

LAWD20004: Jurisprudence

Seminar 1

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[1]

'Harold Berman, "Toward an Integrative Jurisprudence: politics, morality, history" (1988) 76 Calif. Law Rev. 779-802' [Online]. Available: <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1891&context=californialawreview>

[2]

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

[3]

'Oliver Wendell Holmes, Jr., The Path of the Law'. [Online]. Available: http://www.constitution.org/lrev/owh/path_law.htm

[4]

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

[5]

'Hart, Positivism and the Separation of Law and Morals'. [Online]. Available: <http://www.umiacs.umd.edu/~horty/courses/readings/hart-1958-positivism-separation.pdf>

[6]

Dyzenhaus, D., 'Austin, Hobbes, and Dicey', *Canadian Journal of Law and Jurisprudence*, vol. 24, no. 2, pp. 411–430, 2011 [Online]. Available: <https://heinonline-org.bris.idm.oclc.org/HOL/Page?public=false&handle=hein.journals/caljp24&id=409>

[7]

Vinx, L., 'Austin, Kelsen, and the Model of Sovereignty', *Canadian Journal of Law and Jurisprudence*, vol. 24, no. 2, pp. 473–492, 2011 [Online]. Available: <https://heinonline-org.bris.idm.oclc.org/HOL/P?h=hein.journals/caljp24&i=471>

[8]

'Perry, "Hart's Methodological Positivism"'. [Online]. Available: http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2133&context=faculty_scholarship

[9]

'Waluchow, "Authority and the Practical Difference Thesis: A Defence of Inclusive Legal Positivism"' [Online]. Available: https://www.cambridge.org/core/services/aop-cambridge-core/content/view/034F507ECC20FF415AF6AAF2D461CF56/S1352325200061024a.pdf/authority_and_the_practical_difference_thesis.pdf

[10]

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

[11]

Gardner, J., 'Legal Positivism: 5 1/2 Myths', *American Journal of Jurisprudence*, no. 46, pp. 199–228, 2001 [Online]. Available: <https://heinonline-org.bris.idm.oclc.org/HOL/P?h=hein.journals/ajj46&i=203>

[12]

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

[13]

M. Borowski, 'Discourse, Principles, and the Problem of Law and Morality: Robert Alexy's Three Main Works', *Jurisprudence*, vol. 2, no. 2, pp. 575–595, Dec. 2011, doi: 10.5235/204033211798716899.

[14]

Simmonds, Gur, Crowe, Rosler and Rundle, 'Review Symposium: Freedom, Responsible Agency and Law', *Jurisprudence* [Online]. Available: <http://www.tandfonline.com/doi/abs/10.5235/20403313.5.1.75>

[15]

J. Crowe, 'Natural Law Beyond Finnis', *Jurisprudence*, vol. 2, no. 2, pp. 293–308, Dec. 2011, doi: 10.5235/204033211798716871.

[16]

R. Kent Greenawalt, "'How Persuasive is Natural Law Theory?'" [Online]. Available: <http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1614&context=ndlr>

[17]

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

[18]

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

[19]

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

[20]

Scott J. Shapiro, "'The Hart-Dworkin Debate: A Short Guide for the Perplexed'". [Online]. Available: https://law.yale.edu/system/files/documents/pdf/Faculty/Shapiro_Hart_Dworkin_Debate.pdf

[21]

Lon L. Fuller, "'The Case of the Speluncean Explorers'" [Online]. Available: <https://turtletalk.files.wordpress.com/2012/08/the-speluncean-explorers.pdf>

[22]

N. MacCormick, '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, 1982, pp. 154–166 [Online]. Available: <https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198255024.001.0001/acprof-9780198255024>

[23]

H. L. A. Hart, 'Are There Any Natural Rights?', *The Philosophical Review*, vol. 64, no. 2, Apr. 1955, doi: 10.2307/2182586.

[24]

A. Gewirth, 'Why Rights are Indispensable', *Mind*, vol. XCV, no. 379, pp. 329–344, 1986, doi: 10.1093/mind/XCV.379.329.

[25]

'Feinberg, "The Nature and Value of Rights"' [Online]. Available: <https://link.springer.com/content/pdf/10.1007/BF00137935.pdf>

[26]

W. Kymlicka and S. Donaldson, 'Animals and the Frontiers of Citizenship', *Oxford Journal of Legal Studies*, vol. 34, no. 2, pp. 201–219, Jun. 2014, doi: 10.1093/ojls/gqu001.

[27]

Raz, J. J., 'Legal Rights', *Oxford Journal of Legal Studies*, vol. 4, no. 1, pp. 1–21, 1984 [Online]. Available: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/oxfjls4&id=7>

[28]

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

[29]

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

[30]

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

[31]

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

[32]

'Nussbaum, "Rawls's Political Liberalism: A Reassessment"' [Online]. Available: <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9337.2010.00471.x/epdf>

[33]

Denise Meyerson, 'Three Versions of Liberal Tolerance: Dworkin, Rawls, Raz',

Jurisprudence [Online]. Available:
<http://www.tandfonline.com/doi/abs/10.1080/20403313.2012.11423535?src=recsys>

[34]

R. Cotterrell, 'Why Jurisprudence Is Not Legal Philosophy', *Jurisprudence*, vol. 5, no. 1, pp. 41-55, Jul. 2014, doi: 10.5235/20403313.5.1.41.

[35]

B. Z. Tamanaha, 'An Analytical Map of Social Scientific Approaches to the Concept of Law', *Oxford Journal of Legal Studies*, vol. 15, no. 4, pp. 501-535, 1995, doi: 10.1093/ojls/15.4.501.

[36]

R. Cotterrell, 'Why Must Legal Ideas Be Interpreted Sociologically?', *Journal of Law and Society*, vol. 25, no. 2, pp. 171-192, Jun. 1998, doi: 10.1111/1467-6478.00086.

[37]

Donal Coffey, 'Custom and Living Law', *Jurisprudence* [Online]. Available:
<http://www.tandfonline.com/doi/abs/10.1080/20403313.2012.11423536>

[38]

"'Law, State and Class Struggle" by Alan Hunt, *Marxism Today*, June 1976 - UNZ.org'.
[Online]. Available: <http://www.unz.org/Pub/MarxismToday-1976jun-00178>

[39]

Carbado, D. W., 'Critical What What', *Connecticut Law Review*, vol. 43, no. 5, pp. 1593-1644, 2011 [Online]. Available:
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/conlr43&id=1611>

[40]

'Manifesto of the Communist Party'. [Online]. Available:
<https://www.marxists.org/archive/marx/works/download/pdf/Manifesto.pdf>

[41]

P. Ireland, 'History, Critical Legal Studies and the Mysterious Disappearance of Capitalism', *The Modern Law Review*, vol. 65, no. 1, pp. 120–140, Jan. 2002, doi: 10.1111/1468-2230.00371.

[42]

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

[43]

Tushnet, M., 'Critical Legal Studies: A Political History', *Yale Law Journal*, vol. 100, no. 5, pp. 1515–1544, 1991 [Online]. Available:
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/ylr100&id=1529>

[44]

David Andrew Price, 'Taking Rights Cynically: A Review of Critical Legal Studies', *The Cambridge Law Journal*, vol. 48, no. 2, pp. 271–301, 1989 [Online]. Available:
https://www.jstor.org/stable/4507287?seq=1#page_scan_tab_contents

[45]

Menkel-Meadow, C., 'Feminist Legal Theory, Critical Legal Studies, and Legal Education Or the Fem-Crits Go to Law School', *Journal of Legal Education*, vol. 38, no. 1, pp. 61–86, 1988 [Online]. Available:
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/jled38&id=73>

[46]

Cornell, D., 'Loyalty and the Limits of Kantian Impartiality', *Harvard Law Review*, vol. 107, no. 8, pp. 2081–2094, 1994 [Online]. Available:
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/hlr107&id=2>

101

[47]

Crenshaw, K., 'Twenty Years of Critical Race Theory: Looking back to Move Forward', *Connecticut Law Review*, vol. 43, no. 5, pp. 1253–1354, 2011 [Online]. Available: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/conlr43&id=1611>

[48]

'Crenshaw, "Demarginalising the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics"' [Online]. Available: <http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>

[49]

A. P. Harris, 'Race and Essentialism in Feminist Legal Theory', *Stanford Law Review*, vol. 42, no. 3, Feb. 1990, doi: 10.2307/1228886.

[50]

Kline, M., 'Race, Racism, and Feminist Legal Theory', *Harvard Women's Law Journal*, no. 12, pp. 115–150, 1989 [Online]. Available: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/hwlj12&id=125>