

# LAWD20004: Jurisprudence

## Seminar 1

View Online



Borowski, M. (2011) 'Discourse, Principles, and the Problem of Law and Morality: Robert Alexy's Three Main Works', *Jurisprudence*, 2(2), pp. 575–595. Available at: <https://doi.org/10.5235/204033211798716899>.

Carbado, D. W. (2011) 'Critical What What', *Connecticut Law Review*, 43(5), pp. 1593–1644. Available at: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/conlr43&id=1611>.

Cornell, D. (1994) 'Loyalty and the Limits of Kantian Impartiality', *Harvard Law Review*, 107(8), pp. 2081–2094. Available at: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/hlr107&id=2101>.

Cotterrell, R. (1998) 'Why Must Legal Ideas Be Interpreted Sociologically?', *Journal of Law and Society*, 25(2), pp. 171–192. Available at: <https://doi.org/10.1111/1467-6478.00086>.

Cotterrell, R. (2014) 'Why Jurisprudence Is Not Legal Philosophy', *Jurisprudence*, 5(1), pp. 41–55. Available at: <https://doi.org/10.5235/20403313.5.1.41>.

'Crenshaw, "Demarginalising the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics"' (no date). Available at: <http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>.

Crenshaw, K. (2011) 'Twenty Years of Critical Race Theory: Looking back to Move Forward', *Connecticut Law Review*, 43(5), pp. 1253–1354. Available at: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/conlr43&id=1611>.

Crowe, J. (2011) 'Natural Law Beyond Finnis', *Jurisprudence*, 2(2), pp. 293–308. Available at: <https://doi.org/10.5235/204033211798716871>.

David Andrew Price (1989) 'Taking Rights Cynically: A Review of Critical Legal Studies', *The Cambridge Law Journal*, 48(2), pp. 271–301. Available at: [https://www.jstor.org/stable/4507287?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/4507287?seq=1#page_scan_tab_contents).

Denise Meyerson (no date) 'Three Versions of Liberal Tolerance: Dworkin, Rawls, Raz', *Jurisprudence* [Preprint]. Available at: <http://www.tandfonline.com/doi/abs/10.1080/20403313.2012.11423535?src=recsys>.

Donal Coffey (no date) 'Custom and Living Law', Jurisprudence [Preprint]. Available at: <http://www.tandfonline.com/doi/abs/10.1080/20403313.2012.11423536>.

Dworkin, R. (1998) 'Conventionalism', in *Law's empire*. Oxford: Hart, pp. 114–150.

Dyzenhaus, D. (2011) 'Austin, Hobbes, and Dicey', *Canadian Journal of Law and Jurisprudence*, 24(2), pp. 411–430. Available at: <https://heinonline-org.bris.idm.oclc.org/HOL/Page?public=false&handle=hein.journals/caljp24&id=409>.

'Feinberg, "The Nature and Value of Rights"' (no date). Available at: <https://link.springer.com/content/pdf/10.1007/BF00137935.pdf>.

Finnis, J. (2011) 'Evaluation and the description of law', in *Natural law and natural rights*. 2nd ed. Oxford: Oxford University Press, pp. 3–22.

G. A. Cohen (1981) 'Freedom, Justice and Capitalism', *New Left Review*, 126. Available at: <https://newleftreview.org/l/126/g-a-cohen-freedom-justice-and-capitalism>.

Gardner, J. (2001) 'Legal Positivism: 5 1/2 Myths', *American Journal of Jurisprudence*, (46), pp. 199–228. Available at: <https://heinonline-org.bris.idm.oclc.org/HOL/P?h=hein.journals/ajj46&i=203>.

Gewirth, A. (1986) 'Why Rights are Indispensable', *Mind*, XCV(379), pp. 329–344. Available at: <https://doi.org/10.1093/mind/XCV.379.329>.

Gustav Radbruch (2006) 'Statutory Lawlessness and Supra-Statutory Law (1946).', *Oxford Journal of Legal Studies* [Preprint]. Available at: <http://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=20780215&site=ehost-live>.

'Harold Berman, "Toward an Integrative Jurisprudence: politics, morality, history" (1988) 76 *Calif. Law Rev.* 779-802' (no date). Available at: <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1891&context=californialawreview>.

Harris, A.P. (1990) 'Race and Essentialism in Feminist Legal Theory', *Stanford Law Review*, 42(3). Available at: <https://doi.org/10.2307/1228886>.

Hart, H.L.A. (1955) 'Are There Any Natural Rights?', *The Philosophical Review*, 64(2). Available at: <https://doi.org/10.2307/2182586>.

Hart, H.L.A. (2012) 'Law as the Union of Primary and Secondary Rules', in *The concept of law*. 3rd ed. Oxford: Oxford University Press, pp. 79–99.

'Hart, Positivism and the Separation of Law and Morals' (no date). Available at: <http://www.umiacs.umd.edu/~horty/courses/readings/hart-1958-positivism-separation.pdf>.

Ireland, P. (2002) 'History, Critical Legal Studies and the Mysterious Disappearance of Capitalism', *The Modern Law Review*, 65(1), pp. 120–140. Available at: <https://doi.org/10.1111/1468-2230.00371>.

Kline, M. (1989) 'Race, Racism, and Feminist Legal Theory', *Harvard Women's Law Journal*, (12), pp. 115–150. Available at: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/hwlj12&id=125>.

Kymlicka, W. and Donaldson, S. (2014) 'Animals and the Frontiers of Citizenship', *Oxford Journal of Legal Studies*, 34(2), pp. 201–219. Available at: <https://doi.org/10.1093/ojls/gqu001>.

'L. Green "General Jurisprudence: A 25th Anniversary Essay"' (2005) *Oxford Journal of Legal Studies* [Preprint]. Available at: <http://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=19525091&site=ehost-live>.

'Law, State and Class Struggle' by Alan Hunt, *Marxism Today*, June 1976 - UNZ.org (no date). Available at: <http://www.unz.org/Pub/MarxismToday-1976jun-00178>.

Lon L. Fuller (no date) "'The Case of the Speluncean Explorers'". Available at: <https://turtletalk.files.wordpress.com/2012/08/the-speluncean-explorers.pdf>.

Lyons, D. (1982) 'New Indian Claims and Original Rights to Land', in *Reading Nozick: essays on Anarchy, state and Utopia*. Oxford: Blackwell, pp. 355–379.

MacCormick, N. (1982) 'Children's rights: a test case for theories of right', in *Legal right and social democracy: essays in legal and political philosophy*. Oxford: Clarendon Press, pp. 154–166. Available at: <https://doi.org/10.1093/acprof:oso/9780198255024.003.0008>.

'Manifesto of the Communist Party' (no date). Available at: <https://www.marxists.org/archive/marx/works/download/pdf/Manifesto.pdf>.

Menkel-Meadow, C. (1988) 'Feminist Legal Theory, Critical Legal Studies, and Legal Education Or the Fem-Crits Go to Law School', *Journal of Legal Education*, 38(1), pp. 61–86. Available at: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/jled38&id=73>.

Nozick, R. (1974a) 'Distributive justice (section I)', in *Anarchy, state, and utopia*. Oxford: Blackwell, pp. 149–174.

Nozick, R. (1974b) 'Distributive justice (section II)', in *Anarchy, state, and utopia*. Oxford: Blackwell, pp. 228–231.

'Nussbaum, "Rawls's Political Liberalism: A Reassessment"' (no date). Available at: <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9337.2010.00471.x/epdf>.

Oliver Wendell Holmes, Jr., *The Path of the Law* (no date). Available at: [http://www.constitution.org/lrev/owh/path\\_law.htm](http://www.constitution.org/lrev/owh/path_law.htm).

Paulson, S. (2001) 'Continental Normativism and its British Counterpart: How different are they?', in *Lloyd's introduction to jurisprudence*. 7th ed. London: Sweet and Maxwell, pp. 314–328.

Perry, 'Hart's Methodological Positivism' (no date). Available at:  
[http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2133&context=faculty\\_scholarship](http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2133&context=faculty_scholarship).

R. Kent Greenawalt (no date) "'How Persuasive is Natural Law Theory?'" Available at:  
<http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1614&context=ndlr>.

Raz, J. J. (1984) 'Legal Rights', *Oxford Journal of Legal Studies*, 4(1), pp. 1-21. Available at:  
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/oxfjls4&id=7>

Scott J. Shapiro (no date) "'The Hart-Dworkin Debate: A Short Guide for the Perplexed'" .  
Available at:  
[https://law.yale.edu/system/files/documents/pdf/Faculty/Shapiro\\_Hart\\_Dworkin\\_Debate.pdf](https://law.yale.edu/system/files/documents/pdf/Faculty/Shapiro_Hart_Dworkin_Debate.pdf)

Simmonds, Gur, Crowe, Rosler and Rundle (no date) 'Review Symposium: Freedom, Responsible Agency and Law', *Jurisprudence* [Preprint]. Available at:  
<http://www.tandfonline.com/doi/abs/10.5235/20403313.5.1.75>.

Simmonds, S. (2013) 'Utilitarianism', in *Central issues in jurisprudence: justice, law and rights*. 4th ed. London: Sweet & Maxwell, pp. 17-46.

Simpson, A.W.B. (1973) 'Common Law and Legal Theory, The', in *Oxford essays in jurisprudence: second series*. Oxford: Clarendon Press, pp. 77-99.

Tamanaha, B.Z. (1995) 'An Analytical Map of Social Scientific Approaches to the Concept of Law', *Oxford Journal of Legal Studies*, 15(4), pp. 501-535. Available at:  
<https://doi.org/10.1093/ojls/15.4.501>.

Tushnet, M. (1991) 'Critical Legal Studies: A Political History', *Yale Law Journal*, 100(5), pp. 1515-1544. Available at:  
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/ylr100&id=1529>.

Vinx, L. (2011) 'Austin, Kelsen, and the Model of Sovereignty', *Canadian Journal of Law and Jurisprudence*, 24(2), pp. 473-492. Available at:  
<https://heinonline-org.bris.idm.oclc.org/HOL/P?h=hein.journals/caljp24&i=471>.

'Waluchow, "Authority and the Practical Difference Thesis: A Defence of Inclusive Legal Positivism"' (no date). Available at:  
[https://www.cambridge.org/core/services/aop-cambridge-core/content/view/034F507ECC20FF415AF6AAF2D461CF56/S1352325200061024a.pdf/authority\\_and\\_the\\_practical\\_difference\\_thesis.pdf](https://www.cambridge.org/core/services/aop-cambridge-core/content/view/034F507ECC20FF415AF6AAF2D461CF56/S1352325200061024a.pdf/authority_and_the_practical_difference_thesis.pdf).