Hart The Concept Of Law

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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

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

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 jlrgen 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

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talk about law often includes reference to ideals of justice equality or freedom but what do we refer to when we speak about ideals in the context of law this book explores the concept of ideals by combining an investigation of different theories of ideals with a discussion of the role of ideals in law a comparison of the theories of gustav radbruch and philip selznick leads up to a pragmatist theory of legal ideals which provides an interesting new position in the debate about values in law between legal positivists and natural law thinkers attention for law s central ideals enables us to understand law s autonomous character while at the same time tracing its connection to societal values essential reading for anyone interested in the role of values or ideals in law

this book presents the theory of the validity of legal norms aimed at the practice of law in particular the jurisdiction of the constitutional courts the postpositivist concept of the validity of statutory law grounded on a critical analysis of the basic theories of legal validity elaborated up to now is introduced in the first part of the book a contemporary german nonpositivist conception of law developed by ralf dreier and robert alexy is analysed in order to answer the question whether the juristic concept of legal validity should include moral standards or criteria in the second part a postpositivist concept of legal validity and an innovative model of validity discourse based on the juristic presumption of the validity of legal norms are proposed the book is a work on analytical legal theory written from a postpositivist detached point of view

this volume contains the opinions of the great jurist hermann kantorowicz on various fundamental questions of law and the bounds of legal science

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debates surrounding the concept of law are not new for a wide variety of reasons and in a wide variety of ways the meaning of law has long been an important part of western thought both within legal scholarship and beyond the contributors to concepts of law are international experts from the fields of comparative law legal philosophy and the social sciences combining theoretical analyses with case studies they explore various legal concepts and contexts from diverse national and disciplinary perspectives legal and normative pluralism is a theme throughout some chapters discuss the development of state law and legal systems others wrestle with law s rhetoric and the potential utility of alternative vocabularies e g governance and governmentality others reveal the rich polyjurality of the present from the local to the global the result is a rich picture of both present scholarship on laws and norms and the state of contemporary legal complexity each crossing traditional boundaries

philosophy of lawis an ideal introduction to this vital topic assuming no prior knowledge of philosophy or law mark tebbit eases readers into the most fundamental theories of law and links them to the most prevalent philosophical questions encountered in legal studies the book is clearly structured around key issues and themes including the meaning of law legal and moral rights responsibility and guilt insanity and diminished responsibility and theories of punishment throughout tebbit links classical problems posed by such thinkers as hume bentham mill and austin to issues discussed by more recent theorists like hart rawls and dworkin all the major theories of law are lucidly discussed with the non specialist in mind

the concept of law lies at the heart of our social and political life legal philosophy or jurisprudence explores the notion of law and its role in society illuminating its meaning and its relation to the universal questions of justice rights and morality in this very short introduction raymond wacks analyses the nature and purpose of the legal system and the practice by courts lawyers and judges wacks reveals the intriguing and challenging nature of legal philosophy with clarity and enthusiasm providing an enlightening guide to the central questions of legal theory in this revised edition wacks makes a number of updates including

new material on legal realism changes to the approach to the analysis of law and legal theory and updates to historical and anthropological jurisprudence about the series the very short introductions series from oxford university press contains hundreds of titles in almost every subject area these pocket sized books are the perfect way to get ahead in a new subject quickly our expert authors combine facts analysis perspective new ideas and enthusiasm to make interesting and challenging topics highly readable

this book intends to help understand and apply principles and rules better its target is to keep the distinction between principles and rules whereas structuring it on different foundations than those jurisprudence ordinarily employs the first object of investigation is the phenomenon of interpretation in law in order to understand that the classification of certain normative species as either principles or rules depends in the first place on axiological connections that are not ready prior to the interpretation process that unveils them then a definition of principles is proposed aiming to understand what their unique characteristics are when compared to other norms of the legal order thirdly the conditions for the application of principles and rules are examined which are the normative applicative postulates it will be shown on one hand that principles not only explicit values but also set forth precise species of behaviors though indirectly on the other hand the creation of conducts by rules is also to be weighed even though the behavior set forth in advance may be overcome depending on the accomplishment of a few requirements that will surpass both the mere praise of values which does not create behaviors and the automatic application of rules a model is proposed to explain the normative species which includes structured weighing on the application process while encompassing substantive criteria of justice in its argument through the analytical reconstruction of the concrete use of normative postulates especially those of reasonableness and proportionality all of that is done with a focus on the ability of intersubjective control of the argumentation which often degenerates into capricious decisionism

the past two decades have seen an outpouring of work in legal theory that is self consciously critical of aspects of american law and the institutions of the liberal state in this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory the authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of american law should take writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory a third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on rape and hate speech each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views the resulting dialogue explores wide ranging issues like equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice a common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting radical critiques of the law is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are proposing alternative critiques that embody considerably greater promise of being truly radical it offers provocative reading for both philosophers and legal scholars by showing that many claims to radicalism are highly problematic at best

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