



Hans Kelsen

Robert Schuett



Hans Kelsen:

The Public International Law Theory of Hans Kelsen Jochen von Bernstorff, 2010-10-28 This analysis of Hans Kelsen's international law theory takes into account the context of the German international legal discourse in the first half of the twentieth century including the reactions of Carl Schmitt and other Weimar opponents of Kelsen. The relationship between his Pure Theory of Law and his international law writings is examined enabling the reader to understand how Kelsen tried to square his own liberal cosmopolitan project with his methodological convictions as laid out in his Pure Theory of Law. Finally Jochen von Bernstorff discusses the limits and continuing relevance of Kelsenian formalism for international law under the term of reflexive formalism and offers a reflection on Kelsen's theory of international law against the background of current debates over constitutionalisation, institutionalisation and fragmentation of international law. The book also includes biographical sketches of Hans Kelsen and his main students Alfred Verdross and Joseph L. Kunz. *Hans Kelsen's Pure Theory of Law* Lars Vinx, 2007 By showing how Kelsen's theory of law works alongside his political philosophy the book shows the Pure Theory to be part of a wider attempt to understand how political power can be legitimately exercised in pluralist societies. **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. *Democracy in Its Essence* Sara Lagi, 2020-10-07 Hans Kelsen is commonly associated with legal theory and philosophy of law. *Democracy in Its Essence* Hans Kelsen as a Political Thinker instead investigates Kelsen's democratic theory as it developed between the 1920s and 1950s which challenged the existence of democracies in many different respects. Kelsen provided a critical reflection on the strengths and problems of living within a democratic system while also defending it against a series of specific targets from the Soviet regime and Bolshevism to European Fascisms from religious based conceptions of politics to those claiming a perfect identity between capitalism and classical liberal institutions and chiefly against all those ideologies claiming to possess objective understanding of what true freedom and true democracy signify. By seeking what he defined as the essence and value of democracy Kelsen elaborated a pluralist, relativist, constitutional, proceduralist and liberal theory of representative democracy characterized by a strong recall to the values of

tolerance responsibility and respect toward the other as well as to the idea of politics as space for compromise In this book Sara Lagi reconstructs his political theory as a relevant contribution to the twentieth century liberal democratic tradition of thought while representing a stimulating reflection on the meaning and implication of democracy both as a political system and as a form of co existence

The Guardian of the Constitution, 2015-02-19 This volume provides the first English translation of Hans Kelsen's and Carl Schmitt's influential Weimar era debate on constitutional guardianship and the legitimacy of constitutional review It includes Kelsen's seminal piece *The Nature and Development of Constitutional Adjudication* as well as key extracts from the *Guardian of the Constitution* which present Schmitt's argument against constitutional review Also included are Kelsen's review of Schmitt's *Guardian of the Constitution* as well as some further material by Kelsen and Schmitt on presidential dictatorship under Article 48 of the Weimar Constitution These texts show Kelsen and Schmitt responding to one another in the context of a debate focused on a concrete constitutional crisis thus allowing the reader to assess the plausibility of Kelsen's and Schmitt's legal and constitutional theories

Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence D.A. Jeremy Telman, 2016-08-26 This volume explores the reasons for Hans Kelsen's lack of influence in the United States and proposes ways in which Kelsen's approach to law philosophy and political democratic and international relations theory could be relevant to current debates within the U S academy in those areas Along the way the volume examines Kelsen's relationship and often hidden influences on other members of the mid century Central European migr community whose work helped shape twentieth century social science in the United States The book includes major contributions to the history of ideas and to the sociology of the professions in the U S academy in the twentieth century Each section of the volume explores a different aspect of the puzzle of the neglect of Kelsen's work in various disciplinary and national settings Part I provides reconstructions of Kelsen's legal theory and defends that theory against negative assessments in Anglo American jurisprudence Part II focuses both on Kelsen's theoretical views on international law and his practical involvement in the post war development of international criminal law Part III addresses Kelsen's theories of democracy and justice while placing him in dialogue with other major twentieth century thinkers including two fellow migr scholars Leo Strauss and Albert Ehrenzweig Part IV explores Kelsen's intellectual legacies through European and American perspectives on the interaction of Kelsen's theoretical approach to law and national legal traditions in the United States and Germany Each contribution features a particular applications of Kelsen's approach to doctrinal and interpretive issues currently of interest in the legal academy The volume concludes with two chapters on the nature of Kelsen's legal theory as an instance of modernism

Hans Kelsen and the Case for Democracy Sandrine Baume, 2017-05-19 Hans Kelsen and the Case for Democracy is a contextual analysis of this famous jurist's political thought Kelsen's works are usually reduced to his theory of law and his reflections on democracy are often ignored The great strength of Kelsen's political thinking lies in the largely original arguments that it musters against the critics who condemn

or debunk the institutions of parliamentary democracies This study assesses Kelsenian democratic theory by exploring three questions first how is Kelsen s political theory intertwined with his legal theory Second how does Kelsen combine his reflections on the democratic ideal with his appreciation of a reality that more often than not quite distant from that ideal Third how does Kelsen conceive of the sources of the state s cohesion in a democracy Principles of International Law Hans Kelsen,2003 Kelsen Hans Principles of International Law New York Rinehart Company Inc 1952 xvii 461 pp Reprinted 2003 by The Lawbook Exchange Ltd ISBN 1 58477 325 1 Cloth 85 Upon his retirement from the faculty of University of California at Berkeley in 1952 noted legal philosopher and political scientist Hans Kelsen 1881 1973 produced arguably this his most important work a systematic study of the most important aspects of international law including international delicts and sanctions reprisals the spheres of validity and the essential function of international law creation and application of international law and national law Nicoletta Bersier Ladavac Hans Kelsen 1881 1973 Biographical Note and Bibliography European Journal of International Law Vol 9 1998 No 2 **Pure Theory of Law** Hans Kelsen,2022-05-13 This title is part of UC Press s Voices Revived program which commemorates University of California Press s mission to seek out and cultivate the brightest minds and give them voice reach and impact Drawing on a backlist dating to 1893 Voices Revived makes high quality peer reviewed scholarship accessible once again using print on demand technology This title was originally published in 1967 The Essence and Value of Democracy Hans Kelsen,2013-08-22 Hans Kelsen is widely recognized as one of the most important legal theorists of the 20th century Surprisingly however his political writings are not nearly as widely known as his legal theory especially in the English speaking world This book fills the void between what is and isn t known about Hans Kelsen s political philosophy and the ways that philosophy has and will continue to shape political debates inherent to democracy in the future For the first time in English this classic book with an introduction by political theorist Nadia Urbinati provides an overview of Kelsen s career and his contributions to 20th century political thought *Hans Kelsen and the Natural Law Tradition* Peter Langford,Ian Bryan,John McGarry,2019-03-19 Hans Kelsen and the Natural Law Tradition provides the first sustained examination of Hans Kelsen s critical engagement itself founded upon a distinctive theory of legal positivism with the Natural Law Tradition This edited collection commences with a comprehensive introduction which establishes the character of Kelsen s critical engagement as a general critique of natural law combined with a more specific critique of representative thinkers of the Natural Law Tradition The subsequent chapters are then devoted to a detailed analysis of Kelsen s engagement with prominent theorists from the Natural Law Tradition The volume concludes with an exploration focusing upon the delineation of a non positivist legal theory in the debate between Robert Alexy and Joseph Raz of the continued presence of Kelsenian legal positivism in contemporary legal theory *The Life and Death of States* Natasha Wheatley,2025-12-02 An intellectual history of sovereignty that reveals how the Habsburg Empire became a crucible for our contemporary world order Sprawled across the heartlands of Europe the Habsburg Empire resisted all the standard

theories of singular sovereignty The 1848 revolutions sparked decades of heady constitutional experimentation that pushed the very concept of the state to its limits This intricate multinational polity became a hothouse for public law and legal philosophy and spawned ideas that still shape our understanding of the sovereign state today The Life and Death of States traces the history of sovereignty over one hundred tumultuous years explaining how a regime of nation states theoretically equal under international law emerged from the ashes of a dynastic empire Natasha Wheatley shows how a new sort of experimentation began when the First World War brought the Habsburg Empire crashing down the making of new states Habsburg lands then became a laboratory for postimperial sovereignty and a new international order and the results would echo through global debates about decolonization for decades to come Wheatley explores how the Central European experience opens a unique perspective on a pivotal legal fiction the supposed juridical immortality of states A sweeping work of intellectual history The Life and Death of States offers a penetrating and original analysis of the relationship between sovereignty and time illustrating how the many deaths and precarious lives of the region's states expose the tension between the law's need for continuity and history's volatility

Kelsen's Legacy Jorge Emilio Núñez, Gonzalo Villa-Rosas, Jorge Luis Fabra-Zamora, 2025-02-20 This volume offers a comprehensive examination of Hans Kelsen's legal and political philosophy focusing on four central themes The first part analyses Kelsen's theory of norms including its periodisation and concepts of validity and coercion The second part explores his perspectives on international law addressing its structural analysis primitive law characterisation and teleology The third part examines Kelsen's theory of democracy its relationship with the pure theory of law collective will and democratisation of the administration The final part discusses Kelsen's influence on the Vienna School of Legal Theory and its impact on case law and jurisprudence beyond Europe This collection is essential for scholars and practitioners seeking to understand Kelsen's legacy

Austrian Minds: Vienna Circle and Hans Kelsen Punsara Amarasinghe, 2018-05-14 Academic Paper from the year 2018 in the subject Law Philosophy History and Sociology of Law grade A course Philosophy of Science language English abstract This Article seeks to explain Kelsen's pure theory of law and his whole contribution to legal positivism was influenced and bolstered by his early stay in Vienna even though the foundational stone laid by Kelsen on legal positivism is clearly distinguished from logical positivism propounded by the pioneers of Vienna circle in this article I argue the intellectual uplifting Kelsen underwent during the youth he spent in Vienna had left a hallmark in his thoughts Furthermore this article illustrates how both logical positivism and legal positivism grew parallel in a same time period during two great wars Central argument I seek to explain in this article is to demonstrate Hans Kelsen as a legal modernist and how Vienna circle made impacts upon his thoughts

Kelsen Revisited Luís Duarte d'Almeida, John Gardner, Leslie Green, 2014-07-18 Forty years after his death Hans Kelsen 1881 1973 remains one of the most discussed and influential legal philosophers of our time This collection of new essays takes Kelsen's Pure Theory of Law as a stimulus aiming to move forward the debate on several central issues in contemporary jurisprudence The essays in Part I

address legal validity the normativity of law and Kelsen's famous but puzzling idea of a legal system's basic norm Part II engages with the difficult issues raised by the social realities of law and the actual practices of legal officials Part III focuses on conceptual features of legal systems and the logical structure of legal norms All the essays were written for this volume by internationally renowned scholars from seven countries Also included in English translation is an important polemical essay by Kelsen himself

A Dynamic Approach to Hans Kelsen's General Theory of Norms Monika Zalewska, 2024-12-12 This timely and compelling book delves into the dynamic interpretation of Hans Kelsen's General Theory of Norms through the lens of 21st century jurisprudential debates Engaging with key contemporary philosophical concepts such as fictionalism in the philosophy of science explanation and understanding and supervenience this book sheds new light on Kelsen's original ideas By offering a contemporary interpretation of his later work it re-examines classic concepts known from the Pure Theory of Law like the basic norm the separation of is and ought validity and efficacy imputation and the concept of the legal norm Integrating modern philosophy with Kelsen's lasting ideas this book presents a novel theoretical landscape inviting readers to explore fresh perspectives on Kelsen's contributions to legal theory and emphasising its enduring relevance

General Theory of Law and State Hans Kelsen, 1946

What is Justice? Hans Kelsen, 2022-04-29 Through the lens of science Hans Kelsen proposes a dynamic theory of natural law examines Platonic and Aristotelian doctrines of justice and the idea of justice as found in the holy scriptures This title is part of UC Press's Voices Revived program which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice reach and impact Drawing on a backlist dating to 1893 Voices Revived makes high quality peer reviewed scholarship accessible once again using print on demand technology This title was originally published in 1957

The Foundation of the Juridico-Political Ian Bryan, Peter Langford, John McGarry, 2015-10-23 Hans Kelsen and Max Weber are conventionally understood as initiators not only of two distinct and opposing processes of concept formation but also of two discrete and contrasting theoretical frameworks for the study of law The Foundation of the Juridical Political Concept Formation in Hans Kelsen and Max Weber places the conventional understanding of the theoretical relationship between the work of Kelsen and Weber into question Focusing on the theoretical foundations of Kelsen's legal positivism and Weber's sociology of law and guided by the conceptual frame of the juridico political the contributors to this interdisciplinary volume explore convergences and divergences in the approach and stance of Kelsen and Weber to law the State political science modernity legal rationality legal theory sociology of law authority legitimacy and legality The chapters comprising The Foundation of the Juridical Political uncover complexities within as well as between the theoretical and methodological principles of Kelsen and Weber and thereby challenge the enduring division between legal positivism and the sociology of law in contemporary discourse

Hans Kelsen's Political Realism Robert Schuett, 2022-11-30 In a lively account of Kelsen's life and political thinking Robert Schuett introduces him as a political realist and brings his thought on human nature the state and war into productive

tension with today's Schmittians and conventional views of foreign policy realism

Unveiling the Power of Verbal Beauty: An Emotional Sojourn through **Hans Kelsen**

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