This course is devoted to the study of the history, theory, and modern applications of the Rule of Law as a legal and political ideal. We will look at the aspiration to have a society ruled by laws rather than by powerful people, and we will examine some of the difficulties and controversies surrounding this ideal, and its relation to other issues in modern law and legal theory.

**Class times:** Tuesday 2:00-3:15pm and Tuesday 1:00-2:15pm, in Furman Hall Room 212.

**Our first class will be on Thursday, August 29 at 1pm**

**Teaching:** The course will be taught through lecture, rather than Socratic format. I hope the lectures will be interrupted with frequent questions and interventions. You should come to each class with a list of two or three issues from the reading that you want clarified (or that you want to raise in discussion) and I will be happy to address them.

**Reading:** The course is quite demanding on reading. **Reading for Topics 1, 2, and 3, i.e. for the first three sessions is on the next page.** You should cover all the reading suggested on this syllabus. Unless I indicate otherwise, all required reading is liable to be tested in the final exam. There will be a further list of books and articles that are relevant to our various topics and are worth reading, but which you will not be directly examined on. These will certainly be helpful to you but it is possible that they will not be discussed to any extent in the lectures and they will not be directly tested in the exam.

I also recommend purchase of the following books as background reading for the class:

- Tom Bingham, *The Rule of Law* (Allen Lane 2010)

They are not perfect but they both work as fine introductions. I will occasionally ask you to read chapters from these books.

**Web-site:** The class has a web-site (NYU Classes) on which various readings and additional materials will be posted. You should look at the NYU CLASSES site under MATERIALS for the up-to-date details of what we are doing for each class. **Most materials are provided on the NYU CLASSES site.** For some, you will have to click on a url provided in the syllabus; for a very few, materials will be photocopied and distributed. Cases, you can look up yourselves.

**Office Hours:** My office hours are Thursdays, 2:30pm to 3:30pm, in VH 424. I am also available by appointment; just send me an e-mail
READING (all readings on NYU Classes under “Materials” unless otherwise stated)

(1) INTRODUCTION TO THE RULE OF LAW (Tuesday, August 29 at 1pm)
Required reading:
- WORLD JUSTICE PROJECT, WJP RULE OF LAW INDEX at
  [http://worldjusticeproject.org/factors](http://worldjusticeproject.org/factors)

(2) PLATO & ARISTOTLE ON RULE BY LAW (Tuesday, September 3 at 2pm)
Required reading:
- PLATO, *THE STATESMAN* (360 BCE), extract
- ARISTOTLE, *THE POLITICS*, *NICHOMACHEAN ETHICS* and *RHETORIC* (350 BCE) extracts
- Riggs v. Palmer 115 NY 506, 22 NE 188 (1889)

(3) NATURAL LAW THEORIES (Thursday, September 5 at 1pm)
Required reading:
- MARTIN LUTHER KING, *LETTER FROM A BIRMINGHAM JAIL* (1963), at
  [https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html](https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html)
- THOMAS AQUINAS, *SUMMA THEOLOGICA* (1274), extract
- JOHN LOCKE, *SECOND TREATISE OF GOVERNMENT* (1689), extract
- JEREMY BENTHAM, *ANARCHICAL FALLACIES & SUPPLY WITHOUT BURTHEN* (1793), two extracts