

Note to the Law & Philosophy Seminar:

Our topic this week is “Bentham’s Theory of Fictions and Critique of Natural Rights.” The readings I have assigned are meant to provide broad overview of this topic, which stands at the historical crossroads between classical eighteenth-century theories of rights (as exemplified by last week’s readings from Francis Hutcheson) and modern philosophical debates about the place of rights in utilitarian and non-utilitarian moral theories (as illustrated by David Brink’s forthcoming unit on Mill). I have included excerpts from both Bentham and the secondary literature, along with two sections of my review of Nicola Lacey’s biography of H.L.A. Hart, which introduces some of these themes in connection with my interest in moral grammar and human rights.

- Mikhail, Plucking the Mask of Mystery from Its Face (Sections III-IV only)
- Postema, Bentham and the Common Law Tradition (pp. 295-301)
- Bentham’s Theory of Fictions (Ogden, ed.) (pp. 7-18, 118-121)
- Hart, Natural Rights: Bentham and John Stuart Mill (pp. 79-94 only)
- Bentham, Anarchical Fallacies