ancient Greece to Early Christianity* (John Wiley & Sons, 2000)

Janet Coleman, *A History of Political Thought: From the Middle Ages to the Renaissance* (John Wiley & Sons, 2000)

Ryan K. Balot, *Greek Political Thought* (Wiley-Blackwell, 2005)

Antony Black, *Political Thought in Europe 1250-1450* (Cambridge, 2008)

John S. Dryzek, Bonnie Honig and Anne Phillips, *The Oxford Handbook of Political Theory* (Oxford, 2008)

Jonathan Wolff, *An Introduction to Political Philosophy* (third edition, Oxford, 2015)

David Boucher and Paul Kelly (ed.s), *Political Thinkers: From Socrates to the Present* (third edition, Oxford, 2017)

Alan Ryan, *A History of Political Thought from Herodotus to the Present* (in two volumes) (Liveright, 2013)

George Sabine, *A History of Political Theory* (third edition, Harrap, 1960)

John Plamenatz, *Man and Society* (volume one): *From the Middle Ages to Locke* (revised edition, Longman, 1992)

John Plamenatz, *Man and Society* (volume two): *From Montesquieu to the Early Socialists* (revised edition, Longman, 1992)

John Plamenatz, *Man and Society* (volume three): *Hegel, Marx and Engels, and the Idea of Progress* (revised edition, Longman, 1992)

**Additional reading (from legal journals only):**

Week 1: Plato, The Republic

Weblink for the work: <http://oll.libertyfund.org/titles/plato-dialogues-vol-3-republic-timaeus-critias>

Reading:

*Jerome Hall, 'Plato's Legal Philosophy', 31 Indiana Law Journal 171 (1955-1956).*

*Huntington Cairns, 'Plato's Theory of Law', 56 Harvard Law Review 359 (1942-1943).*

*Hans Kelsen, 'Plato and the Doctrine of Natural Law', 14 Vanderbilt Law Review 23 (1960-1961).*

*Ernest J. Weinreb, 'Obedience to the Law in Plato's Crito', 27 American Journal of Jurisprudence 85 (1982).*

*Philip Soper, 'Another Look at the Crito', 41 American Journal of Jurisprudence 103 (1996).*

*Anthony D'Amato, 'Obligation to Obey the Law: A Study of the Death of Socrates', 49 Southern California Law Review 1079 (1975-1976).*

*Donald H.J. Hermann, 'Socrates on Justice and Legal Obligation', 11 Seton Hall Law Review 663 (1980-1981).*

Week 2: Aristotle, Politics

Weblink for the work:

[http://oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=show.php%3Ftitle=1881&Itemid=28](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php%3Ftitle=1881&Itemid=28)

Reading:

Jill Frank, 'Aristotle on Constitutionalism and the Rule of Law', 8 *Theoretical Inquiries in Law* 37 (2007).

James E. Moody, 'Plato, Aristotle, and St. Thomas Aquinas: The Relationship Between Philosophy and Law', 1 *USAFA Journal of Legal Studies* 105 (1990).

Anthony J. Lisska, 'Finnis and Veatch on Natural Law in Aristotle and Aquinas', 36 *American Journal of Jurisprudence* 55 (1991).

Hans Julius Wolff, 'Greek Legal History – Its Functions and Potentialities', 1975 *Washington University Law Quarterly* 395 (1975).

Anton-Hermann Chroust, 'Aristotle's Conception of Equity (Epieikeia)', 18 *Notre Dame Lawyer* 119 (1942-1943).

Anton-Hermann Chroust and David L. Osborn, 'Aristotle's Conception of Justice', 17 *Notre Dame Lawyer* 129 (1941-1942).

Max Salomon Shellens, 'Aristotle on Natural Law', 4 *Natural Law Forum* 72 (1959).

### Week 3: St. Thomas Aquinas, Treatise on Law

Weblink for the work: <http://www.newadvent.org/summa/2.htm>

#### Reading:

Edward J. Damich, 'The Essence of Law According to Thomas Aquinas', 30 *American Journal of Jurisprudence* 79 (1985).

Anton-Hermann Chroust, 'The "Common Good" and the Problem of "Equity" in the Philosophy of Law of St. Thomas Aquinas', 18 *Notre Dame Lawyer* 114 (1942-1943).

Elmer T. Gelinas, 'Ius and Lex in Thomas Aquinas', 15 *American Journal of Jurisprudence* 154 (1970).

Norman Kretzmann, 'Lex Iniusta Non Est Lex': Laws on Trial in Aquinas' Court of Conscience', 33 *American Journal of Jurisprudence* 99 (1998).

Daniel Westberg, 'The Relation Between Positive and Natural Law in Aquinas', 11 *Journal of Law and Religion* 1 (1994-1995).

Anton-Hermann Chroust and Frederick A. Collins Jr, 'The Basic Ideas in the Philosophy of Law of St. Thomas Aquinas as Found in the Summa Theologica', 26 *Marquette Law Review* 11 (1941-1942).

Raymond Bradley, 'The Relation between Natural Law and Human Law in Thomas Aquinas', 21 *Catholic Lawyer* 42 (1975).

Peter J. Riga, 'Prudence and Jurisprudence: Authority as the Basis of Law according to Thomas Aquinas', 37 *The Jurist* 287 (1977).

Miriam T. Rooney, 'The Philosophy of Natural Law of St. Thomas Aquinas', 2 *Catholic Lawyer* 286 (1980-1981).

William E. May, 'The Meaning and Nature of Law in Thomas Aquinas', 22 *American Journal of Jurisprudence* 168 (1977).

Brendan F. Brown, 'The Influence of St. Thomas Aquinas on Jurisprudence', 3 *Catholic Lawyer* 356 (1957).

Anton-Hermann Chroust, 'The Philosophy of Law of St. Thomas Aquinas: His Fundamental Ideas and Some of His Historical Precursors', 19 *American Journal of Jurisprudence* 1 (1974).

#### Week 4: Niccolo Machiavelli, The Prince

Weblink for the work:

[http://oll.libertyfund.org/?option=com\\_staticxt&staticfile=show.php%3Ftitle=775&chapter=75825&layout=html&Itemid=27](http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=775&chapter=75825&layout=html&Itemid=27)

Reading:

Haig Patapan, 'Laws as Arms: The Poetry, Rhetoric and Violence of Law in Machiavelli's *The Prince*', 23 *Australian Journal of Legal Philosophy* 28 (1998).

#### Week 5: Thomas Hobbes, Leviathan

Weblink for the work:

[http://oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=show.php%3Ftitle=585&Itemid=28](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php%3Ftitle=585&Itemid=28)

Reading:

James Boyle, 'Thomas Hobbes and the Invented Tradition of Positivism: Reflections on Language, Power, and Essentialism', 135 *University of Pennsylvania Law Review* 383 (1986-1987).

Huntington Cairns, 'Hobbes' Theory of Law', 4 *Seminar Jurist* 58 (1946).

Sean Coyle, 'Thomas Hobbes and the Intellectual Origins of Legal Positivism', 16 *Canadian Journal of Law & Jurisprudence* 243 (2003).

H. Newcomb Morse, 'A Legal Commentary on Hobbesian Philosophy', 12 *Tulsa Law Journal* 247 (1976-1977).

#### Week 6: John Locke, Second Treatise of Government

Weblink for the work:

[http://oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=show.php%3Ftitle=763&layout=html](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php%3Ftitle=763&layout=html)

Reading:

Brian Tierney, 'Historical Roots of Modern Rights; Before Locke and After', 3 *Ave Maria Law Review* 23 (2005).

James W. Byrne, 'The Basis of the Natural Law in Locke's Philosophy', 10 *Catholic Lawyer* 55 (1964).

E. Clinton Gardner, 'John Locke: Justice and the Social Compact', 9 *Journal of Law & Religion* 347 (1991-1992).

Suri Ratnapala, 'John Locke's Doctrine of the Separation of Powers: A Re-Evaluation', 38 *American Journal of Jurisprudence* 189 (1993).

Donald L. Doernberg, 'We the People: John Locke, Collective Constitutional Rights, and Standing to Challenge Government Action', 73 *California Law Review* 52 (1985).

Walton H. Hamilton, 'Property – According to Locke', 41 *Yale Law Journal* 864 (1931-1932).

Catherine Valcke, 'Locke on Property: A Deontological Interpretation', 12 *Harvard Journal of Law & Public Policy* 941 (1989).

#### Week 7: Jean-Jacques Rousseau, The Social Contract

Weblink for the work: <http://oll.libertyfund.org/titles/rousseau-the-social-contract-and-discourses>

Reading:

W. Blake Odgers, 'A Defence of Rousseau's Theory of the Social Contract', 16 *Journal of the Society of Comparative Legislation* 322 (1916).

Thomas E. Carbonneau, 'The Implicit Teaching of Utopian Speculations; Rousseau's Contribution to the Natural Law Tradition', 3 *University of Puget Sound Law Review* 123 (1979).

J.H. Warren, 'The General Will', 1 *Res Judicatae* 166 (1935-1938).

Léon Duguit, 'Jean-Jacques Rousseau and the Doctrine of the Social Contract', 31 *Harvard Law Review* 27 (1917-1918).

#### Week 8: Thomas Paine, Rights of Man

Weblink for the work:

[http://oll.libertyfund.org/?option=com\\_staticxt&staticfile=show.php%3Ftitle=344&chapter=17349&layout=html&Itemid=27](http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=344&chapter=17349&layout=html&Itemid=27)

Reading:

R.B. Bernstein, 'Rediscovering Thomas Paine', 39 *New York School of Law Review* 873 (1994).

#### Week 9: Edmund Burke, Reflections on the Revolution in France (plus, in-class test 1)

Weblink for the work:

[http://oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=show.php&title=656](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php&title=656)

#### Week 10: John Austin, The Province of Jurisprudence Determined

Weblink for the work:

[https://books.google.co.uk/books?id=Lm\\_im02ewsC&printsec=frontcover&dq=editions:OXFOR DN10981854&hl=en#v=onepage&q&f=false](https://books.google.co.uk/books?id=Lm_im02ewsC&printsec=frontcover&dq=editions:OXFOR DN10981854&hl=en#v=onepage&q&f=false)

Reading:

*Robert Moles, 'John Austin Reconsidered', 36 Northern Ireland Legal Quarterly 193 (1985).*

*Alfrid Rumble, 'John Austin, Judicial Legislation and Legal Positivism', 13 University of Western Australia Law Review 77 (1977-1978).*

*Wilfrid E. Rumble, 'Divine Law, Utilitarian Ethics, and Positivist Jurisprudence: A Study of the Legal Philosophy of John Austin', 24 American Journal of Jurisprudence 139 (1979).*

*John Underwood Lewis, 'John Austin's Concept of Having a Legal Obligation: A Defence and Reassessment in the Face of Some Recent Analytical Jurisprudence', 14 Western Ontario Law Review 51 (1975).*

*Samuel Enoch Stumpf, 'Austin's Theory of the Separation of Law and Morals', 14 Vanderbilt Law Review 117 (1960-1961).*

*Colin Tapper, 'Austin on Sanctions', 23 Cambridge Law Journal 271 (1965).*

#### Week 11: John Stuart Mill, On Liberty

Weblink for the work:

[https://books.googleusercontent.com/books/content?req=AKW5QafIMmsNxH-XSu8xL43fnwvPUBXqbcSsK-73uRT6NwvfJsDjMGIAbM5RtxXT14x0ih9RbyPCMk4jggoXZWN4EwXFHHlmaplDbp27o1GZ6ZltCVYdCXitwBBZDZDPza2KBUusoEIpOeKmfEbgXVDhD\\_Si71DToiv1rS0ZXC-T9JqL6PGZJuKSVVbvUWZux1TVgjGFWXYgn2Sw7iIXp1hs47eWpDbZzom07Ep1xQAKh2TFwyEA7Fal--YHv3iU5NKq6qPj2w](https://books.googleusercontent.com/books/content?req=AKW5QafIMmsNxH-XSu8xL43fnwvPUBXqbcSsK-73uRT6NwvfJsDjMGIAbM5RtxXT14x0ih9RbyPCMk4jggoXZWN4EwXFHHlmaplDbp27o1GZ6ZltCVYdCXitwBBZDZDPza2KBUusoEIpOeKmfEbgXVDhD_Si71DToiv1rS0ZXC-T9JqL6PGZJuKSVVbvUWZux1TVgjGFWXYgn2Sw7iIXp1hs47eWpDbZzom07Ep1xQAKh2TFwyEA7Fal--YHv3iU5NKq6qPj2w)

Reading:

*Filimon Peonidis, 'A Note on Mill's Early Theory of Free Speech', 33 Australian Journal of Legal Philosophy 60 (2008).*

*Raphael Cohen-Almagor, 'Ends and Means in J.S. Mill's Utilitarian Theory', 26 Anglo-American Law Review 141 (1997).*

*Wilson Ray Huhn, 'Mill's Theory of Liberty in Constitutional Interpretation', 22 Akron Law Review 133 (1988-1989).*

#### Week 12: Karl Marx and Friedrich Engels, The Communist Manifesto (plus, in-class test 2)

Weblink for the work: <https://www.marxists.org/archive/marx/works/download/pdf/Manifesto.pdf>

Reading:

*Luis Kutner, 'The Human Rights of Karl Marx', 55 North Dakota Law Review 39 (1979).*

Richard Kinsey, 'Marxism and the Law: Preliminary Analyses', 5 *British Journal of Law & Society* 202 (1978).

Alice Erh-Soon Tay and Eugene Kamenka, 'Marxism, Socialism and the Theory of Law', 23 *Columbia Journal of Transnational Law* 217 (1984-1985).

Andrew Vincent, 'Marx and Law', 20 *Journal of Law & Society* 371 (1993).

Alan Stone, 'The Place of Law in the Marxian Structure-Superstructure Archetype', 19 *Law & Society Review* 39 (1985).

Raymond A. Belliotti, 'Marxist Jurisprudence: Historical Necessity and Radical Contingency', 4 *Canadian Journal of Law & Jurisprudence* 145 (1991).

John J.A. Burke, 'Marx and Dworkin: A Comparative Analysis of the Concept of Liberty and Its Relations to Law', 41 *Rutgers Law Review* 625 (1988-1989).

### Week 13: H.L.A. Hart, The Concept of Law

MGIMO library: Харт Г.Л.А., The Concept of Law; пер. с англ. под общ. ред. Е.В. Афонасина, С.В. Моисеева. - Санкт-Петербург : Изд-во С.-Петербур. ун-та, 2007. - 300 с. - ISBN 978-5-288-04211-9.

#### Reading:

H.L.A. Hart, 'Positivism and the Separation of Law and Morals', 71 *Harvard Law Review* 593 (1957).

H.L.A. Hart, 'Between Utility and Rights', 79 *Columbia Law Review* 828 (1979).

H.L.A. Hart, 'Social Solidarity and the Enforcement of Morality', 35 *University of Chicago Law Review* 1 (1967-1968).

William C. Starr, 'Law and Morality in H.L.A. Hart's Legal Philosophy', 67 *Marquette Law Review* 673 (1983-1984).

Barry Hoffmaster, 'Professor Hart on Legal Obligation', 11 *Georgia Law Review* 1303 (1976-1977).

Dennis Patterson, 'Explicating the Internal Point of View', 52 *SMU Law Review* 67 (1999).

Anthony Dickey, 'The Concept of Rules and the Concept of Law', 25 *American Journal of Jurisprudence* 89 (1980).

Stephen Perry, 'Hart on Social Rules and the Foundations of Law: Liberating the Internal Point of View', 75 *Fordham Law Review* 1171 (2006-2007).

Wesley Cragg, 'H.L.A. Hart and the Justification of Punishment', 5 *Canadian Journal of Law & Jurisprudence* 43 (1992).

Robert S. Summers, 'Legal Institutions in Professor H.L.A. Hart's Concept of Law', *Notre Dame Law Review* 1807 (1999-2000).

Anthony J. Sebok, 'Is the Rule of Recognition a Rule', 72 *Notre Dame Law Review* 1539 (1996-1997).

Rachael Patterson, 'The Minimum Moral Content of Law: A Critique of Hart's Descriptive Theory of Positive and Natural Law', 8 *Canberra Law Review* 9 (2005).

Cristobal Orrego, 'H.L.A. Hart's Arguments against Classical Natural Law Theory', 48 *American Journal of Jurisprudence* 297 (2003).

Keith Lovin, 'H.L.A. Hart and the Morality of Law', 21 *American Journal of Jurisprudence* 131 (1976).

Neil MacCormick, 'The Concept of Law and the Concept of Law', 14 *Oxford Journal of Legal Studies* 1 (1994).

George Breckenridge, 'Legal Positivism and the Natural Law: The Controversy between Professor Hart and Professor Fuller', 18 *Vanderbilt Law Review* 945 (1964-1965).

John Finnis, 'H.L.A. Hart: A Twentieth-Century Oxford Political Philosopher', 54 *American Journal of Jurisprudence* 161 (2009).

Matthew Kramer, 'The Rule of Misrecognition in the Hart of Jurisprudence', 8 *Oxford Journal of Legal Studies* 401 (1988).

#### Week 14: Lon Fuller, The Morality of Law

No weblink of the work or edition in the MGIMO library.

Reading:

Lon L. Fuller, 'An Afterword: Science and the Judicial Process', 79 *Harvard Law Review* 1604 (1965-1966).

Lon L. Fuller, 'Human Interaction and the Law', 14 *American Journal of Jurisprudence* 1 (1969).

Lon L. Fuller, 'Human Purpose and Natural Law', 3 *Natural Law Forum* 68 (1958).

Lon L. Fuller, 'Positivism and Fidelity to Law – A Reply to Professor Hart', 71 *Harvard Law Review* 630 (1957).

Samuel Mermin, 'On Defining Law – A Dissent from Fuller's Approach', 6 *Indiana Law Review* 683 (1972-1973).

Anthony D'Amato, 'Lon Fuller and Substantive Natural Law', 26 *American Journal of Jurisprudence* 202 (1981).

Douglas Sturm, 'Lon Fuller's Multidimensional Natural Law Theory', 18 *Stanford Law Review* 612 (1965-1966).

Jeremy Waldron, 'Positivism and Legality: Hart's Equivocal Response to Fuller', 83 *New York University Law Review* 1135 (2008).



*Kenneth I. Winston, 'Is/Ought Redux: The Pragmatist Context of Lon Fuller's Conception of Law', 8 Oxford Journal of Legal Studies 329 (1988).*

*Daniel E. Wueste, 'Fuller's Processual Philosophy of Law', 71 Cornell Law Review 1205 (1985-1986).*

*Nicola Lacey, 'Philosophy, Political Morality, and History: Explaining the Enduring Resonance of the Hart-Fuller Debate', 83 New York University Law Review 1059 (2008).*

*Benjamin C. Zipursky, 'Practical Positivism Versus Practical Perfectionism: The Hart-Fuller Debate at Fifty', 83 New York University Law Review 1170 (2008).*

*George Breckenridge, 'Legal Positivism and the Natural Law: The Controversy between Professor Hart and Professor Fuller', 18 Vanderbilt Law Review 945 (1964-1965).*

*Ronald M. Dworkin, 'The Elusive Morality of Law', 10 Villanova Law Review 631 (1965).*

#### Week 15: John Rawls, A Theory of Justice

No weblink of the work or edition in the MGIMO library.

Reading:

*John Rawls, 'Justice as Fairness: Political not Metaphysical', 14 Philosophy and Public Affairs 223 (1985).*

*John Rawls, 'Justice as Fairness: Political not Metaphysical', 14 Philosophy and Public Affairs 223 (1985).*

*John Rawls, 'Fairness to Goodness', 84 The Philosophical Review 536 (1975).*

*John Rawls, 'The Sense of Justice', 72 The Philosophical Review 281 (1963).*

*John Rawls, 'Two Concepts of Rules', 64 The Philosophical Review 3 (1955).*

*John Rawls, 'Justice as Fairness', 67 The Philosophical Review 164 (1958).*

*John Rawls, 'Justice as Fairness', 54 The Journal of Philosophy 653 (1957).*

*Gilbert Merritt, 'Justice as Fairness: A Commentary of Rawls's New Theory of Justice', 26 Vanderbilt Law Review 665 (1973).*

*Ronald Dworkin, 'Rawls and the Law', 72 Fordham Law Review 1387 (2003-2004).*

*Rex Martin, 'Rawls's New Theory of Justice', 69 Chicago – Kent Law Review 737 (1993-1994).*

*Thomas W. Pogge, 'The Incoherence between Rawls's Theories of Justice', 72 Fordham Law Review 1739 (2003-2004).*

*H.L.A. Hart, 'Rawls on Liberty and Its Priority', 40 University of Chicago Law Review 534 (1972-1973).*

*Ronald Dworkin, 'The Original Position', 40 University of Chicago Law Review 500 (1972-1973).*

*James W. Nickel, 'Rethinking Rawls's Theory of Liberty and Rights', 69 Chicago – Kent Law Review 763 (1993-1994).*

*D.J. Bentley, 'John Rawls: A Theory of Justice', 121 University of Pennsylvania Law Review 1070 (1972-1973).*

*Ian Ward, 'Another Look at the New Rawls', 24 Anglo-American Law Review 104 (1995).*

Week 16: John Finnis, Natural Law and Natural Rights (plus, in-class test 3)

No weblink of the work or edition in the MGIMO library.

Reading:

*John Finnis, 'Natural Law and Legal Reasoning', 38 Cleveland State Law Review 1 (1990).*

*John Finnis, 'Liberalism and Natural Law Theory', 45 Mercer Law Review 687 (1993-1994).*

*John Finnis, 'Religion and State: Some Main Issues and Sources', 51 American Journal of Jurisprudence 107 (2006).*

*John Finnis, 'The Authority of Law in the Predicament of Contemporary Social Thought', 1 Notre Dame Journal of Law, Ethics & Public Policy 115 (1984-1985).*

*John Finnis, 'Unjust Laws in a Democratic Society: Some Philosophical and Theological Reflections', 71 Notre Dame Law Review 595 (1995-1996).*

*John Finnis, 'On the Incoherence of Legal Positivism', 75 Notre Dame Law Review 1597 (1999-2000).*

*John Finnis, 'Natural Law and the Ethics of Discourse', 43 American Journal of Jurisprudence 53 (1998).*

*John Finnis, 'Law and What I Truly Should Decide', 48 American Journal of Jurisprudence 107 (2003).*

*John Finnis, 'Helping Enact Unjust Laws without Complicity in Injustice', 49 American Journal of Jurisprudence 11 (2004).*

*John Finnis, 'Foundations of Practical Reason Revisited', 50 American Journal of Jurisprudence 109 (2005).*

*John Finnis, 'On Hart's Ways: Law as Reason and as Fact', 52 American Journal of Jurisprudence 25 (2007).*

*Lloyd L. Weinreb, 'The Natural Law Tradition: Comments on Finnis', 36 Journal of Legal Education 501 (1986).*

*Valerie Kerruish, 'Philosophical Retreat: A Criticism of John Finnis' Theory of Natural Law', 15 University of Western Australia Law Review 224 (1983).*

Mark W. Sayers, 'Knowledge as a Self-Evident Good in Finnis and Aquinas: When is the Immediately Obvious Not So Immediate', 23 *Australian Journal of Legal Philosophy* 92 (1998).

Tan Seow Hon, 'Justification in Finnis' Natural Law Theory', *Singapore Journal of Legal Studies* 590 (2000).

Ian Duncanson, 'Finnis and the Politics of Natural Law', 19 *University of Western Australia Law Review* 239 (1989).

### **Disclaimer**

Instructor could modify schedule of the classes as necessary.

### **2.3. Exam timing**

- Final exam – June 2018 (date to be announced)

### **2.4. Consolidated reading list (in alphabetic order, by first name: excluding only the Cambridge History of Political Thought series)**

Alan Ryan, *A History of Political Thought from Herodotus to the Present* (in two volumes) (Liveright, 2013)

Alan Stone, 'The Place of Law in the Marxian Structure-Superstructure Archetype', 19 *Law & Society Review* 39 (1985).

Alfrid Rumble, 'John Austin, Judicial Legislation and Legal Positivism', 13 *University of Western Australia Law Review* 77 (1977-1978).

Alice Erh-Soon Tay and Eugene Kamenka, 'Marxism, Socialism and the Theory of Law', 23 *Columbia Journal of Transnational Law* 217 (1984-1985).

Andrew Vincent, 'Marx and Law', 20 *Journal of Law & Society* 371 (1993).

Anthony D'Amato, 'Lon Fuller and Substantive Natural Law', 26 *American Journal of Jurisprudence* 202 (1981).

Anthony D'Amato, 'Obligation to Obey the Law: A Study of the Death of Socrates', 49 *Southern California Law Review* 1079 (1975-1976).

Anthony Dickey, 'The Concept of Rules and the Concept of Law', 25 *American Journal of Jurisprudence* 89 (1980).

Anthony J. Lisska, 'Finnis and Veatch on Natural Law in Aristotle and Aquinas', 36 *American Journal of Jurisprudence* 55 (1991).

Anthony J. Sebok, 'Is the Rule of Recognition a Rule', 72 *Notre Dame Law Review* 1539 (1996-1997).

*Anton-Hermann Chroust and David L. Osborn, 'Aristotle's Conception of Justice', 17 Notre Dame Lawyer 129 (1941-1942).*

*Anton-Hermann Chroust and Frederick A. Collins Jr, 'The Basic Ideas in the Philosophy of Law of St. Thomas Aquinas as Found in the Summa Theologica', 26 Marquette Law Review 11 (1941-1942).*

*Anton-Hermann Chroust, 'Aristotle's Conception of Equity (Epieikeia)', 18 Notre Dame Lawyer 119 (1942-1943).*

*Anton-Hermann Chroust, 'The "Common Good" and the Problem of "Equity" in the Philosophy of Law of St. Thomas Aquinas', 18 Notre Dame Lawyer 114 (1942-1943).*

*Anton-Hermann Chroust, 'The Philosophy of Law of St. Thomas Aquinas: His Fundamental Ideas and Some of His Historical Precursors', 19 American Journal of Jurisprudence 1 (1974).*

Antony Black, *Political Thought in Europe 1250-1450* (Cambridge, 2008)

*Barry Hoffmaster, 'Professor Hart on Legal Obligation', 11 Georgia Law Review 1303 (1976-1977).*

*Benjamin C. Zipursky, 'Practical Positivism Versus Practical Perfectionism: The Hart-Fuller Debate at Fifty', 83 New York University Law Review 1170 (2008).*

*Brendan F. Brown, 'The Influence of St. Thomas Aquinas on Jurisprudence', 3 Catholic Lawyer 356 (1957).*

Brian H. Bix, *Jurisprudence: Theory and Context* (seventh edition, Sweet & Maxwell, 2015)

*Brian Tierney, 'Historical Roots of Modern Rights; Before Locke and After', 3 Ave Maria Law Review 23 (2005).*

*Catherine Valcke, 'Locke on Property: A Deontological Interpretation', 12 Harvard Journal of Law & Public Policy 941 (1989).*

*Colin Tapper, 'Austin on Sanctions', 23 Cambridge Law Journal 271 (1965).*

*Cristobal Orrego, 'H.L.A. Hart's Arguments against Classical Natural Law Theory', 48 American Journal of Jurisprudence 297 (2003).*

*D.J. Bentley, 'John Rawls: A Theory of Justice', 121 University of Pennsylvania Law Review 1070 (1972-1973).*

*Daniel E. Wueste, 'Fuller's Processual Philosophy of Law', 71 Cornell Law Review 1205 (1985-1986).*

*Daniel Westberg, 'The Relation Between Positive and Natural Law in Aquinas', 11 Journal of Law and Religion 1 (1994-1995).*

David Boucher and Paul Kelly (ed.s), *Political Thinkers: From Socrates to the Present* (third edition, Oxford, 2017)

*Dennis Patterson, 'Explicating the Internal Point of View', 52 SMU Law Review 67 (1999).*

- Donald H.J. Hermann, 'Socrates on Justice and Legal Obligation', 11 *Seton Hall Law Review* 663 (1980-1981).
- Donald L. Doernberg, 'We the People: John Locke, Collective Constitutional Rights, and Standing to Challenge Government Action', 73 *California Law Review* 52 (1985).
- Douglas Sturm, 'Lon Fuller's Multidimensional Natural Law Theory', 18 *Stanford Law Review* 612 (1965-1966).
- E. Clinton Gardner, 'John Locke: Justice and the Social Compact', 9 *Journal of Law & Religion* 347 (1991-1992).
- Edward J. Damich, 'The Essence of Law According to Thomas Aquinas', 30 *American Journal of Jurisprudence* 79 (1985).
- Elmer T. Gelinas, 'Ius and Lex in Thomas Aquinas', 15 *American Journal of Jurisprudence* 154 (1970).
- Ernest J. Weinreb, 'Obedience to the Law in Plato's Crito', 27 *American Journal of Jurisprudence* 85 (1982).
- Filimon Peonidis, 'A Note on Mill's Early Theory of Free Speech', 33 *Australian Journal of Legal Philosophy* 60 (2008).
- George Breckenridge, 'Legal Positivism and the Natural Law: The Controversy between Professor Hart and Professor Fuller', 18 *Vanderbilt Law Review* 945 (1964-1965).
- George Breckenridge, 'Legal Positivism and the Natural Law: The Controversy between Professor Hart and Professor Fuller', 18 *Vanderbilt Law Review* 945 (1964-1965).
- George Sabine, *A History of Political Theory* (third edition, Harrap, 1960)
- Gilbert Merritt, 'Justice as Fairness: A Commentary of Rawls's New Theory of Justice', 26 *Vanderbilt Law Review* 665 (1973).
- H. Newcomb Morse, 'A Legal Commentary on Hobbesian Philosophy', 12 *Tulsa Law Journal* 247 (1976-1977).
- H.L.A. Hart, 'Between Utility and Rights', 79 *Columbia Law Review* 828 (1979).
- H.L.A. Hart, 'Positivism and the Separation of Law and Morals', 71 *Harvard Law Review* 593 (1957).
- H.L.A. Hart, 'Rawls on Liberty and Its Priority', 40 *University of Chicago Law Review* 534 (1972-1973).
- H.L.A. Hart, 'Social Solidarity and the Enforcement of Morality', 35 *University of Chicago Law Review* 1 (1967-1968).
- Haig Patapan, 'Laws as Arms: The Poetry, Rhetoric and Violence of Law in Machiavelli's *The Prince*', 23 *Australian Journal of Legal Philosophy* 28 (1998).

- Hans Julius Wolff, 'Greek Legal History – Its Functions and Potentialities', 1975 Washington University Law Quarterly 395 (1975).*
- Hans Kelsen, 'Plato and the Doctrine of Natural Law', 14 Vanderbilt Law Review 23 (1960-1961).*  
Howard Davies and David Holdcroft, *Jurisprudence: Texts and Commentary* (Butterworths, 1991)
- Huntington Cairns, 'Hobbes' Theory of Law', 4 Seminar Jurist 58 (1946).*
- Huntington Cairns, 'Plato's Theory of Law', 56 Harvard Law Review 359 (1942-1943).*
- Iain Hampsher-Monk, *A History of Modern Political Thought: Major Political Thinkers from Hobbes to Marx* (Wiley-Blackwell, 1993)
- Ian Duncanson, 'Finnis and the Politics of Natural Law', 19 University of Western Australia Law Review 239 (1989).*
- Ian Ward, 'Another Look at the New Rawls', 24 Anglo-American Law Review 104 (1995).*
- J. G. Riddall, *Jurisprudence* (second edition, Oxford, 1999)
- J.H. Warren, 'The General Will', 1 Res Judicatae 166 (1935-1938).*
- J.S. McClelland, *A History of Western Political Thought* (Routledge, 1998)
- James Boyle, 'Thomas Hobbes and the Invented Tradition of Positivism: Reflections on Language, Power, and Essentialism', 135 University of Pennsylvania Law Review 383 (1986-1987).*
- James E. Moody, 'Plato, Aristotle, and St. Thomas Aquinas: The Relationship Between Philosophy and Law', 1 USAFA Journal of Legal Studies 105 (1990).*
- James Penner and Emmanuel Melisarris, *McCoubrey & White's Textbook on Jurisprudence* (fifth edition, Oxford, 2012)
- James Penner, David Schiff and Richard Nobles, *Introduction to Jurisprudence and Legal Theory: Commentary and Materials* (Butterworths, 2002)
- James W. Byrne, 'The Basis of the Natural Law in Locke's Philosophy', 10 Catholic Lawyer 55 (1964).*
- James W. Nickel, 'Rethinking Rawls's Theory of Liberty and Rights', 69 Chicago – Kent Law Review 763 (1993-1994).*
- Janet Coleman, *A History of Political Thought: From Ancient Greece to Early Christianity* (John Wiley & Sons, 2000)
- Janet Coleman, *A History of Political Thought: From the Middle Ages to the Renaissance* (John Wiley & Sons, 2000)
- Jeremy Waldron, 'Positivism and Legality: Hart's Equivocal Response to Fuller', 83 New York University Law Review 1135 (2008).*
- Jerome Hall, 'Plato's Legal Philosophy', 31 Indiana Law Journal 171 (1955-1956).*

- Jill Frank, 'Aristotle on Constitutionalism and the Rule of Law', 8 Theoretical Inquiries in Law 37 (2007).*
- John Finnis, 'Foundations of Practical Reason Revisited', 50 American Journal of Jurisprudence 109 (2005).*
- John Finnis, 'H.L.A. Hart: A Twentieth-Century Oxford Political Philosopher', 54 American Journal of Jurisprudence 161 (2009).*
- John Finnis, 'Helping Enact Unjust Laws without Complicity in Injustice', 49 American Journal of Jurisprudence 11 (2004).*
- John Finnis, 'Law and What I Truly Should Decide', 48 American Journal of Jurisprudence 107 (2003).*
- John Finnis, 'Liberalism and Natural Law Theory', 45 Mercer Law Review 687 (1993-1994).*
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- John Finnis, 'On the Incoherence of Legal Positivism', 75 Notre Dame Law Review 1597 (1999-2000).*
- John Finnis, 'Religion and State: Some Main Issues and Sources', 51 American Journal of Jurisprudence 107 (2006).*
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- John Finnis, 'Unjust Laws in a Democratic Society: Some Philosophical and Theological Reflections', 71 Notre Dame Law Review 595 (1995-1996).*
- John J.A. Burke, 'Marx and Dworkin: A Comparative Analysis of the Concept of Liberty and Its Relations to Law', 41 Rutgers Law Review 625 (1988-1989).*
- John Plamenatz, *Man and Society* (volume one): From the Middle Ages to Locke (revised edition, Longman, 1992)
- John Plamenatz, *Man and Society* (volume three): Hegel, Marx and Engels, and the Idea of Progress (revised edition, Longman, 1992)
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- John Rawls, 'Fairness to Goodness', 84 The Philosophical Review 536 (1975).*

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John Rawls, 'Justice as Fairness: Political not Metaphysical', 14 *Philosophy and Public Affairs* 223 (1985).

John Rawls, 'Justice as Fairness', 54 *The Journal of Philosophy* 653 (1957).

John Rawls, 'Justice as Fairness', 67 *The Philosophical Review* 164 (1958).

John Rawls, 'The Sense of Justice', 72 *The Philosophical Review* 281 (1963).

John Rawls, 'Two Concepts of Rules', 64 *The Philosophical Review* 3 (1955).

John S. Dryzek, Bonnie Honig and Anne Phillips, *The Oxford Handbook of Political Theory* (Oxford, 2008)

John Underwood Lewis, 'John Austin's Concept of Having a Legal Obligation: A Defence and Reassessment in the Face of Some Recent Analytical Jurisprudence', 14 *Western Ontario Law Review* 51 (1975).

Jonathan Wolff, *An Introduction to Political Philosophy* (third edition, Oxford, 2015)

Jules Coleman and Scott Shapiro (ed.s), *The Oxford Handbook of Jurisprudence and Philosophy of Law* (Oxford, 2002)

Keith Lovin, 'H.L.A. Hart and the Morality of Law', 21 *American Journal of Jurisprudence* 131 (1976).

Kenneth I. Winston, 'Is/Ought Redux: The Pragmatist Context of Lon Fuller's Conception of Law', 8 *Oxford Journal of Legal Studies* 329 (1988).

Léon Duguit, 'Jean-Jacques Rousseau and the Doctrine of the Social Contract', 31 *Harvard Law Review* 27 (1917-1918).

Lloyd L. Weinreb, 'The Natural Law Tradition: Comments on Finnis', 36 *Journal of Legal Education* 501 (1986).

Lon L. Fuller, 'An Afterword: Science and the Judicial Process', 79 *Harvard Law Review* 1604 (1965-1966).

Lon L. Fuller, 'Human Interaction and the Law', 14 *American Journal of Jurisprudence* 1 (1969).

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Luis Kutner, 'The Human Rights of Karl Marx', 55 *North Dakota Law Review* 39 (1979).

M.D.A. Freeman (ed.), *Lloyd's Introduction to Jurisprudence* (ninth edition, Sweet & Maxwell, 2014)



Mark W. Sayers, 'Knowledge as a Self-Evident Good in Finnis and Aquinas: When is the Immediately Obvious Not So Immediate', 23 *Australian Journal of Legal Philosophy* 92 (1998).

Matthew Kramer, 'The Rule of Misrecognition in the Hart of Jurisprudence', 8 *Oxford Journal of Legal Studies* 401 (1988).

Max Salomon Shellens, 'Aristotle on Natural Law', 4 *Natural Law Forum* 72 (1959).

Miriam T. Rooney, 'The Philosophy of Natural Law of St. Thomas Aquinas', 2 *Catholic Lawyer* 286 (1980-1981).

Neil MacCormick, 'The Concept of Law and the Concept of Law', 14 *Oxford Journal of Legal Studies* 1 (1994).

Nicholas J. McBride and Sandy Steel, *Great Debates in Jurisprudence* (Palgrave, 2014)

Nicola Lacey, 'Philosophy, Political Morality, and History: Explaining the Enduring Resonance of the Hart-Fuller Debate', 83 *New York University Law Review* 1059 (2008).

Nigel E. Simmonds, *Central Issues in Jurisprudence* (fourth edition, Sweet & Maxwell, 2013)

Norman Kretzmann, 'Lex Iniusta Non Est Lex': Laws on Trial in Aquinas' Court of Conscience', 33 *American Journal of Jurisprudence* 99 (1998).

Peri Roberts and Peter Sutch, *An Introduction to Political Thought* (second revised edition, Edinburgh University Press, 2012)

Peter J. Riga, 'Prudence and Jurisprudence: Authority as the Basis of Law according to Thomas Aquinas', 37 *The Jurist* 287 (1977).

Philip Soper, 'Another Look at the Crito', 41 *American Journal of Jurisprudence* 103 (1996).

Quentin Skinner, *The Foundations of Modern Political Thought*, volumes 1 and 2 (Cambridge, 1979)

R.B. Bernstein, 'Rediscovering Thomas Paine', 39 *New York School of Law Review* 873 (1994).

Rachael Patterson, 'The Minimum Moral Content of Law: A Critique of Hart's Descriptive Theory of Positive and Natural Law', 8 *Canberra Law Review* 9 (2005).

Raphael Cohen-Almagor, 'Ends and Means in J.S. Mill's Utilitarian Theory', 26 *Anglo-American Law Review* 141 (1997).

Raymond A. Belliotti, 'Marxist Jurisprudence: Historical Necessity and Radical Contingency', 4 *Canadian Journal of Law & Jurisprudence* 145 (1991).

Raymond Bradley, 'The Relation between Natural Law and Human Law in Thomas Aquinas', 21 *Catholic Lawyer* 42 (1975).

Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory* (fifth edition, Oxford, 2017)

- Rex Martin, 'Rawls's New Theory of Justice', 69 Chicago – Kent Law Review 737 (1993-1994).*
- Richard Kinsey, 'Marxism and the Law: Preliminary Analyses', 5 British Journal of Law & Society 202 (1978).*
- Robert Moles, 'John Austin Reconsidered', 36 Northern Ireland Legal Quarterly 193 (1985).*
- Robert S. Summers, 'Legal Institutions in Professor H.L.A. Hart's Concept of Law', Notre Dame Law Review 1807 (1999-2000).*
- Ronald Dworkin, 'Rawls and the Law', 72 Fordham Law Review 1387 (2003-2004).*
- Ronald Dworkin, 'The Original Position', 40 University of Chicago Law Review 500 (1972-1973).*
- Ronald M. Dworkin, 'The Elusive Morality of Law', 10 Villanova Law Review 631 (1965).*
- Ryan K. Balot, *Greek Political Thought* (Wiley-Blackwell, 2005)
- Samuel Enoch Stumpf, 'Austin's Theory of the Separation of Law and Morals', 14 Vanderbilt Law Review 117 (1960-1961).*
- Samuel Mermin, 'On Defining Law – A Dissent from Fuller's Approach', 6 Indiana Law Review 683 (1972-1973).*
- Scott Veitch, Emiliios Christodoulidis and Lindsay Farmer, *Jurisprudence: Themes and Concepts* (third edition, Routledge, 2018)
- Sean Coyle, 'Thomas Hobbes and the Intellectual Origins of Legal Positivism', 16 Canadian Journal of Law & Jurisprudence 243 (2003).*
- Stephen Perry, 'Hart on Social Rules and the Foundations of Law: Liberating the Internal Point of View', 75 Fordham Law Review 1171 (2006-2007).*
- Suri Ratnapala, 'John Locke's Doctrine of the Separation of Powers: A Re-Evaluation', 38 American Journal of Jurisprudence 189 (1993).*
- Suri Ratnapala, *Jurisprudence* (third edition, Cambridge, 2017)
- Tan Seow Hon, 'Justification in Finnis' Natural Law Theory', Singapore Journal of Legal Studies 590 (2000).*
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- Plagiarism is considered a severe violation and an indication of incompetence in the course. Plagiarism is understood as making of one's text using compilation method for other people's publications, even connected with own phrases and sentences. Collective performance of individual tasks is unacceptable. Proven plagiarism will receive an F-mark regardless of the fulfilment of all other requirements.