l. The Foundations of Polity and Obligation


Rousseau, *The Social Contract*, Bk. I, chs. 3-4
(Recommended: Bk. II, ch. 6)

Hadley Arkes, *First Things*, Chs. I-II, pp. 3-30 [purchase]

Leo Strauss, "On Classical Political Philosophy," pp. 98-117

Thomas Reid, *Essays on the Active Powers of the Human Mind*, pp. 457-81

Richard Flathman, *The Public Interest*, pp. 3-13, 53-82


C.S. Lewis, *Mere Christianity*, pp. 17-35
(Recommended:
- Kant, *Critique of Practical Reason*, Bk. I, ch. I, secs. 1-5; Bk. I, Ch. II
- R.M. Hare, *The Language of Morals*, chs. 6-9, pp. 94-150

Harry Jaffa, *Crisis of the House Divided*, pp. 302-62
[Recommended: The Legal and Political Tendencies Toward Slavery, pp. 275-301]

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Arkes, *First Things*, Ch. III, pp. 31-50


Lincoln on the Fugitive Slave Clause

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(Recommended:
- Bertrand Russell and F.C. Copleston, "A Debate on the Existence of God" [packet])

Bertrand Russell, The Problems of Philosophy, pp. 60-118
Kant, Groundwork of the Metaphysics of Morals, chs. I and III
Arkes, First Things, Chs. IV-V, pp. 51-115
-From Justice O'Connor's dissenting opinion in Metro Broadcasting v. FCC, 111 L Ed 2d 445, 497-99 (1990)
-Maryland v. Craig, 111 L Ed 2d 666 (1990) [Who had the “categorical” right?: O'Connor or Scalia?]

Aristotle, Nicomachean Ethics, Bk. I
John Stuart Mill, Utilitarianism, Ch. II ("What Utilitarianism Is")
John Finnis, "Utilitarianism, Consequentialism, Proportionalism ...or Ethics?," in Fundamentals of Ethics, pp. 80-108
Plato, The Republic, Bk. I, 327-331D; Bk. IV, 427-V 457; Bk. IX, 588B-592B
Arkes, First Things, Ch. VI, pp. 116-33

Melville J. Herskovits, "Cultural Relativism and Cultural Values," in Cultural Relativism, pp. II-34
[Recommended:
-Philippa Foot, "Moral Relativism," in Meiland and Krausz, Relativism, pp. 152-166]

Thomas Aquinas, on the Natural Law and the First Law of Practical Reason, Summa Theologiae, 1a2ae, 94, articles 2-5

A Challenge and Difference--from Several Angles [subject of a paper]:
-Radical Feminism:

-Judith Butler, "Contingent Foundations: Feminism and the Question of Postmodernism," in Butler and Scott (eds.), Feminists Theorize the Political pp. 3-21

[Recommended:
-Kristie McClure, "The Issue of Foundations: Scientized Politics, Politicized
Science, and Feminist Critical Practice," in Butler and Scott, pp. 341-68
Carol Gilligan, In A Different Voice, pp. 64-105
-Thomas Pangle, Critique of Postmodernism, in The Ennobling of Democracy, pp. 20-68]

-Protestant Dubiety about Natural Law: Carl Henry, "Natural Law and a Nihilistic Culture" First Things [the journal] (January 1995), pp.54-60

-Natural Law: John Finnis, Natural Law and Natural Rights,
pp. 23-36, 48-49, 59-75, 81-97
[Recommended:
- J. Budziszewski, “Natural Law Revealed,” First Things (December 2008),
p. 29-33 [Electronic Reserve]
-Finnis, Moral Absolutes, pp. 31-106
-Pope John Paul II, Veritatis Splendor (1993)
-Arkes, Commentary on Veritatis Spendor, in First Things [the journal] (January 1994), pp. 25-29

-Anthony Price, Love and Friendship in Plato and Aristotle]

-Robert George, "Life as an Evil; Death as a Good: Callahan's Inversion," in Bradley (ed.) Set No Limits
[Recommended:
- Patrick Lee and Robert George, Body-Self Dualism in Contemporary Ethics and Politics (2007), Ch. 1

-John Noonan, "The Natural Law Banner," in David Forte, Natural Law and Contemporary Public Policy, pp. 380-83

-Gonzales v. Oregon (2006) [On assisted suicide], with the accent on Justice Scalia’s dissenting opinion [Scalia backing into a version of “natural law”]

2. On Seeking Release from the Commitments of Law

*Gillette v. United States*, 401 U.S. 437 (1971) [selective conscientious objection]
- On the Hyde-Weldon “Conscience Protection Act of 2004”

Spinoza, *A Theologico-Political Treatise*, chs. III and XV


[Recommended: Richard Swinburne, *The Existence of God*, especially chs. 5, 11, 13, 14]

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*Employment Division v. Smith*, 108 L Ed 2d 876, 882-93, 904-913 (1990) [the peyote case]


[Recommended:
- In the same symposium: Robert George, "The Tyrant State," pp. 39-42

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Hobbes, *Leviathan*, Bk. I, ch. 14; Bk. II, ch. 18, ch. 20 (pars. 1-13), ch. 21

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Plato, *Crito*

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Michael Walzer, "World War II: Why Was This War Different?," *Philosophy and Public Affairs* (Fall 1971), pp. 3-21

Aristotle, *The Politics*, Bk. II, ch. 3 (1276a-l276b); chs. 6-7 (l278b-l279b)

Two views of Bush’s strategy in Iraq and the War on Terror:

Norman Podhoretz, “Is the Bush Doctrine Dead?,” Commentary (September 2006)

[Recommended:
  --David Goldman, writing as “Spengler,” on “Obama’s Women Reveal His Secret,”
  Asia Times Oline (February 2008):
  www.atimes.com/atimes/Front_Page/JB26Aa01.html
- Angelo Codevilla, No Victory, No Peace, especially chs.V-VIII
- Hadley Arkes, Bureaucracy, the Marshall Plan, and the National Interest, pp. 3-16, 322-44
- Guenter Lewy, America in Vietnam, chs. 6-II and Epilogue, pp. 190-441]

- Podhoretz, “The War Against World War IV,” Commentary (February 2005)
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J.O. Urmson, "Saints and Heroes," in Melden (ed.) Essays in Moral Philosophy, pp. 198-216
Charles Gregory, "The Good Samaritan and the Bad: The Anglo-American Law"
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[Recommended:
  --Nick Eberstadt, "Famine, Development and Foreign Aid," Commentary (March 1985), pp. 25-31 (Electronic Reserve)]

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-Wallace Rudolph, "The Duty to Act: A Proposed Rule" (in ibid.)

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4. Claims of Privacy

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[Recommended:
-Roger Scruton, Sexual Desire, chs. 10-11
-Lawrence v. Texas (2003), in the exchange between Justices Kennedy and Scalia

Roe v. Wade, 410 U.S. 113 (1973)
[Recommended: Planned Parenthood v. Casey, 120 L Ed 2d 674 (1992)]
[Recommended: For an account of the basic facts, see Robert George and Christopher Tollefsen, “The Facts of Embryology,” in Embryo, pp. 27-56]

[Recommended: Patrick Lee and Robert George, Body-Self Dualism in Contemporary Ethics and Politics, Chs. 2 ("Human Beings are Persons,” and 4 (“Abortion”)]


[Parts of Thomson’s argument are subjected to a critique in Francis Beckwith, *Defending Life*, pp. 56-62, 143-47]


[Recommended: Francis Beckwith, *Defending Life*, esp. ch. 3 (“Abortion, Liberalism and State Neutrality”) and ch. 5 (“Popular Argument: Pity, Tolerance and Ad Hominen”)]


Daniel Robinson, "Reflections on the Rights of Fetuses and Other Animals"

Hearings on Fetal Pain, Senate Committee on the Judiciary (May 1985), Exchange among Robinson, Moseley, Berkowitz, Nathanson, Mahoney, pp. 1-45

At the limits of abortion: Partial-birth abortion in the courts

-Arkes, columns in the summer/fall of 1998 [handed out in a separate packet]
  "The Adventures of the Summer--Continued" *Crisis* (September 1998)
  "Backing Into Old Truths" *Crisis* (October 1998)

-Arkes, *Natural Rights & the Right to Choose*, pp. 112-46 (“Antijural Jurisprudence”) [the doctrines marked out by the federal courts as they producing a string of decisions striking down the laws on partial-birth abortion in the States]

- The Court strikes down the laws on partial-birth abortion *Stenberg v. Carhart* (June 2000), Opinion by Justice Breyer, dissenting opinions by Justices Scalia, Thomas, and Kennedy

- The "most modest first step" of all: Can the law protect the child, born alive, who survives, an abortion?
  --Hadley Arkes and Robert George, Testimony on the Born-Alive Infants Protection Act, U.S. House Committee on the Judiciary (July 2000)
  [Recommended:
    - Arkes, *Natural Rights & the Right to Choose*, chs. 4 and 8]
    - Arkes, “This Heartbreaking Court,” *First Things* (October 2006)]
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- The End of the Regime of Roe?: The Court Sustains the Federal Bill on Partial-Birth Abortion
  - Gonzales v. Carhart (2007)
Maureen Condic, “The Basics About Stem Cells,” First Things (February 2002), pp. 30-34
--For a critique of Sandel, see Robert George and Christopher Tollefsen, Embryo, pp. 176-84 (Elec. Reserve)]
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-Maureen Condic, “What We Know About Embryonic Stem Cells,” First Things (January 2007), pp. 25-29 (included in the packet)
-Condic, “Getting Stem Cells Right, First Things (February 2008), pp. 10-12]
-Report of the President’s Commission on Bioethics, Separate Statements from Members of the Commission: Michael Gazzaniga, Robert George, Alfonso Gomez-Lobo (Electronic Reserve)
-“The Ethics of Cloning for Biomedical Research,” Ch. 6]

U.S. v. University Hospital at Stony Brook, 729 F. 2d 146-49, 161-63 (1984) [Statement of case and Ralph Winter’s dissent]
In re Guardianship of Andrew James Barry, 445 So. 2d 365 (1984), 367-72
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Hadley Arkes, "'Autonomy' and the 'Quality of Life': The Dismantling of Moral Terms," Issues in Law & Medicine (May 1987), pp. 421-33
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[Recommended:
-Daniel Robinson, Introduction to In the Matter of Karen Quinlan, pp. vii-xviii]

Can the right to abortion be cabined or confined?: Arkes, "Prudent Warnings and Imprudent Reactions," in *Natural Rights & the Right to Choose*, pp. 147-84

Conclusion: Arkes, *First Things*, pp. 423-26