# **The Concept Of Law**

**the concept of law: The Concept of Law** Herbert Lionel Adolphus Hart, Leslie Green, 2012-10-25 The Concept of Law is one of the most influential texts in English-language jurisprudence. 50 years after its first publication its relevance has not diminished and in this third edition, Leslie Green adds an introduction that places the book in a contemporary context, highlighting key questions about Hart's arguments and outlining the main debates it has prompted in the field. The complete text of the second edition is replicated here, including Hart'sPostscript, with fully updated notes to include modern references and further reading.

the concept of law: The Concept of Law Herbert Lionel Adolphus Hart, 1986

the concept of law: Reflections on 'The Concept of Law' A. W. Brian Simpson, 2011-09-22 HLA Hart's The Concept of Law is one of the most influential works of philosophy of the twentieth century, redefining the field of legal philosophy and introducing generations of students to philosophical reflection on the nature of law. Since its publication in 1961 an industry of academic research and debate has grown up around the book, disputing, refining, and developing Hart's work. Under the sheer volume of competing interpretations of the book the original contexts - cultural and intellectual - that shaped Hart's project can be obscured. In this book, renowned legal historian AWB Simpson attempts to sweep aside the volumes of academic criticism and return to 'Troy I', revealing the world of post-war Oxford that produced Hart and his famous book. Drawing on his personal experience of studying and teaching in Oxford at the time Hart developed The Concept of Law, Simpson recreates with characteristic wit the social and intellectual culture of Oxford philosophy and the law faculty in the 1950s. He traces Hart's early work and influences, within and outside Oxford, showing how Hart developed his picture of philosophy and its potential for enriching the understanding of law. He also lays bare the painful shortcomings of post-war Oxford academia, depicting a world of eccentric dons and intellectual Cyclopses - isolated and closed to broad, interdisciplinary exchange - arguing that Hart did not escape from the limitations of his intellectual world. Simpson's entertaining, and controversial, account of the world that produced The Concept of Law will be essential reading for all those engaged in interpreting and teaching the seminal book, and an engaging read for anyone interested in the history of Oxford philosophy and legal education.

the concept of law: The Concept of Law from a Transnational Perspective Dr Detlef von Daniels, 2013-02-28 This book brings together the fruits of different traditions in legal philosophy and draws on them to develop a systematic thesis on the concept of law. The work uses a legal model to explore the underlying question of how the current phenomena of transnational law are best understood, in combination with an examination of the traditions of Jürgen Habermas's critical theory and H.L.A. Hart's analytic jurisprudence. This leads the author to conclude that the key to a fruitful dialogue and comprehensive understanding is to appreciate that the concept of law is not state-cantered and must reflect relationships to other legal systems.

**the concept of law:** *Reading HLA Hart's 'The Concept of Law*' Luís Duarte d'Almeida, James Edwards, Andrea Dolcetti, 2014-07-18 More than 50 years after it was first published, The Concept of Law remains the most important work of legal philosophy in the English-speaking world. In this volume, written for both students and specialists, 13 leading scholars look afresh at Hart's great book. Unique in format, the volume proceeds sequentially through all the main ideas in The Concept of Law: each contributor addresses a single chapter of Hart's book, critically discussing its arguments in light of subsequent developments in the field. Four concluding essays assess the continued relevance for jurisprudence of the 'persistent questions' identified by Hart at the beginning of The Concept of Law. The collection also includes Hart's 'Answers to Eight Questions', written in 1988 and never before published in English. Contributors include Timothy Endicott, Richard HS Tur, Pavlos Eleftheriadis, John Gardner, Grant Lamond, Nicos Stavropoulos, Leslie

Green, John Tasioulas, Jeremy Waldron, John Finnis, Frederick Schauer, Pierluigi Chiassoni and Nicola Lacey.

the concept of law: Concepts in Law Jaap C. Hage, Dietmar von der Pfordten, 2009-08-24 During the last decades, legal theory has focused almost completely on norms, rules and arguments as the constitutive elements of law. Concepts were mostly neglected. The contributions to this volume try to remedy this neglect by elucidating the role concepts play in law from different perspectives. A main aim of this volume is to initiate a debate about concepts in law. Åke Frändberg gives an overview of the many different uses of concepts in law and shows amongst others that concepts in the law should not be confused with the role of concepts in descriptions of the law. Dietmar von der Pfordten criticizes the restriction to norms as parts of the law in contemporary legal theory by questioning what concepts are and what their function is, both in general and in legal conceptual schemes. Giovanni Sartor assumes the inferential analysis of meaning proposed by Alf Ross in his ground breaking paper Tû-tû and addresses the guestion how possession of a concept, including the rules defining it, is possible without endorsing these rules. Jaap Hage argues that 1. legal status words such as 'owner' have a meaning because they denote things or relations in institutional reality, 2. the meaning of these words consists in this denotation relation, 3. knowledge of this meaning presupposes knowledge of the rules governing these words. Torben Spaak contributes to this volume with an exemplary analysis of one of the most central concepts of the law, namely that of a legal power. Lorenz Kähler discusses the role of concepts in determining the scope of application of legal rules and raises from this perspective the question to what extent legal concept formation can be arbitrary. Ralf Poscher argues that as soon as a concept is used in stating the law, the precise scope of application of this concept has become a legal matter. This means that the use of 'moral' concepts in the law does not automatically lead to a moral import into the law. Dennis Patterson holds that Hart's concept of law can be understood as a so-called 'practice theory' and provides an overview of such a theory.

the concept of law: The Concept of Law Herbert Lionel Adolphus Hart, 1994

**the concept of law: Philosophy of Law** Raymond Wacks, 2014-02 Raymond Wacks reveals the intriguing and challenging nature of legal philosophy, exploring the notion of law and its role in our lives. He refers to key thinkers from Aristotle to Rawls, from Bentham to Derrida and looks at the central questions behind legal theory, and law's relation to justice, morality, and democracy.

**the concept of law:** The Concept of the Rule of Law and the European Court of Human Rights Geranne Lautenbach, 2013-11 1: Introduction 2: The Rule of Law Concept 3: Legality as a Concept in the Case Law 4: Judicial Safeguards 5: The Substantive Contents of Law 6: Democracy 7: Conclusion.

the concept of law: Pure Theory of Law Hans Kelsen, 2005 Reprint of the second revised and enlarged edition, a complete revision of the first edition published in 1934. A landmark in the development of modern jurisprudence, the pure theory of law defines law as a system of coercive norms created by the state that rests on the validity of a generally accepted Grundnorm, or basic norm, such as the supremacy of the Constitution. Entirely self-supporting, it rejects any concept derived from metaphysics, politics, ethics, sociology, or the natural sciences. Beginning with the medieval reception of Roman law, traditional jurisprudence has maintained a dual system of subjective law (the rights of a person) and objective law (the system of norms). Throughout history this dualism has been a useful tool for putting the law in the service of politics, especially by rulers or dominant political parties. The pure theory of law destroys this dualism by replacing it with a unitary system of objective positive law that is insulated from political manipulation. Possibly the most influential jurisprudent of the twentieth century, Hans Kelsen [1881-1973] was legal adviser to Austria's last emperor and its first republican government, the founder and permanent advisor of the Supreme Constitutional Court of Austria, and the author of Austria's Constitution, which was enacted in 1920, abolished during the Anschluss, and restored in 1945. The author of more than forty books on law and legal philosophy, he is best known for this work and General Theory of Law and State. Also active as a teacher in Europe and the United States, he was Dean of the Law Faculty

of the University of Vienna and taught at the universities of Cologne and Prague, the Institute of International Studies in Geneva, Harvard, Wellesley, the University of California at Berkeley, and the Naval War College. Also available in cloth.

the concept of law: Bronislaw Malinowski's Concept of Law Mateusz Stępień, 2016-09-26 This book discusses the legal thought of Bronislaw Malinowski (1884-1942), undoubtedly one of the titans of social sciences who greatly influenced not only the shape of modern cultural anthropology but also the social sciences as a whole. This is the first comprehensive work to focus on his legal conceptions: while much has been written about his views on language, magic, religion, and culture, his views on law have not been fairly reconstructed or recapitulated. A glance at the existing literature illustrates how little has been written about Malinowski's understanding of law, especially in the legal sciences. This becomes even more evident given the fact that Malinowski devoted much of his scholarly work to studying law, especially in the last period of his life, during which he conducted broad research on law and "primitive jurisprudence". The main aim of this book is to address this gap and to present in detail Malinowski's thoughts on law. The book is divided into two parts. Part I focuses largely on the impact that works of two distinguished professors from his alma mater (L. Dargun and S. Estreicher) had on Malinowski's legal thoughts, while Part II reconstructs Malinowski's inclusive, broad and multidimensional understanding of law and provides new readings of his legal conceptions mainly from the perspective of reciprocity. The book offers a fresh look at his views on law, paving the way for further studies on legal issues inspired by his methodological and theoretical achievements. Malinowski's understanding of law provides a wealth of fodder from which to formulate interesting research questions and a solid foundation for developing theories that more accurately describe and explain how law functions, based on new findings in the social and natural sciences.

**the concept of law:** *Philosophy and International Law* David Lefkowitz, 2020-10-29 Offers an accessible discussion of conceptual and moral questions on international law and advances the debate on many of these topics.

the concept of law: The Concept of Law (lex) in the Moral and Political Thought of the 'School of Salamanca' Danaë Simmermacher, Kirstin Bunge, Marko J. Fuchs, Anselm Spindler, 2016-10-05 Scholarship on the moral and political philosophy of the 'School of Salamanca' has either long been emphasizing the discontinuity between medieval and modern philosophy and the way this discontinuity is represented in the works of these authors or discussing issues of moral justification that are often seen as the heart of early modern practical philosophy. This volume offers a fresh perspective by focusing on the concept of law. This allows for an in-depth analysis of a variety of normative issues in the authors' moral and political thought. It also suggest a more continuous picture of the transition from medieval to modern philosophy and proposes a more nuanced view of the importance of political concepts in the authors's practical philosophy.

the concept of law: The Morality of Law Lon Luvois Fuller, 2004

the concept of law: The concept of law Herbert Lionel Adolphus Hart, 1975

the concept of law: Essays on Hellenistic Epistemology and Ethics Gisela Striker, 1996-06-13 This collection of essays focuses on key questions debated by Greek and Roman philosophers of the Hellenistic period.

the concept of law: The Cambridge Companion to the Rule of Law Jens Meierhenrich, Martin Loughlin, 2021-08-12 Introduces students, scholars, and practitioners to the theory and history of the rule of law.

**the concept of law: Law's Empire** Ronald Dworkin, 2011-11 In 'Law's Empire', Ronald Dworkin relects on the nature of the law, its authority, its application in democracy, the prominent role of interpretation in judgement and the relations of lawmakers and lawgivers in the community.

**the concept of law:** *Evaluation and Legal Theory* Julie Dickson, 2001-05 If Raz and Dworkin disagree over how law should be characterised, how are we, their jurisprudential public, supposed to go about adjudicating between the rival theories which they offer us? To what considerations would those theorists themselves appeal in order to convince us that their accounts of law are accurate and

successful? Moreover, what is it that makes an account of law successful? Evaluation and Legal Theory tackles methodological or meta-theoretical issues such as these, and does so via attempting to answer the question: to what extent, and in what sense, must a legal theorist make value judgements about his data in order to construct a successful theory of law? Dispelling the obfuscatory myth that legal positivism seeks a 'value-free' account of law, the author attempts to explain and defend Joseph Razs position that evaluation is essential to successful legal theory, whilst refuting John Finnis and Ronald Dworkins contentions that the legal theorist must morally evaluate and morally justify the law in order to properly explain its nature. The book does not claim to solve the many mysteries of meta-legal theory but does seek to contribute to and engender rigorous and focused debate on this topic.

the concept of law: <u>Research Handbook on Law and Marxism</u> O'Connell, Paul, Özsu, Umut, 2021-12-14 This Research Handbook offers unparalleled insights into the large-scale resurgence of interest in Marx and Marxism in recent years, with contributions devoted specifically to Marxist critiques of law, rights, and the state.

the concept of law: The Concept of Liberal Democratic Law Johan Willem Gous Van der Walt, 2020 This book develops a historical concept of liberal democratic law through readings of the pivotal twentieth century legal theoretical positions articulated in the work of Herbert Hart, Ronald Dworkin, Duncan Kennedy, Rudolf Smend, Hans Kelsen and Carl Schmitt. It assesses the jurisprudential projects and positions of these theorists against the background of a long history of European metaphysics from which the modern concept of liberal democratic law emerged. Two key narratives are central to this history of European political and legal metaphysics. Both concern the historical development of the concept of nomos that emerged in early Greek legal and political thought. The first concerns the history of philosophical reflection on the epistemological and ontological status of legal concepts that runs from Plato to Hobbes (the realist-nominalist debate as it became known later). The second concerns the history of philosophical and political discourses on law, sovereignty and justice that starts with the nomos-physis debate in fifth century Athens and runs through medieval, modern and twentieth century conceptualisations of the relationship between law and power. Methodologically, the reading of the legal theoretical positions of Hart, Dworkin, Kennedy, Smend, Kelsen and Schmitt articulated in this book is presented as a distillation process that extracts the pure elements of liberal democratic law from the metaphysical narratives that not only cradled it, but also smothered and distorted its essential aspirations. Drawing together key insights from across the fields of jurisprudence and philosophy, this book offers an important and original re-articulation of the concept of democratic law.

the concept of law: The Cambridge Companion to Legal Positivism Torben Spaak, Patricia Mindus, 2021-02-04 The book brings together 33 state-of-the-art chapters on the import and the pros and cons of legal positivism.

**the concept of law: The Force of Law** Frederick Schauer, 2015-02-10 Bentham's law -- The possibility and probability of noncoercive law -- In search of the puzzled man -- Do people obey the law? -- Are officials above the law? -- Coercing obedience -- Of carrots and sticks -- Coercion's arsenal -- Awash in a sea of norms -- The differentiation of law

the concept of law: <u>McCoubrey & White's Textbook on Jurisprudence</u> James Penner, Nigel D. White, H. McCoubrey, Emmanuel Melissaris, 2012-08-30 This textbook provides an introduction to and analysis of the major theories and controversies of jurisprudence. Starting with an overview of the nature of jurisprudence, then moving on to examine the theories and main protagonists in more detail, it is an ideal text for undergraduate students studying the subject for the first time.

**the concept of law:** *Law, Liberty, and Morality* H. L. A. Hart, Herbert Lionel Adolphus Hart, 1963 This incisive book deals with the use of the criminal law to enforce morality, in particular sexual morality, a subject of particular interest and importance since the publication of the Wolfenden Report in 1957. Professor Hart first considers John Stuart Mill's famous declaration: The only purpose for which power can be rightfully exercised over any member of a civilized community is to prevent harm to others. During the last hundred years this doctrine has twice been sharply

challenged by two great lawyers: Sir James Fitzjames Stephen, the great Victorian judge and historian of the common law, and Lord Devlin, who both argue that the use of the criminal law to enforce morality is justified. The author examines their arguments in some detail, and sets out to demonstrate that they fail to recognize distinction of vital importance for legal and political theory, and that they espouse a conception of the function of legal punishment that few would now share.

the concept of law: Contemporary Perspectives on Natural Law Dr Ana Marta González, 2012-10-01 Resorting to natural law is one way of conveying the philosophical conviction that moral norms are not merely conventional rules. Accordingly, the notion of natural law has a clear metaphysical dimension, since it involves the recognition that human beings do not conceive themselves as sheer products of society and history. And yet, if natural law is to be considered the fundamental law of practical reason, it must show also some intrinsic relationship to history and positive law. The essays in this book examine this tension between the metaphysical and the practical and how the philosophical elaboration of natural law presents this notion as a limiting-concept, between metaphysics and ethics, between the mutable and the immutable; between is and ought, and, in connection with the latter, even the tension between politics and eschatology as a double horizon of ethics. This book, contributed to by scholars from Europe and America, is a major contribution to the renewed interest in natural law. It provides the reader with a comprehensive overview of natural law, both from a historical and a systematic point of view. It ranges from the mediaeval synthesis of Aguinas through the early modern elaborations of natural law, up to current discussions on the very possibility and practical relevance of natural law theory for the contemporary mind.

**the concept of law:** *In Pursuit of Pluralist Jurisprudence* Nicole Roughan, Andrew Halpin, 2017-09-14 This book presents and evaluates theoretical approaches to 'pluralist jurisprudence' and assesses the viability of theorising law extending beyond the state.

the concept of law: The Authority of the State Leslie Green, 1988 A study of the nature of authority and the character of the state. It draws on political philosophy, jurisprudence and public choice theory, to explain and evaluate the state's claim to authority over its citizens.

**the concept of law:** *Post-Liberal Religious Liberty* Joel Harrison, 2020-07-09 A radically theological-political account of religious liberty, challenging secularisation narratives and liberal egalitarian arguments.

the concept of law: The Concept of Law Herbert Lionel Adolphus Hart, 1972

the concept of law: General Theory of Law and State Hans Kelsen, 2017-07-05 Widely regarded as the most important legal theorist of the twentieth century. Hans Kelsen is best known for his formulation of the pure theory of law, - within which the study of international law was his special field of work. The present volume, General Theory of Law and State, first published in 1945, allowed Kelsen to adjust his pure theory of law to American circumstances after World War II. It also afforded him the opportunity to present to English-speaking readers his latest ideas on the supremacy of international law. The volume is divided into two parts: the first devoted to law, the second to the state. Together these topics constitute the most systematic and comprehensive exposition of Kelsen's jurisprudence. The volume is not only a compendium of Kelsen's lifework up to that time; it is also an extension of his theories, to embrace the problems and institutions of English and American law as well as those of the Civil Law countries. Indeed, references to Continental European law are minimal compared with examples, scattered throughout the text, taken from the U.S. Constitution and several American court cases. This is more than a concession to American readers; it signifies that Kelsen's legal theory is truly general in that it accounts for the Common Law as well as the Civil Law. A systematic treatise on jurisprudence, General Theory of Law and State is a substantial reformulation of Kelsen's ideas articulated in several of his previous books, written in German. The juridical principles put forth by the most important legal theorist of the twentieth century remain of great value. This volume will be read by legal scholars, political scientists, and intellectual historians.

the concept of law: Reasonableness and Law Giorgio Bongiovanni, Giovanni Sartor, Chiara

Valentini, 2009-08-19 Reasonableness is at the centre of legal debate, both in academic circles and in practice. This unique reference work adopts an interdisciplinary perspective, merging jurisprudence, legal theory, political philosophy and the different branches of law. All aspects relating to reasonableness and law are addressed by the most prominent scholars in the field. In the first part of the book, the focus is on jurisprudential analyses of the concept of reasonableness and on its moral, political and constitutional implications. In the second part, reasonableness is examined in the different fields of law like Public, Private and International Law. Here in more detail the practical consequences of reasonableness are worked out, making this work of interest to practitioners as well as legal theorists.

the concept of law: The Concept of Group Rights in International Law Corsin Bisaz, 2012-08-28 The Concept of Group Rights in International Law offers a critical appraisal of the concept of group rights in international law on the basis of an extensive survey of existing group rights in contemporary international law. Among some of its findings is the observation that an ideological way of arguing about this legal category is widespread among scholars as well as practitioners; it sees this ideological framing as one of the main reasons why international law has so far been very reluctant to provide group rights and to call them by their name. Accordingly, the book re-evaluates the concept based on the experience with existing group rights in international law and pleads for a more pragmatic approach. Despite limitations with the concept, the overall thesis is that there is a role for group rights as a pragmatic tool allowing for a principled approach to substate groups through international law. Such an approach could turn group rights into an arguably minor, but nevertheless, highly relevant legal category of international law.

**the concept of law:** *General Theory of Law and State* Hans Kelsen, 2009 Reprint of the first edition. This classic work by the important Austrian jurist is the fullest exposition of his enormously influential pure theory of law, which includes a theory of the state. It also has an extensive appendix that discusses the pure theory in comparison with the law of nature, positivism, historical natural law, metaphysical dualism and scientific-critical philosophy. The scope of the work is truly universal. It never loses itself in vague generalities or in unconnected fragments of thought. On the contrary, precision in the formulation of details and rigorous system are characteristic features of the exposition: only a mind fully concentrated upon that logical structure can possibly follow Kelsen's penetrating analysis. Such a mind will not shrink from the effort necessary for acquainting itself with...the pure theory of law in its more general aspects, and will then pass over to the theory of the state which ends up with a carefully worked out theory of international law. Julius Kraft, American Journal of International Law 40 (1946):496.

the concept of law: The Judicial Decision Richard A. Wasserstrom, 1961

the concept of law: Hannah Arendt and the Law Marco Goldoni, Chris McCorkindale, 2012-04-20 This book fills a major gap in the ever-increasing secondary literature on Hannah Arendt's political thought by providing a dedicated and coherent treatment of the many, various and interesting things which Arendt had to say about law. Often obscured by more pressing or more controversial aspects of her work, Arendt nonetheless had interesting insights into Greek and Roman concepts of law, human rights, constitutional design, legislation, sovereignty, international tribunals, judicial review and much more. This book retrieves these aspects of her legal philosophy for the attention of both Arendt scholars and lawyers alike. The book brings together lawyers as well as Arendt scholars drawn from a range of disciplines (philosophy, political science, international relations), who have engaged in an internal debate the dynamism of which is captured in print. Following the editors' introduction, the book is split into four Parts: Part I explores the concept of law in Arendt's thought; Part II explores legal aspects of Arendt's constitutional thought: first locating Arendt in the wider tradition of republican constitutionalism, before turning attention to the role of courts and the role of parliament in her constitutional design. In Part III Arendt's thought on international law is explored from a variety of perspectives, covering international institutions and international criminal law, as well as the theoretical foundations of international law. Part IV debates the foundations, content and meaning of Arendt's famous and influential claim that the

'right to have rights' is the one true human right.

**the concept of law:** The Concept of Discrimination in International Law E.W. Vierdag, 2012-12-06 This book was written as a dissertation for the Doctorate of Laws, University of Amsterdam. I am most grateful, first of all, to Professor A. J. P. Tammes, who acted as Promotor. Throughout my working at this study he managed to afford at the same time guidance, inspiration, and complete freedom. I have also benefited much from the suggestions and advice of Dr. Th. e. van Boven of the Dutch Ministry of Foreign Affairs, Member of the U.N. Commission on Human Rights, who was a very helpful Co referent. In earlier stages of the work, the critical remarks by Mr. S. A. Kuipers, Dr. H. Meijers and Miss J. M. van Wouw were of great im portance to me. So was the experience of participating in the program of graduate studies of the Columbia University School of Law, in I968- I969. lowe gratitude to the Amsterdam Law Faculty for having offered this opportunity to me. I am indebted to Miss Sinja Alma for her transforming a chaotic manuscript into a neat typescript in a most capable and patient manner; to Miss E. D. ]. Jongens for her assistance in sorting out the United Nations documentation; and to Howard S. Gold (Gersono vitch), who was so kind as to correct the faults in my English. Since I went on tinkering with the text I am to blame for all linguistic errors in it. The research for this study was concluded in October, I972.

**the concept of law: The Concept Of Law (Oip)** Herbert Lionel Adolphus Hart, 2002-10-24 The Book Has Extensive Notes On The Theoretical Work Of Other Jurists Including References To Austin`S Imperative Theory, Kelson`S Theory Of Basic Norm, And Fuller`S Natural Law Theory.

**the concept of law:** *Political Theology* Paul W. Kahn, 2012 Annotation In a text innovative in both form and substance, Kahn forces an engagement with Schmitt's four chapters, offering a new version of each that is responsive to the American political imaginary.

the concept of law: Laws of UX Jon Yablonski, 2020-04-21 An understanding of psychology—specifically the psychology behind how users behave and interact with digital interfaces—is perhaps the single most valuable nondesign skill a designer can have. The most elegant design can fail if it forces users to conform to the design rather than working within the blueprint of how humans perceive and process the world around them. This practical guide explains how you can apply key principles in psychology to build products and experiences that are more intuitive and human-centered. Author Jon Yablonski deconstructs familiar apps and experiences to provide clear examples of how UX designers can build experiences that adapt to how users perceive and process digital interfaces. You'll learn: How aesthetically pleasing design creates positive responses The principles from psychology most useful for designers How these psychology principles relate to UX heuristics Predictive models including Fitts's law, Jakob's law, and Hick's law Ethical implications of using psychology in design A framework for applying these principles

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