

THE CONCEPT OF LAW

H. L. A. HART



CLARENDON LAW SERIES

Hart The Concept Of Law

Neil MacCormick



Hart 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's Postscript with fully updated notes to include modern references and further reading

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 Rule of Law in International Affairs Ian Brownlie, 1998-08-26 This volume consists of a carefully edited version of the General Course on Public International Law delivered at the Hague Academy of International Law to commemorate the fiftieth anniversary of the foundation of the United Nations The author brings to them not only his background of academic distinction but his experience as a practitioner concerned with major international legal issues The rule of law in international affairs is a question of perennial concern but it is of greater moment these days for a number of reasons The active agenda of the Security Council and its relative solidarity creates a paradox Its increased political power is a source of hope but the modalities of the exercise of power present problems of principle and of legal concern Another area of concern is the International Court which has had a successful record since the early eighties and provides one of the guarantees of the maintenance of legality Recent successes of the Court include the effective resolution of the territorial dispute between Chad and Libya The general level of compliance with its decisions by States is impressive Yet its success is matched not by encouragement and enhancement of its facilities but by United Nations financial constraints which hinder its work and ultimately may threaten its independence in relation to the political organs of the United Nations

H. L. A. Hart's Concept of Law and its Critics Ayesha Masood, 2023-04-26 Academic Paper from the year 2021 in the subject Law Philosophy History and Sociology of Law grade A course Western Jurisprudence language English abstract This article presents an overview of HLA Hart's legal theory which unites primary and secondary rules to

address social defects including uncertainty staticity and inefficiency Hart proposes the Rule of Recognition to address uncertainty the Rule of Change to address staticity and the Rule of Adjudication to address inefficiency This article will include Hart's criticism of John Austin and Kelsen's theory Furthermore this article will highlight criticisms of Hart's theory by John McCormick and Roger Cottrell and different jurists Moreover Hart's elaboration of the ROR will be extensively discussed including its criteria functions and criticisms

H.L.A. Hart Neil MacCormick, 2008 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

The Postscript to H.L.A. Hart's The Concept of Law H. Sheinman, 1996 *Hart's Postscript* Jules L. Coleman, 2001-05-31 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

A Statement and Evaluation of H.L.A. Hart's Concept of Law Herbert Patrick Priam, 1979

H.L.A. Hart and His The Concept of Law (1961) Abraham Harari, 1972 *Legal Theory* Herbert Lionel Adolphus

Hart, 1998 *Law, Morality, and Society* Herbert Lionel Adolphus Hart, 1977 *Law Morality and Society Essays in Honour of H L A Hart* H.L.A. Hart's *Idea of Obligation and Concept of Law* M. S. Blackman, 1983 **The Legacy of H.L.A. Hart** Matthew Kramer, Claire Grant, Ben Colburn, Antony Hatzistavrou, 2008-07-31 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 **Hart's Legal Philosophy** M.E. Bayles, 2013-03-09 During the last half of the twentieth century legal philosophy or legal theory or jurisprudence has grown significantly It is no longer the domain of a few isolated scholars in law and philosophy Hundreds of scholars from diverse fields attend international meetings on the subject In some universities large lecture courses of five hundred students or more study it The primary aim of the Law and Philosophy Library is to present some of the best original work on legal philosophy from both the Anglo American and European traditions Not only does it help make some of the best work available to an international audience but it also encourages increased awareness of and interaction between the two major traditions The primary focus is on full length scholarly monographs although some edited volumes of original papers are also included The Library editors are assisted by an Editorial Advisory Board of internationally renowned scholars Legal philosophy should not be considered a narrowly circumscribed field Insights into law and legal institutions can come from diverse disciplines on a wide range of topics Among the relevant disciplines or perspectives contributing to legal philosophy besides law and philosophy are anthropology economics political science and sociology Among the topics included in legal philosophy are theories of law the concepts of law and legal institutions legal reasoning and adjudication epistemological issues of evidence and procedure law and justice economics politics or morality legal ethics and theories of legal fields such as criminal law contracts and property *The Invisible Origins of Legal Positivism* W.E. Conklin, 2012-12-06 Conklin's thesis is that the tradition of modern legal positivism beginning with Thomas Hobbes postulated different senses of the invisible as the authorising origin of humanly posited laws Conklin re-reads the tradition by privileging how the canons share a particular understanding of legal language as written Leading philosophers who have espoused the tenets of the tradition have assumed that legal language is written and that the authorising origin of humanly posited rules norms is inaccessible to the written legal language Conklin's re-reading of the tradition teases out how each of these leading philosophers has postulated that the authorising origin of humanly posited

laws is an unanalysable externality to the written language of the legal structure As such the authorising origin of posited rules norms is inaccessible or invisible to their written language What is this authorising origin Different forms include an originary author an a priori concept and an immediacy of bonding between person and laws In each case the origin is unwritten in the sense of being inaccessible to the authoritative texts written by the officials of civil institutions of the sovereign state Conklin sets his thesis in the context of the legal theory of the polis and the pre polis of Greek tribes The author claims that the problem is that the tradition of legal positivism of a modern sovereign state excises the experiential or bodily meanings from the written language of the posited rules norms thereby forgetting the very pre legal authorising origin of the posited norms that each philosopher admits as offering the finality that legal reasoning demands if it is to be authoritative

Twenty-First Century Perspectives on the Scholarship of AV Dicey Catherine Marshall, Céline Roynier, 2024-12-12 This book reassesses AV Dicey's legacy in political and legal thought through the reflections of leading scholars who consider his importance not only in today's British constitutional and legal culture but also in other foreign constitutional cultures Every student in law and in politics every law faculty and most legal practitioners in the world are aware of who Albert Venn Dicey 1835-1922 was and what he wrote Yet this fame does not mean that Dicey's legacy is not controversial and debated in the present world This book considers why Dicey's late Victorian constitutional and political thinking is still alive In spite of all the transformations that have taken place in public law in the UK in the last hundred years the book argues that Dicey managed to grasp and to crystallise something of the British political identity and culture Hence the long lasting fire power of his constitutional and political thinking The book also considers that there is something even more prescient in Dicey's writings for the UK but also for countries that have adopted his understanding of the rule of law and or of parliamentary government Dicey identified one of the most fundamental political issues at stake the nature of the relationship between public law and democracy The book looks closely at the alliance between public law and democratic spirit This alliance needs to be reassessed from a legal historical and comparative perspective This edited collection gathering authors from different countries from various legal systems and from diverse backgrounds tackles this task

More Essays in Legal Philosophy Robert S. Summers, 1971-01-01 **H.L.A. Hart** Matthew H. Kramer, 2018-11-26 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. **Law's Ethical, Global and Theoretical Contexts** Upendra Baxi, Christopher McCrudden, Abdul Paliwala, 2015-10-22 Examines contemporary perspectives on law through Twining's scholarly work and with a focus on ethical global and theoretical contexts. **Sociality and Responsibility** Margaret Gilbert, 2000 Sociality and Responsibility develops and extends the application of her plural subject theory of human sociality first introduced in the earlier works *On Social Facts* and *Living Together*. Demonstrating the extensive range and fruitfulness of plural subject theory Gilbert presents accounts of social rules, scientific change, political obligation, collective remorse, collective guilt, shared intention and an important class of rights and obligations.

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