

JURISPRUDENCE

Peter Mirfield

Week 2

Natural Law

A. Reading

Aquinas, *Selected Political Writings*, ed. D'Entrèves, pp.109-141 (English only!) or, if unavailable, Aquinas, *Summa Theologiae*, Q. 90-92 and 94-96

Kelsen, *What is Justice?*, Ch. 5

Raz, *Practical Reason and Norms* (2nd ed. 1990), pp. 162-170

Raz, *The Authority of Law*, pp. 153-159

Finnis, *Natural Law and Natural Rights*, Chs. 2-5 and 12

Hart, *Essays in Jurisprudence and Philosophy* (1985 reprint), pp. 10-12

Simmonds, *Central Issues in Jurisprudence* (3rd. ed. 2008), pp. 117-118

MacCormick, Essay 5 in *Natural Law Theory*, ed. George (1994)

Fuller, *The Morality of Law*, Ch. 2

Raz (1977) 93 L.Q.R. 195, at pp. 205-208

Hart, *The Concept of Law* (2nd ed. 1994), pp. 193-200

Finnis, "The Truth in Legal Positivism" in *The Autonomy of Law*, ed. George (1996)

B. Essay

What criticisms can properly be made of "classical" natural law theory? How did Finnis and Fuller seek to answer those criticisms? Were their exercises successful ones?

05/17