

Jewish and Western Philosophies of Law

1) Reason, Revelation, and Natural Law

Maimonides, *Mishne Torah*, Laws of Kings, Chapter 10.
Maimonides, Commentary, *Ethics of the Fathers*.
Aquinas, *Summa Theologica*, selections.
Marvin Fox, "Maimonides and Aquinas on Natural Law."
Yisrael Lifshits, *Tifferet Yisrael*, Avot Chapter 3

2) Natural Law and Noahide Law

Babylonian Talmud, Sanhedrin 57a, 57b.
Jason Rosenblatt, *Renaissance England's Chief Rabbi: John Selden*, selections.
J. David Bleich, "Judaism and Natural Law."
Michael P. Levine, "The Role of Reason in the Ethics of Maimonides: Or Why Maimonides Could have had a Doctrine of Natural Law even if He Did Not," *The Journal of Religious Ethics*, 14:2.

3) Modern Versions of Natural Law Theory

John Finnis, *Natural Law and Natural Rights*, chs. II, V-XII.
Robert P. George, *In Defense of Natural Law*, Selections.
David Novak, *Natural Law in Judaism*, selections
Russell Hittinger, *The First Grace: Rediscovering the Natural Law in a Post Christian World*, " selections.

4) Law and Divine Command Theory

Maimonides, *Book of Commandments*, Principle 1.
Robert Adams, *Finite and Infinite Goods*, selections.
Robert Adams, *The Virtue of Faith*, selections.
Comments of Nahmanides on Maimonides' Book of Commandments, Principle 1.
Rabbi Elchanan Wasserman, *Kuntres Divrei Sofrim*.

5) The Nature of Law: Hart vs. Dworkin

H.L.A. Hart, *The Concept of Law*, chs. I-V
Ronald Dworkin, *Taking Rights Seriously*, chs. 2-4

6) Hart vs. Dworkin Halakhically Applied

Nissim of Gerondi, *Derashot HaRan, Mishpat HaMelekh*
Menachem Loberbaum, *Politics and the Limits of Law* (Stanford: 2001).
Isaac Halevi Herzog,

7) Law, Justice and Equity, Part I

A. Lichtenstein, "Is There an Ethic Independent of Halacha?"
Robert Cover, "Nomos and Narrative," 97 *Harvard Law Review* (1983).
H. Ben Menahem, *Judicial Deviation in Talmudic Law*, selections.

8) Law, Justice and Equity, Part II

Shakespeare, *The Merchant of Venice*

Richard Posner, *Law and Literature*, Selections

Meir Soloveichik, "Tzedek and Interfaith Relations."

Samuel Azjenstat, "Contract in The Merchant of Venice," 21 *Philosophy and Literature* (1997).

Shlomo Yosef Zevin, "*Mishpat Shylock*."

9) Law, Judaism and Christianity

Joseph B. Soloveitchik, *Halakhic Man*

Michael M. McConnell, et. al., *Christian Perspectives on Legal Thought*.

R. R. Reno, "Loving the Law," *First Things*,

10) Is There an Obligation to Obey the Law?

M.B.E. Smith, "Is There a Prima Facie Obligation to Obey the Law?," in Yale Law Journal, Vol. 82 (1973).

John Finnis, Philosophy of Law, ch. 2 & 3.

Michael Walzer, et. al., *The Jewish Political Tradition*, et. al. "Authority."

J. David Bleich, "Jewish Law and the State's Authority to Punish Crime."

11) Legal Interpretation

Ronald Dworkin, "Introduction: The Moral Reading and the Majoritarian Premise," in Freedom's Law

Robert P. George, "Natural Law and Positive Law," in The Autonomy of Law: Essays on Legal Positivism

Joseph B. Soloveichik, "Two Types of Tradition."

Antonin Scalia, *A Matter of Interpretation*

12) Mishpat Ivri : Philosophies of Law in Modern Israel

Menachem Elon, *Mishpat Ivri: History, Sources, Principles*, selections.

C.S. Lewis, "The Humanitarian Theory of Punishment."

J.D. Bleich, "Capital Punishment in the Noahide Code."