

## Philosophy of Law: A Very Short Introduction

By Raymond Wacks

### Questions for Thought and Discussion

- Is Aquinas's theory of natural law a restraint on unjust laws being enacted?
- Why did the nineteenth century see a quietus in natural law theories?
- Would Mill's 'harm principle' permit the enactment of laws to restrict or control pornography or hate speech?
- If we recognize the 'right to life' should active euthanasia be a criminal offence?
- Is Fuller's 'inner morality of law' really moral, or is Hart correct in characterizing his eight desiderata as relating merely to efficacy?
- What are the main elements of Bentham's positivist account of law, and what, in your view, are its virtues and drawbacks?
- Bentham's notion of a command is generally thought to be more sophisticated than Austin's. Why?
- Distinguish between Kelsen's *Grundnorm* and Hart's rule of recognition. Which do you find the more compelling conception?
- What are Hart's main criticisms of Austin's account of commands?
- Does Dworkin adequately define a 'hard case'? Is his attack on the 'model of rules' convincing?
- Does his description of 'rules' oversimplify their nature and function?
- 'Legal philosophers argue ... about an ancient philosophical puzzle of almost no practical importance that has nevertheless had a prominent place in seminars on legal theory: the puzzle of evil law.' (Ronald Dworkin, *Justice for Hedgehogs*, 410). Do you agree that this subject is 'of almost no practical importance'?
- What is a 'right'?
- Is John Rawls a Utilitarian?
- In what ways does a sociological account advance our understanding of the law?
- Can Weber's account of legitimate domination explain Bashar al-Assad?
- Is it possible for a Marxist to believe in the rule of law or human rights?
- Distinguish the claims of liberal, radical, cultural, postmodern, and difference feminism.
- What is 'critical' about Critical Legal Studies? Does the approach not merely raise similar questions to those asked by the American realists?
- Does postmodern legal theory have any relevance for lawyers and judges?

A selection of other titles by Raymond Wacks

*Privacy and Media Freedom* (Oxford University Press, 2013)

*Understanding Jurisprudence: An Introduction to Jurisprudence* 3<sup>rd</sup> ed. (Oxford University Press, 2012)

*Privacy: A Very Short Introduction* (Oxford University Press, 2010)

*Law: A Very Short Introduction* (Oxford University Press, 2008)

*Jurisprudence* 5<sup>th</sup> ed. (Blackstone Press, 1999)