

PHI 234/POL312 – PHILOSOPHY OF LAW/JURISPRUDENCE – SPRING 2015

MARCELLO DI BELLO – LEHMAN COLLEGE, CUNY

PASS/FAIL ASSIGNMENT – DUE MON MARCH 9TH

Read Hart's article "Positivism and the Separation of Law and Morals". Please answer the following questions:

- (a) What does Hart mean by the separation of law and morals (or by the separation of what the law is and what the law ought to be)? See PART I.
- (b) What is the "penumbra objection" to the separations of law and morals? How does Hart respond to the objection? See PART III.
- (c) Why do Nazi laws pose a problem to the separation of law and morals? How does Hart respond? What specific case does he discuss? What does he say about the case? See PART IV.
- (d) What does Hart mean by "necessity"? See PART V.