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KEY=HART - JAYLA WILSON

THE CONCEPT OF LAW

Oxford University Press 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's Postscript, with fully updated notes to include modern references and further reading.

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READING HLA HART'S 'THE CONCEPT OF LAW'

A&C Black 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

REFLECTIONS ON 'THE CONCEPT OF LAW'

Oxford University Press HLA Hart developed 'The Concept of Law' while renowned historian AWB Simpson was studying and teaching at Oxford. Simpson wittily recreates the culture of Oxford philosophy in the '50s, providing a new perspective of one of the most famous works of philosophy of the 20th century and casting a satirical eye over the shortcomings of post-war Oxford.

H.L.A. HART

Language Science and National

THE CONCEPT OF LAW

THE LEGACY OF H.L.A. HART

LEGAL, POLITICAL, AND MORAL PHILOSOPHY

Oxford University Press on Demand This book brings together contributions from seventeen of the world's foremost legal and political philosophers to examine the lasting influence of H.L.A. Hart. The essays explore the major subjects of Hart's work: general jurisprudence, criminal responsibility, rights, justice, causation and the foundations of liberalism.

THE RULE OF RECOGNITION AND THE U.S. CONSTITUTION

Oxford University Press A volume of original essays that discusses the applicability of H. L. A. Hart's rule of recognition model of a legal system to U. S. Constitutional law as discussed in his book "The concept of law".

THE FORCE OF LAW

Harvard University Press Many legal theorists maintain that laws are effective because we internalize them, obeying even when not compelled to do so. In a comprehensive reassessment of the role of force in law, Frederick Schauer disagrees, demonstrating that coercion, more than internalized thinking and behaving, distinguishes law from society's other rules. Reinvigorating ideas from Jeremy Bentham and John Austin, and drawing on empirical research as well as philosophical analysis, Schauer presents an account of legal compliance based on sanction and compulsion, showing that law's effectiveness depends fundamentally on its coercive potential. Law, in short, is about telling people what to do and threatening them with bad consequences if they fail to comply. Although people may sometimes obey the law out of deference to legal authority rather than fear of sanctions, Schauer challenges the assumption that legal coercion is marginal in society. Force is more pervasive than the state's efforts to control a minority of disobedient citizens. When people believe that what they should do differs from what the law commands, compliance is less common than assumed, and the necessity of coercion becomes apparent. Challenging prevailing modes of jurisprudential inquiry, Schauer makes clear that the question of legal force has sociological, psychological, political, and economic dimensions that transcend purely conceptual concerns. Grappling with the legal system's dependence on force helps us understand what law is, how it operates, and how it helps organize society.

PHILOSOPHICAL FOUNDATIONS OF THE NATURE OF LAW

Oxford University Press Recent years have witnessed major developments in philosophical inquiry concerning the nature of law and, with the growth of transnational legal institutions, in the phenomenon of law itself. This volume gathers leading writers in the field to take stock of current debates on the nature of law and the aims and methods of legal philosophy.

POSTSCRIPT TO H.L.A. HART'S THE CONCEPT OF LAW

THE AUTHORITY OF THE STATE

Oxford : Clarendon Press 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 LEGACY OF H.L.A. HART

LEGAL, POLITICAL AND MORAL PHILOSOPHY

OUP Oxford This book is the product of a major British Academy Symposium held in 2007 to mark the centenary of the birth of H.L.A. Hart, the most important legal philosopher and one of the most important political philosophers of the twentieth century. The book brings together contributions from seventeen of the world's foremost legal and political philosophers who explore the many subjects in which Hart produced influential work. Each essay engages in an original analysis of philosophical problems that were tackled by Hart, some essays including extended critical discussions of his major works: The Concept of Law, Punishment and Responsibility, Causation in the Law and Law, Liberty and Morality. All the main topics of Hart's philosophical writings are featured: general jurisprudence and legal positivism; criminal responsibility and punishment; theories of rights; toleration and liberty; theories of justice; and causation in the law.

LAW, LIBERTY, AND MORALITY

Stanford University Press 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 POSTSCRIPT TO H.L.A. HART'S THE CONCEPT OF LAW

THE CONCEPT OF LAW FROM A TRANSNATIONAL PERSPECTIVE

Routledge 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-centered and must reflect relationships to other legal systems.

LEGAL VALIDITY

Springer Science & Business Media This study of legal validity is an expanded and thoroughly revised version of my B.Phil. thesis in philosophy at Oxford University in 1969. I am grateful to Professor R. M. Hare, Dr. P. M. Hacker, and Mr. L. J. Cohen for their patient criticism of earlier drafts, and to Professor Donald H. Regan for several suggestions at a later stage. I owe a much larger debt to Professor H. L. A. Hart for his detailed comments on the completed thesis. His help has been especially generous in light of the fact that I have so often disagreed with him. It should not be assumed that those from whose advice I have benefited share the views expressed in this essay. I am responsible for any mistakes it may contain. In the footnotes I have used the following abbreviations: CL - Hart, The Concept of Law (1961) GT - Kelsen, General Theory of Law and State (1945) PT - Kelsen, Pure Theory of Law (1967) LJ - Ross, On Law and Justice (1958).

HART'S POSTSCRIPT

ESSAYS ON THE POSTSCRIPT TO 'THE CONCEPT OF LAW'

OUP Oxford Published posthumously, the second edition of The Concept of Law contains one important addition to the first edition, a substantial Postscript, in which Hart reflects upon some of the central concerns that have been expressed about the book since its publication in 1961. The Postscript is especially noteworthy because it contains Hart's only sustained response to the objections pressed by his foremost critic, Ronald Dworkin, who succeeded him to the Chair of Jurisprudence at Oxford. The Postscript focuses on a range of issues covering both Hart's substantive view and his methodological commitments. In particular, Hart endorses Inclusive Legal Positivism, asserts that his is a methodology of descriptive jurisprudence which he contrasts with Dworkin's normative jurisprudence or interpretivism, while denying that his theory of law has a semantic underpinning. The essays in this collection address each of these issues in a sustained way. The book contains discussions of Hart's semantic commitments, his rejection of a normative jurisprudence as well as the extent to which he can embrace Inclusive Legal Positivism in a way that is consistent with his other stated positions. The book's contributors include the leading advocates of alternative schools of Positivist jurisprudence, important contributors to the methodological disputes in jurisprudence and noted experts on the relationship of philosophy of language to jurisprudence. Among the contributors of note are: Joseph Raz, Jules L. Coleman, Stephen Perry, Brian Leiter, Scott Shapiro and Andrei Marmor.

LAW AS A MORAL IDEA

Oxford University Press on Demand This book argues that the institutions of law and the structures of legal thought are best understood by referencing the moral ideals of freedom and independence from the power of others. In making this claim, the author rejects the viewpoint of much contemporary legal theory, and seeks to move jurisprudence closer to an older tradition of philosophical reflection upon law, exemplified by Hobbes and Kant. According to most contemporary legal theorists, the understanding and analysis of existing institutions is quite distinct from any enterprise of moral reflection, but Nigel Simmonds suggests that the relationship between ideals and practices is much more intimate than this approach would suggest. In Law as a Moral Ideal he posits that some institutions can be properly understood only when they are viewed as imperfect attempts to realize moral or political ideals, and some ideals can be conceived only by reference to their expression in institutions.

PHILOSOPHY AND INTERNATIONAL LAW

Cambridge University Press Offers an accessible discussion of conceptual and moral questions on international law and advances the debate on many of these topics.

H.L.A. HART

Stanford Law & Politics In this substantially revised second edition, Neil MacCormick delivers a clear and current introduction to the life and works of H.L.A. Hart, noted Professor of Jurisprudence at Oxford University from 1952 to 1968. Hart established a worldwide reputation through his powerful philosophical arguments and writings in favor of liberalizing criminal law and applying humane principles to punishment. This book demonstrates that Hart also made important contributions to analytical jurisprudence, notably by clarifying many terms and concepts used in legal discourse, including the concept of law itself. Taking into account developments since the first edition was published, this book provides a constructively critical account of Hart's legal thought. The work includes Hart's ideas on legal reasoning, judicial discretion, the social sources of law, the theory of legal rules, the sovereignty of individual conscience, the notion of obligation, the concept of a right, and the relationship between morality and the law. MacCormick actively engages with current scholarly interpretations, bringing this accessible account of England's greatest legal philosopher of the twentieth century up-to-date.

PURE THEORY OF LAW

The Lawbook Exchange, Ltd. Kelsen, Hans. Pure Theory of Law. Translation from the Second German Edition by Max Knight. Berkeley: University of California Press, 1967. x, 356 pp. Reprinted 2005 by The Lawbook Exchange, Ltd. ISBN 1-58477-578-5. Paperbound. \$36.95 * 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 jurist 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.

LEGAL CONVENTIONALISM

Springer The concept of convention has been used in different fields and from different perspectives to account for important social phenomena, and the legal sphere is no exception. Rather, reflection on whether the legal phenomenon is based on a convention and, if so, what kind of convention is involved, has become a recurring issue in contemporary legal theory. In this book, some of the foremost specialists in the field make significant contributions to this debate. In the first part, the concept of convention is analysed. The second part reflects on whether the rule of recognition postulated by Hart can be understood as a convention and discusses its potential and limitations in order to explain the institutional and normative character of law. Lastly, the third part critically examines the relations between conventionalism and legal interpretation. Given the content and quality of the contributions, the book is of interest to those wanting to understand the current state of the art in legal conventionalism as well as those wanting to deepen their knowledge about these questions.

ESSAYS IN JURISPRUDENCE AND PHILOSOPHY

OUP Oxford This important collection of essays includes Professor Hart's first defense of legal positivism; his discussion of the distinctive teaching of American and Scandinavian jurisprudence; an examination of theories of basic human rights and the notion of "social solidarity," and essays on Jhering, Kelsen, Holmes, and Lon Fuller.

TAKING RIGHTS SERIOUSLY

A&C Black A landmark work of political and legal philosophy, Ronald Dworkin's Taking Rights Seriously was acclaimed as a major work on its first publication in 1977 and remains profoundly influential in the 21st century. A forceful statement of liberal principles - championing the legal, moral and political rights of the individual against the state - Dworkin demolishes prevailing utilitarian and legal-positivist approaches to jurisprudence. Developing his own theory of adjudication, he applies this to controversial public issues, from civil disobedience to positive discrimination. Elegantly written and cuttingly insightful, Taking Rights Seriously is one of the most important works of public thought of the last fifty years.

CONCEPTS IN LAW

Springer Science & Business Media 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 question 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 METHODOLOGY OF LEGAL THEORY

Routledge The last decade has witnessed a particularly intensive debate over methodological issues in legal theory. The publication of Julie Dickson's *Evaluation and Legal Theory* (2001) was significant, as were collective returns to H.L.A. Hart's 'Postscript' to *The Concept of Law*. While influential articles have been written in disparate journals, no single collection of the most important papers exists. This volume - the first in a three volume series - aims not only to fill that gap but also propose a systematic agenda for future work. The editors have selected articles written by leading legal theorists, including, among others, Leslie Green, Brian Leiter, Joseph Raz, Ronald Dworkin, and William Twining, and organized under four broad categories: 1) problems and purposes of legal theory; 2) the role of epistemology and semantics in theorising about the nature of law; 3) the relation between morality and legal theory; and 4) the scope of phenomena a general jurisprudence ought to address.

PHILOSOPHY OF LAW

A VERY SHORT INTRODUCTION

Oxford University Press 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.

A LIFE OF H.L.A. HART

THE NIGHTMARE AND THE NOBLE DREAM

Oxford University Press, USA Shortlisted for the 2005 British Academy Book prize, Nicola Lacey's entrancing biography recounts the life of H.L.A. Hart, the pre-eminent legal philosopher of the twentieth century. Following Hart's life from modest origins as the son of Jewish tailor parents in Yorkshire to worldwide fame as the most influential English-speaking legal theorist of the post-War era, the book traces his successive metamorphoses; from Yorkshire schoolboy to Oxford scholar, from government intelligence officer to Professor of Jurisprudence, from awkward bachelor to family figurehead. In the tradition of Ray Monk's biography of Wittgenstein, Nicola Lacey paints an absorbing picture of intellectual and psychological development, of a mind struggling to cope with intellectual self-doubt, uncertain sexuality, a difficult marriage and an anti-semitic society. In depicting the evolution of Hart's life and mind, Lacey provides a vivid recreation of both the intellectual and social climate of Oxford in the post-War era.

THE LONG ARC OF LEGALITY

HOBBS, Kelsen, HART

Cambridge University Press Explores how the central question of philosophy of law is the legal subject's: how can that be law for me?

HART'S CONCEPT OF LAW

HLA HART'S CONCEPT OF LAW

FRIEND OR FOE? : REFLECTIONS ON THE RELATIONSHIP BETWEEN LEGAL POSITIVISM AND FEMINIST LEGAL THEORY

WHAT MAKES LAW

AN INTRODUCTION TO THE PHILOSOPHY OF LAW

Cambridge University Press This advanced introduction to central questions in legal philosophy attempts to breathe new life into stalled research.

BRANDLY MANOR

PUNISHMENT AND RESPONSIBILITY

ESSAYS IN THE PHILOSOPHY OF LAW

Oxford University Press This classic collection of essays, first published in 1968, represents H.L.A. Hart's landmark contribution to the philosophy of criminal responsibility and punishment. Unavailable for ten years, this new edition reproduces the original text, adding a new critical introduction by John Gardner, a leading contemporary criminal law theorist.

H.L.A. HART

John Wiley & Sons H.L.A. Hart is among the most important philosophers of the twentieth century, with an especially great influence on the philosophy of law. His 1961 book *The Concept of Law* has become an enduring classic of legal philosophy, and has also left a significant imprint on moral and political philosophy. In this volume, leading contemporary legal and political philosopher Matthew H. Kramer provides a crystal-clear analysis of Hart's contributions to our understanding of the nature of law. He elucidates and scrutinizes every major aspect of Hart's jurisprudential thinking, ranging from his general methodology to his defense of legal positivism. He shows how Hart's achievement in *The Concept of Law*, despite the evolution of debates in subsequent decades, remains central to contemporary legal philosophy because it lends itself to being reinterpreted in light of new concerns and interests. Kramer therefore pays particular attention to the strength of Hart's insights in the context of present-day disputes among philosophers over the reality of normative entities and properties and over the semantics of normative statements. This book is an invaluable guide to Hart's thought for students and scholars of legal philosophy and jurisprudence, as well as moral and political philosophy.

BETWEEN AUTHORITY AND INTERPRETATION

ON THE THEORY OF LAW AND PRACTICAL REASON

OUP Oxford In this book Joseph Raz develops his views on some of the central questions in practical philosophy: legal, political, and moral. The book provides an overview of Raz's work on jurisprudence and the nature of law in the context of broader questions in the philosophy of practical reason. The book opens with a discussion of methodological issues, focusing on understanding the nature of jurisprudence. It asks how the nature of law can be explained, and how the success of a legal theory can be established. The book then addresses central questions on the nature of law, its relation to morality, the nature and justification of authority, and the nature of legal reasoning. It explains how legitimate law, while being a branch of applied morality, is also a relatively autonomous system, which has the potential to bridge moral differences among its subjects. Raz offers responses to some critical reactions to his theory of authority, adumbrating, and modifying the theory to meet some of them. The final part of the book brings together for the first time Raz's work on the nature of interpretation in law and the humanities. It includes a new essay explaining interpretive pluralism and the possibility of interpretive innovation. Taken together, the essays in the volume offer a valuable introduction for students coming for the first time to Raz's work in the philosophy of law, and an original contribution to many of the current debates in practical philosophy.

IN PURSUIT OF PLURALIST JURISPRUDENCE

Cambridge University Press This book presents and evaluates theoretical approaches to 'pluralist jurisprudence' and assesses the viability of theorising law extending beyond the state.

THOUGHTS AND WAYS OF THINKING

SOURCE THEORY AND ITS APPLICATIONS

Ubiquity Press Why do we think differently from one another? Why do religious people adhere to their faith even against reason, whilst atheist thinkers label it "nonsense"? Why do some judges turn more to moral values and others less? Why do we attach different meanings to the same words? These questions can be tackled on psychological or sociological levels, but we can also analyze the subjects on the epistemological level. That is the purpose of this book. *Thoughts and Ways of Thinking* offers Source Theory as a single explanation for epistemic processes and their religious, legal and linguistic derivatives. The idea is simple: our senses, our understanding, our memory, the testimonies that we

trust, and many other objects transmit data to us and so shape our beliefs. In this function they serve as our truth sources. Different beliefs stem from different sources or different hierarchies between same sources. This notion is formalized here through the new tool of Source Calculus, and, after balancing its relativistic consequences by adding pragmatic constraints, it is applied to the philosophies of religion, law and language. With this unified theory, old doubts are framed in new perspectives, and some of them even find their solution.