PHILOSOPHY AND LAW

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Let me begin with the admission that lawyers as a class have little or no interest in philosophy. There are exceptions, to be sure, but they are few and are chiefly confined to academic circles where the opportunity for mischief is slight. Of course, the indifference of the bar, as a whole, to philosophy is hardly a matter which we should advertise with pride, specially since lawyers insist on their traditional prerogative of leadership. On the other hand, I am not certain that such indifference to philosophy, with its consequent ignorance, should be a cause for shame. Assuredly, it is not barrier to the kind of success which lawyers want. The record is clear that men who have made their mark in law, whether as judges or as practitioners, owe their eminence to attributes other than philosophical sophistication. Philosophy has its uses, but not in the practice of law. Those in quest of professional success will find it of little avail in their struggles. Philosophy will not bring in more clients, nor enhance one's prestige in the profession, nor improve one's popularity with the judges.

On the contrary, depth in philosophy might even prove to be a positive hindrance. Law, whatever else it may not be, is an eminently practical calling. The needs of the profession shape the virtues of its votaries; and lawyers merely reflect, as they must, the image of their calling in their toughness of mind, in their shrewdness in human affairs, and in their pride in common sense. Philosophy, in contrast, deals with thought rather than external action. Its subject matter, for the most part, consists of highly abstract ideas and their relationships. Its hallmark is speculative thought on the ultimate truths about man and the universe. The larger issues of human knowledge and the good life engage the philosopher's attention, not the ordinary problems of the workshop and the market place. There is truth in the myth of his detachment from the concerns of daily life. Socrates, we are told, was too often enthralled in philosophical discourse to remember going home to his wife, for which she caused him unhappiness. The lesson is clear. Philosophy has an enchantment all its own and a lawyer who tarries too often in her company may soon find himself locked in the embrace of a mistress no less jealous and demanding than the law. Under the influence of intellectual excitement, more heady than any wine,

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he may become less and less enamoured of the petty crimes and the money claims that form the staple of a lawyer's work and more and more captivated by adventures in philosophic thought, until at last the seduction is complete and once more a lawyer deserts the ramparts of practice for the cloisters of jurisprudence.

These considerations bring us to the question that I propose to discuss, which is, in what ways has philosophy been important or useful to law. If philosophy is only a little more than useless in the practice of law, or possibly even harmful to the professional success of lawyers, it does not follow that it has no value for law. Philosophy has been, as it still is, of immense utility in advancing our knowledge of the law. I refer to law in the sense of a legal system, as a special branch of learning and inquiry, rather than in the sense of its practice, which is the profession of law. It has become fashionable to speak disparagingly of law in the books, but there is no escaping the fact that, at bottom, law, whatever else it may comprehend, must first be a system of rules.

To appreciate in full the significance of philosophical inquiry for law, two things must be borne in mind. First is not to ask too much of philosophy. There are problems in law for which philosophy provides no adequate answers, either because the problems are properly referable to other fields of learning, such as science or theology or because the problems are inherently insoluble. An example is the current issue of whether law can be wholly divorced from coercion. This problem is not genuine because an affirmative answer, no matter how ingeniously presented, would result in an idea of law which is wholly divorced from experience. It is true, of course, that there are many rules of law for which no coercive sanctions are provided. The usual example would be the directory provisions of statute law. Another would be the rules of procedure, although their violation may in effect nullify asserted rights or obligations. It is one thing, however, for isolated rules of law to be without direct sanctions; it is quite another thing for an entire legal system to be wholly free of any element of force. The very concept of law, based on experience, entails a contingent resort to physical power. Coercion must enter the legal order at some point, otherwise it ceases to be law.

The other point to be borne in mind is that in certain areas, advances in philosophy are no less solid than the achievements of science. This is particularly true in the fields of logic and epistomology, which are concerned with the methods and basic assumptions of human knowledge. In these fields, there is cumulative growth and improvement. Adherence to one or the other of competing theories is not simply a matter of taste, like buying a hat or

a dress, where different choices may be made with equal validity. As in science, earlier doctrines on knowledge and methodology have been successively rendered obsolete or shown to be inadequate by later developments. Rationalism is a case in point. Two centuries ago, the philosophic view was prevalent that reason, operating independently of perception and purely in accordance with the principles of logic, will yield knowledge about the universe which owes nothing to sense experience. The extravagance of this claim has since then been indubitably demonstrated by the astonishing achievements of science, which is founded on sense experience. Refinements in philosophic discovery, of course, do not annul earlier theories or render them wholly invalid. Turning to our example, classical rationalism has not been proved false by the fruitfulness of the scientific method; it was merely shown to be inadequate and its validity severely limited. Within such limits, however, its truth may be deemed vindicated by the startling developments in mathematics and logic, which in turn have facilitated scientific inquiry. Developments in philosophic doctrine are then analogous, in their effect, to developments in science and technology. The relativity theories of Einstein have supplanted Newtonian physics in the evaluation of the cosmos; but within purely terrestrial boundaries, Newtonian physics remain largely valid. The motor vehicle, the train and the airplane have largely replaced earlier types of transportation, but still the cart and the *calesa* continue to be used. Similarly, inadequacy of earlier philosophical views does not necessarily lead to their extinction; their devotees remain, though in greatly diminished numbers. This explains why the great issues in philosophy appear never to be settled with certainty. Does the outside world that we see have an independent existence, or is it all in our minds? Is all knowledge ultimately derived from experience, or are there some kinds of knowledge that are independent of experience? Although, for purposes of practical life, the claims of empiricism may be considered fully validated by the miracles of science because its methods are founded chiefly on empiricist assumptions, the contemporary scene in philosophy still reveals formidable strongholds of idealism and rationalism. Much the same situation obtains in ethical theory, as will be discussed below. The point to remember is that survival of earlier doctrines should not obscure the fact of their obsolescence or inadequacy as demonstrated by subsequent philosophical thought. Some of the old errors in philosophy, unlike old soldiers, never fade away.

Of the many fruitful contributions of philosophy to our understanding of law, I shall discuss only those that have illumined the following central problems. First, what is the nature of law? The problem here is the place of law in the general schema of human

knowledge. Second, what is the distinguishing criterion of law? The problem here is a working definition of law as would prevent its being confused with other normative systems, such as the Boy Scouts' code or the by-laws of a fraternity. Third, does an unjust law remain a valid law? The problem is to determine the relationship of law to morals, especially on the point of whether or not moral validity is an additional requirement for the validity of legal rules. Fourth, what are the ends or ultimate goals of law? The problem is to ascertain the basic values which law ought to protect and maintain.

All these problems are interrelated, of course, and the clue to their answers lies essentially in what philosophy has revealed so far about the nature of law. It is with this question, therefore, that we should begin. As stated earlier, law for purposes of this discussion shall mean the legal system consisting of rules. This approach enables us, at the outset, to sidestep a number of juristic perplexities. Foremost is the question of how law is to be distinguished from the coercive commands of a bandit with a gun. The answer is that the commands of law are contained in general rules of a relatively enduring character. This point, while of utmost importance to legal theory, need not detain us because it embodies no philosophical doctrine but was rather the result of linguistic analysis of the concept of law in the light of human experience. We shall take as established data for philosophic consideration, law as general rules. This brings us to another problem that is avoided, which is whether or not law consists of nothing else but rules. The position of the legal realists, while raising valid issues, essentially presents problems amenable to scientific inquiry, which are not of place in our discussion. The improvement of the machinery of justice, through improvement in the training and outlook of the judges and through improvement in the techniques of judicial inquiry, calls for the adaptation of means to ends, hence the application of science and not philosophy.

Now, what has philosophy to say on the nature of law, that is to say, the nature of legal propositions? As previously stated, philosophy deals with ideas; and ideas, so far as human experience goes, are communicated in language. The expression of ideas in philosophical discourse occurs chiefly in two forms. The first kind is used to indicate facts. The usual examples are statements concerning common experiences, such as "The sky is blue"; "The sun is hot"; "The rose is red"; and "Iron is hard." These statements correspond to events occurring and perceived in experience. Of a similar nature but more generalized are statements of fact based on the data of sense experience, usually referred to as "laws of nature". These in-

clude examples well-known to every high school graduate, such as Galileo's law of falling bodies, Newton's laws of motion, Kepler's laws of planetary motion, Boyle's law on the expansion of gases, and the Mendelian laws of heredity. Both types of statements, perceptual as well as general, are based upon sense experience and are, therefore, called empirical propositions.

In the other kind of expression occurring in philosophical discourse, language is used, not to communicate facts, but to alter conduct. Familiar examples are "Thou shalt not kill" found in the Ten Commandments; the well-known Boy Scout motto "Be prepared"; and the plea in the popular refrain "Don't be cruel." Because they function as guides or norms of human conduct, these statements are called normative propositions. In contrast with empirical propositions, their aim is not to describe events, but to prescribe what should or ought to be done by human beings. To underscore the difference between these two types of propositions, allow me to point out that while the statement "The audience is sitting down" is empirical, the statement "Do sit down" is normative. The distinction is between conveyance of a fact, and the conveyance of a command.

In classifying propositions as either empirical or normative, confusion may arise from the fact that many imperative statements, to use the equivalent expression in grammar, take the form of descriptive or indicative statements. Thus, the saying "Honesty is the best policy" is apparently an empirical statement, being indicative or descriptive in form. Analysis, however, easily pierces the disguise, because the word "best" imports a value-judgment, hence, a normative proposition. Stripped of its guise, what the saying asserts at bottom is "Be honest." Similarly, the saying that "Charity is a virtue" is reducible to the imperative statement "Practice charity" or "Be charitable."

In philosophy, this distinction between empirical and normative propositions is crucial. Indeed, the clarification of this distinction marks off modern philosophy from its ancient and medieval predecessors. Plato and Aristotle, the twin giants who dominated philosophy until a few centuries ago, considered both types of propositions as coming within the general schema of human knowledge. Thus, Plato considered values, such as goodness, virtue, justice, and beauty, not only as immanent in nature but also as parts of a higher or transcendental reality. For Aristotle, virtue, goodness, beauty, etc. were qualities with an independent existence. These views are the philosophic basis for the much-admired Stoic doctrine that man must live according to nature. For nature, under these views, yields not only facts but also commands on how men must live. Thus, in addition to learning from nature that the sun is hot, sugar is sweet

and stones are hard, one may also learn from nature that certain acts are just, while other acts are unjust. Nature is thus a Teacher as well as a Provider.

The view that values no less than facts were discoverable, because immanent, in nature persisted in philosophy until the eighteenth century, when logical analysis demonstrated the tenuous assumptions on which it was based. First, it was shown that propositions of value, while indicative in form, were actually normative and, hence, could neither be true nor false. In its indicative form, the saying "Honesty is the best policy" could apparently be shown to be true or false. It is clear, however, that reduced to its imperative form "Be honest", which is in better accord with its normative character, the saying can neither be true nor false. Second, it was also shown that propositions of value, besides being non-empirical in that they do not indicate facts, cannot be logically derived from empirical propositions. An example will make this clear. Suppose it could be shown statistically that ninety-nine men out of every hundred are honest. It would be logically valid to infer from this fact, the statement that honesty is widespread, which is also empirical. But there is no warrant in logic to derive from the same statement of fact, the rule of conduct: "Be honest". Similarly, the rule: "Do not kill" cannot be logically derived from the fact that most men do not wish to kill any one. It is now accepted on the basis of this analysis that value-systems, consisting of normative propositions, are neither a part of science, nor can they be validated by science.

Let us now consider the nature of legal propositions in the light of these philosophic doctrines. For purposes of discussion, I shall give two examples with which, I am sure, you are familiar. Article 114 of the Revised Penal Code states: Any person who, owing allegiance to the Government of the Republic of the Philippines, not being a foreigner, levies war against them or adheres to their enemies, giving them aid or comfort within the Philippines or elsewhere shall be punished by *reclusion temporal* to death and shall pay a fine not to exceed 20,000 pesos. And Article 2176 of the Civil Code states in part: Whoever by act or omission causes damages to another, there being fault or negligence, is obliged to pay for the damage done. Both propositions, it is clear, are normative in character, although indicative in form, being reducible to imperative statements. Thus, Article 114 of the Revised Penal Code expresses the rule: Do not commit treason, otherwise, you will be penalized with life imprisonment or death, plus a fine of 20,000 pesos. And Article 2176 of the Civil Code expresses the rule: Refrain from negligent acts, otherwise you shall pay damages for any resulting injury. These examples clearly demonstrate the normative character of

legal propositions; and in accordance with the prevailing philosophical doctrines we have discussed, legal propositions are, therefore, neither a part of science nor can they be validated by science.

Consequences of fundamental import flow from such status of legal propositions. Being non-scientific propositions, rules of law cannot be included in the growing body of scientific knowledge. To be sure, we can have knowledge of law, but this is a different matter. Knowledge of law gives us knowledge of the rules, but the rules themselves do not constitute scientific knowledge because they are not scientific propositions. Similarly, we can have knowledge of the teachings of Emily Post as well as Confucius, but neither Emily Post nor Confucius purports to teach scientific knowledge. It is also possible to study the law scientifically, in the manner of sociologists and anthropologists, but this is also a wholly different matter. In such studies, the rules of law are not considered as propositions of scientific merit, but as mere data or evidence to support some scientific hypothesis.

The other consequence that we must consider brings us to our second problem. Since rules of law being normative in character cannot be logically derived from empirical propositions, such rules cannot be validated by science. On what basis, therefore, can we say that legal rules exists? By what criterion can we establish a particular proposition as a rule of law? Put a little differently, how can we distinguish rules of law from rules that are not law, such as, say, the rules of chess? Apart from its significance to the theory of law, this problem involves considerations of utmost practical importance. Rules of law, as we have said, belong to the normative order of propositions. However, as there are other normative propositions besides rules of law, it becomes essential to distinguish legal propositions from propositions which are not legal. The core of our problem is the notion of validity. Modern philosophy recognizes that there are various types of validity and that scientific validity is merely one of them. Particular propositions, even if non-cognitive, that is to say, not satisfying the criterion of scientific truth, may, nevertheless, be valid in some other non-scientific system of propositions. This is well illustrated in logic and mathematics. Propositions of logic as well as mathematics are devoid of empirical content; thus, the well-known law of identity expressed in the formula, "p is identical with p" holds true, regardless of what proposition is actually asserted through the symbol "p". Notwithstanding this purely formal character of logical and mathematical propositions, questions as to their validity are, nevertheless, significant and determinable. To resort to the well-known example, the proposition that parallel lines will never meet, which is valid in Euclidean geometry, would be invalid in other geometrical systems,

such as Riemannian geometry, which is non-Euclidean. Now, similarly, it is possible to talk meaningfully about legal validity, although as we have said, legal propositions are normative and do not belong to science. This problem is divisible into two aspects. First is the validity of the legal order, apart from any particular system of law. Second is the validity of particular legal propositions, in relation to a particular legal system.

The first aspect is actually a matter of identification. Is there, within human experience, any normative system that we call law, which can be distinguished from any other normative system? The answer is, of course, obvious. On the plane of fact, it is clear that there are many systems of law, as there are many systems of logic, many systems of mathematics, many systems of ethics and many systems of theology. All these systems of law belong to what I shall call the legal order, which is distinct from various other orders, including the logical order, the mathematical order, the moral order and so on. The legal order is distinguished from these other orders in this respect: that every member of the order, which is to say every system of law, contains the basic rule that the commands corresponding to every recognized rule within the system will be enforced by the sovereign, whoever this may be, with physical power to the extent necessary. Any system of norms is a member of the legal order, that is to say, it is a system of law if it meets the elements of identification we have mentioned, which include (1) the element of coercion by sovereign authority, howsoever this may be defined; and (2) the norm of validity, by which the rules belonging to the system are determined. On this basis, we can talk meaningfully about the system of classical Roman law, the Mesopotamian legal system, the Macedonian legal system with the same validity that we can talk about present-day systems of law, including Philippine law. It can be pointed out, of course, that while the Philippine legal system is in actual operation, the other legal systems mentioned are defunct. But this point does not relate to the *validity* of the systems as members of the legal order, but to their *efficacy* in practice, which is an altogether different matter. From a purely theoretical standpoint, the system of classical Roman, for example, is of equal standing as the system of Philippine law, so far as its *legal* character is concerned, that is to say, it meets the criteria of legality.

The other aspect, which is of greater practical importance, concerns the validity of particular legal rules. Given a particular rule, is it a valid rule of law? Doubtless, you have come across problems of this type, as they are fairly common in the decisions. In taxation, for example, is the doctrine of equitable recoupment

valid? In the law of persons, is breach of promise of marriage a basis of liability? The answer to such questions of validity lies in determining whether or not the criteria of identification or recognition provided in a particular legal system have been satisfied. This brings up a point which cannot be overemphasized, namely, that as validity is a relational concept, the problem in every case is whether or not the rule in question is valid in relation to a particular system. Thus, the question of validity cannot be solved in the abstract, but only in the context of a particular legal system. Examples will clarify this point. Suppose it is asked: is the doctrine of equitable recoupment valid? The problem as stated, being purely an abstract one, is insoluble. It must be asked further: Valid for what system of law? Once a particular system of law is mentioned, such as the Philippine law, the problem becomes legitimate and resort can be had to the rules of identification obtaining in the system. For example, while breach of promise of marriage is a basis of liability in many American jurisdictions, it cannot be, in itself, a basis of liability in Philippine law. The rule that breach of promise is actionable is, therefore, not valid in Philippine law, although valid in other legal systems. Such criteria of identification, or rules of recognition, to use the phrase of Professor Hart, actually vary from one legal system to another and generally, more than one such rule may obtain in a given jurisdiction. Thus, in England the principal rule of recognition is approval by the Queen in Parliament, while in the United States as well as here, it is the approval, express or implied, by the President of legislative enactments. In virtually all jurisdictions, judicial adoption is admitted as a secondary or supplementary rule of recognition, resulting in the infusion of new rules into the legal system affected. In our jurisdiction, for example, many doctrines of law owe their validity to their adoption by the Supreme Court as controlling principles in cases decided by it.

The limitations of time and energy forbid a fuller discussion of the points just raised, so let us turn to our third problem. As already indicated, once a particular rule satisfies the criteria of recognition obtaining in a given legal system, it becomes, *ipso facto*, a rule of law in that system. Do such criteria include moral standards? Is moral validity required for legal validity? Can a rule that is unjust become or remain a rule of law? This problem continues to be a thorny issue between the positivists on the one hand and the adherents of natural law on the other hand. The positivist view of law affirms that rules of law remain law, regardless of their moral invalidity. On the other hand, the natural law theory maintains that law must conform to basic moral standards and that a law which is unjust is not law at all. The heart of the natural law thinking is the doctrine that certain moral principles are or-

dained and enjoined by nature, which are immanent in empirical reality, in much the same way as the laws of nature in the physical realm. While the facts of nature govern activity in the physical world, the moral commands of nature govern the acts of men. Both expressions of natural law, moral as well as physical, occur and are perceived in experience. Under this view, the principles of natural justice are as much a part of nature as the laws of physics and chemistry.

It is, of course, manifest that the natural law doctrine is based on the ancient fallacy we have discussed earlier, which is that values are to be found in nature in much the same way that facts are found. The fallacy uncovered by philosophical analysis lies in the imputation of linguistic forms to physical nature, in supposing that commands occurring in human language are in fact commands occurring in nature. This tendency is quite natural. There is in every man the impulse to be his neighbor's keeper and to teach him how to live. Thus, one persuaded of the merits of honesty as the highest moral principle would normally seek to spread the gospel. He would endeavor to have all those around him conform to his desire — that they be honest. In this effort, he would have to use, as he must, the agency of language. If he would be literal about it, he would say to all and sundry: It is my desire that you be honest. But common sense condemns such approach as crude, since this particular desire of his may not carry much weight with others. It is most unlikely that his desire will be respected outside his immediate family, to whom he could, of course, administer a beating in case of disobedience. For tactical advantage, he therefore couches the command in the familiar form: Honesty is the best policy. In this form, the ethical command is disguised as a principle because it has become impersonal, that is, its validity is affirmed without reference to the personal desire of its advocate. Accordingly, its marketability is greatly improved, although its message has not actually been changed. When one says "Honesty is the best policy", what is really affirmed is this: It is my judgment that there are good reasons for being honest and it is my desire that you accept those reasons and be honest. Thus analyzed, it becomes clear that moral principles entail (1) private and individual judgments as to what is desirable; and (2) the desire that others conform to such judgments in their conduct. It is only language that gives our preferences, or our prejudices, if you please, a semblance of concreteness and universality. It is but one step from discoursing on honesty, virtue, goodness, and justice to discovering that, as objects of discourse, they are entities with independent existence. Through the medium of language, therefore, following the well-known process called "thingification", the moral judgments of private individuals

are made to appear essential attributes of the universe. Following the analysis of Hume and, after him, Kant, no contemporary philosopher seriously entertains the view that moral values are immanent in empirical reality, that is to say, existing as facts of nature. Scientific inquiry can disclose no moral laws, only physical laws.

The consequence of such philosophic discovery is plain. As moral principles are not commands of nature but merely private judgments or opinions expressive of individual desires, there exists no necessity for requiring a rule, in order that it can be a valid rule of law, to satisfy moral standards. Thus, philosophy vindicates the practical grounds for rejecting conformity with moral standards as a requirement for legal validity. The criteria of validity in any legal system, which as we have said Professor Hart calls "rules of recognition", are essentially empirical. These are events occurring in experience, which are subject to factual verification. Thus, in Philippine law, proposed bills become statute law if enacted by Congress and approved by the President, expressly or impliedly. Enactment as well as presidential approval are external acts, whose occurrence or non-occurrence is easily ascertained. On such basis, there is virtual certainty in determining whether or not a given rule is part of our statute law. But the introduction of moral validity as an additional criterion for legality of any rule would destroy such existing certainty. Moral standards, as shown by philosophical analysis, are essentially private judgments of individuals, hence, subjective and variable. Values are incommensurable and their validity is not capable of any rational proof. If, therefore, the validity of rules of law is made to depend upon their conformity with moral standards, the validity of law would be subject to the private opinions of individuals, hence, variable, uncertain and conflicting. One man would obey the law, while his neighbor would refuse to obey on the ground that in his view it is unjust and, therefore, not a law at all. The natural and logical result would be anarchy, which is precisely the situation that law is expected to prevent.

All this is not to say that law has nothing to do with morals, or that morals are not important to law. The law, says Mr. Justice Holmes, is the deposit of our moral life. Its rules embody the values which the community has come to accept and to cherish. It is, therefore, of great importance to the stability of the values hypostatized in the law that their realization and actualization be not defeated by the private moral judgments of particular individuals in the community. The view of the people as to what is good and desirable, as expressed in the law, cannot be subordinated and nullified merely because some individuals object to the popular judgment on moral grounds. This is not to say that no law can be unjust.

The human race has been, as it still is, victimized through unjust and oppressive laws. It should be understood, however, that when we call a law unjust, we are judging it or criticising it not on the basis of legal criteria but on the basis of moral standards. Put a bit differently, we are criticising a rule in the legal system, on the basis of a rule in another and different system, which is a system of morality. Granting, then, that a particular law is bad or unjust, the obvious way out is to repeal it, rather than to make it disappear, as adherents of natural law insist, through an elaborate chain of dubious reasoning.

Mention of unjust or bad laws brings as to the fourth problem. What are the ends of law? What purposes should it strive to realize? From what has been said earlier, it should be clear that philosophy can provide but little enlightenment on these questions and that whatever answers are given are necessarily tentative and incomplete. Much speculation has been done in ethics and politics, but little progress, if at all, has been made in resolving the central problem of what should be the ultimate value in society. Should this be maintenance and preservation of property? Or should it be the greatest good of the greatest number? Or should it be the happiness of the individual? Or should it be enhancement of personal liberty? These are but samples of the many views that have been propounded on what the ultimate social value should be. The resulting perplexity cannot be resolved with finality, for in the realm of values, the principle of indeterminism governs. While man's body is chained to the physical universe and his acts must bend to the iron laws of nature, he is free in mind, in spirit and in imagination to fashion the ideals that shall command his allegiance. So long as his adventure in the cosmos endures, the aspirations to which the human soul will cleave will vary with man's circumstances, including his needs, his resources and his opportunities. In this quest for self-discovery religion will give him fortitude; philosophy, wisdom; and science, power. For the present and the foreseeable future, law has the modest but crucial task of providing the social conditions of security and liberty essential to human achievement. The actual legal structure in each society will be, as it is, highly variable. It is to be hoped, however, that with their growth, the humanities and the sciences will provide more and better insights into the essential nature of man and that Law, under their informed guidance, shall increasingly become instrumental in the attainment of this vision.

SELECTED BIBLIOGRAPHY

Aristotle's, Selections, New York; Chicago, Edited by W. D. Ross, C. Scribner, 1927. (The Modern Student's Library Philosophy Series).

Austin, John, *The Province of Jurisprudence determined, and the Uses of the Study of Jurisprudence,* New York, Noonday Press, 1954.

Ayer, Alfred Jules, *Language, Truth and Logic.* New York, Dover Publication, 1946, 160 p.

Cairns, Huntington, *Legal Philosophy From Plato To Hegel,* Baltimore, Johns Hopkins Press, 1949.

Hart, Herbert Lionel Adolphus, *The Concept of Law,* Oxford, Clarendon Press, 1961, 263 p.

Hume, David, *A Treatise of Human Nature,* London J. M. Dent and Sons; Ltd: New York, E. P. Dutton and Co., 1911.

Kant, Immanuel, *The Philosophy of Kant: Immanuel Kant's Moral and Political Writings,* New York, Modern Library, 1949.

Kelsen, Hans, *General Theory of Law and the State,* Cambridge Mass., Howard University Press, 1945.

Plato, *The Works of Plato,* Selected and Edited by Irwin Edman, New York, Modern Library, 1928, 577 p.

Riechenbach, Hans, *The Rise of Scientific Philosophy,* Berkeley, University of California Press, 1951, 333 p.

Russell, Bertrand, *A History of Western Philosophy;* and its connection with political and social circumstances from the earliest times to the present day, London, Allen and Unwin, 1945, 916 p.

Russell, Bertrand, *An Inquiry into Meaning and Truth,* Baltimore, Penguin Books, 1963, 332 p.

Russell, Bertrand, *Human Knowledge, It's Scope and It's Limits,* London, Allen and Unwin, 1948, 538 p.