

Law 622. Jurisprudence Readings Seminar (Spring 2025)

Political Foundations of Law in Locke, Blackstone, and Aristotle

Nelson Lund

All political regimes are defined by the principles on which they are based, even if those principles have not been memorialized or even publicly recognized. The most concise statement of the principles on which the American regime was founded is set out in the opening paragraphs of our Declaration of Independence. The true father of the Declaration, John Locke, was the first to fully articulate and defend those principles.

We Americans tend to accept the principles in the Declaration without, or before, thinking very hard about them. This semester, we'll start trying to think harder about our regime by reading and discussing Locke's *Second Treatise of Government*. We will then look briefly at William Blackstone's account of the principles underlying the laws of England, from which our legal tradition descends. Finally, we will consider Aristotle's alternative, and radically different, analysis of political principles, which he claims is valid at all times and all places.

This class does not presuppose any background in political philosophy.

Starting on Wednesday, January 15, everyone will email me a short paper about the readings for that week's class, which will be due each week by noon on Wednesday. These required papers can be as short as a page or two and will not be graded, though well-done papers will count positively toward the 25% class participation component of the grade for the course. The principal purpose of the weekly papers is to help you get started in thinking about the reading for that week. They can be a summary of the reading assignment, or brief reflections on some puzzle or difficulty in the reading, or anything else that you find useful in preparing for class.

A seminar paper that analyzes one or more of the assigned readings will constitute 75% of the grade for the course.

Learning outcomes: Students will exercise professional skills that should be expected of all members of the legal profession, including careful textual analysis and probing investigation of the prerequisites of a free society.

We will use the following editions. **For the Aristotle readings, it is especially important that you read the designated edition and bring it with you to class.** This is the best translation available and the book is organized in a unique way, so you won't be able to participate effectively in class if you use some other edition.

John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge University Press, 1988), ISBN 978-0-521-35730-2

William Blackstone, *Commentaries on the Law of England*, volume 1 (1st edition, 1765) (reprinted by University of Chicago Press, 1979), ISBN 0-226-05538-8

Aristotle, *Politics*, trans. Peter L. Phillips Simpson (University of North Carolina Press, 1997), ISBN 978-0-8078-4637-7

Assignments

| | |
|--------------------|---|
| Week 1 January 16 | Locke, <i>Second Treatise</i> , chapters I-V |
| Week 2 January 23 | Locke, <i>Second Treatise</i> , chapters VI-VIII |
| Week 3 January 30 | Locke, <i>Second Treatise</i> , chapters IX-XV |
| Week 4 February 6 | Locke, <i>Second Treatise</i> , chapters XVI-XIX |
| Week 5 February 13 | Blackstone, <i>Commentaries</i> , Introduction, sections II-III (pp. 38-92) |
| Week 6 February 20 | Aristotle, <i>Politics</i> , Introduction (pp. 1-7); Book 1 |
| Week 7 February 27 | Aristotle, <i>Politics</i> , Book 2 |
| Week 8 March 6 | Aristotle, <i>Politics</i> , Book 3 |
| Spring Break | |
| Week 9 March 20 | Aristotle, <i>Politics</i> , Book 4(7) |
| Week 10 March 27 | Aristotle, <i>Politics</i> , Book 5(8) |
| Week 11 April 3 | Aristotle, <i>Politics</i> , Book 6(4) |

Week 12 April 10

Aristotle, *Politics*, Book 7(5)

Week 13 April 17

Aristotle, *Politics*, Book 8(6)