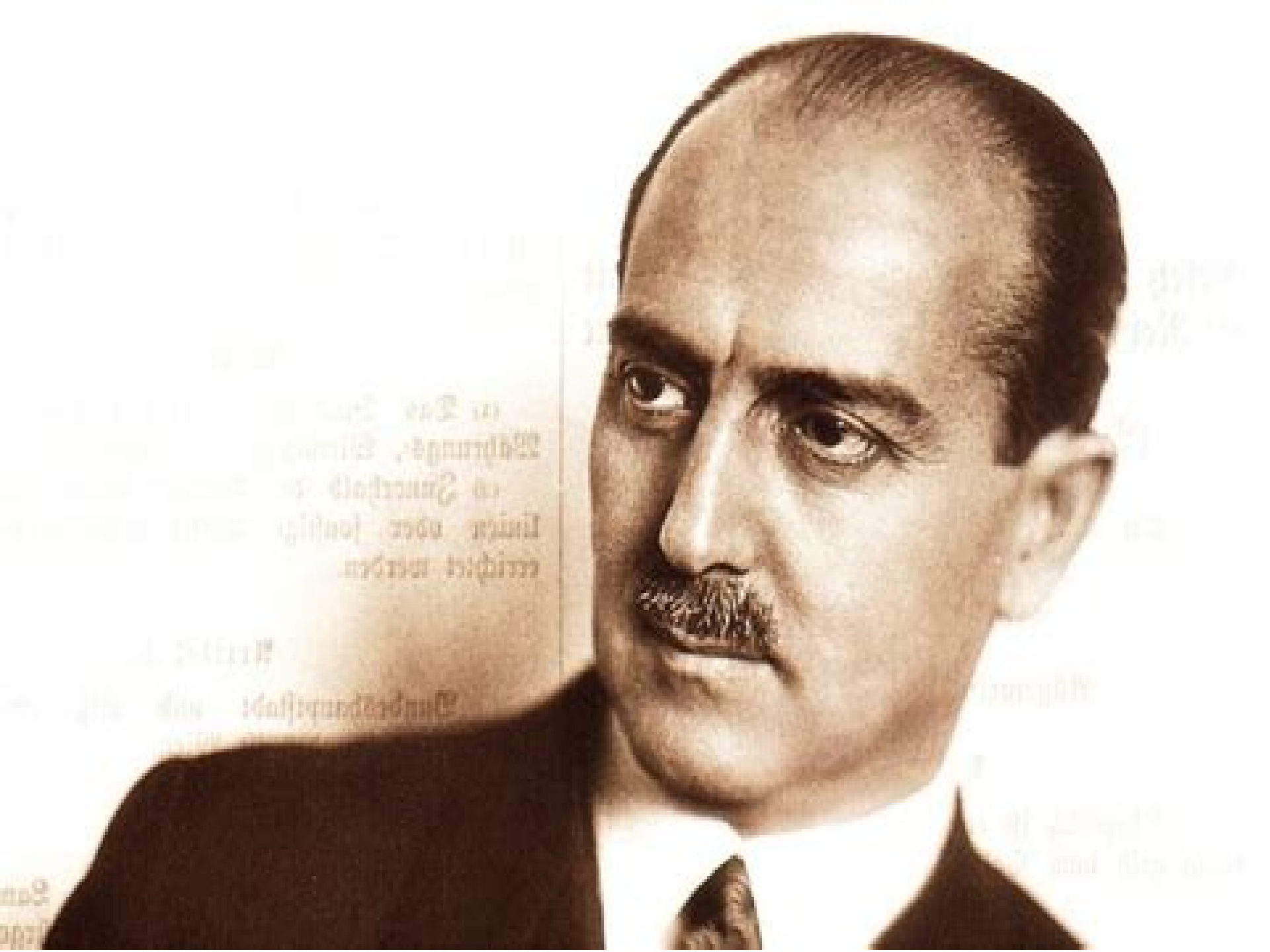
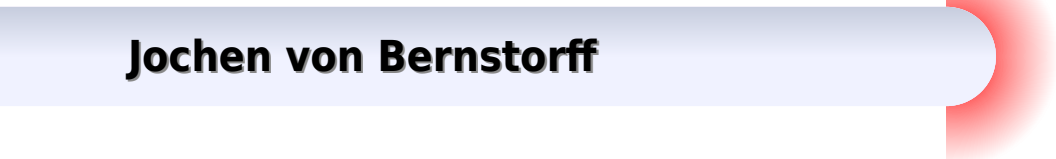




Hans Kelsen

Jochen von Bernstorff



Hans Kelsen:

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 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

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

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.

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 is quite distant from that ideal? Third, how does Kelsen conceive of the sources of the state's cohesion in a democracy?

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 migré 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 migré 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 application 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.

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 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 Dawn of a Discipline Frédéric Mégret,Immi

Tallgren,2020-09-24 The history of international criminal justice is often recounted as a series of institutional innovations But international criminal justice is also the product of intellectual developments made in its infancy This book examines the contributions of a dozen key figures in the early phase of international criminal justice focusing principally on the inter war years up to Nuremberg Where did these figures come from what did they have in common and what is left of their legacy What did they leave out How was international criminal justice framed by the concerns of their epoch and what intuitions have passed the test of time What does it mean to reimagine international criminal justice as emanating from individual intellectual narratives In interrogating this past in all its complexity one does not only do justice to it one can recover a sense of the manifold trajectories that international criminal justice could have taken **Statelessness** Mira L.

Siegelberg,2020-10-06 The story of how a much contested legal category statelessness transformed the international legal order and redefined the relationship between states and their citizens Two world wars left millions stranded in Europe The collapse of empires and the rise of independent states in the twentieth century produced an unprecedented number of people without national belonging and with nowhere to go Mira Siegelberg's innovative history weaves together ideas about law and politics rights and citizenship with the intimate plight of stateless persons to explore how and why the problem of statelessness compelled a new understanding of the international order in the twentieth century and beyond In the years following the First World War the legal category of statelessness generated novel visions of cosmopolitan political and legal organization and challenged efforts to limit the boundaries of national membership and international authority Yet as Siegelberg shows the emergence of mass statelessness ultimately gave rise to the rights regime created after World War II which empowered the territorial state as the fundamental source of protection and rights against alternative political configurations Today we live with the results more than twelve million people are stateless and millions more belong to categories of recent invention including refugees and asylum seekers By uncovering the ideological origins of the international agreements that define categories of citizenship and non citizenship Statelessness better equips us to confront current dilemmas of political organization and authority at the global level Legal Monism Paul Gragl,2018-03-23 In response to a climate in which respect for international law and the law of the European Union is rapidly losing ground Paul Gragl advocates for the revival of legal monism as a solution to potentially irresolvable normative conflicts between different

bodies of law In this first comprehensive monograph on the theory as envisaged by the Pure Theory of Law of the Vienna School of Jurisprudence the author defends legal monism against the competing theories of dualism and pluralism Drawing on philosophical epistemological legal moral and political arguments this book argues that only monism under the primacy of international law takes the law and the concept of legal validity seriously On a practical level it offers policy makers and decision makers methods of dealing with current problems and a means to restore respect for international law and peaceful international relations While having the potential to revive and elicit further interest and research in monism and the Pure Theory of Law the comprehensiveness and scope of the book also make it a choice text for inter disciplinary scholars

Sovereignty and the Limits of International Law Todd Berry, 2023-11-29 The inspiration for this book comes from negotiations that are taking place under the auspices of the United Nations by an intergovernmental conference for a new International Legally Binding Instrument ILBI under the United Nations Convention on the Law of the Sea UNCLOS on the conservation and sustainable use of marine biological diversity of Areas Beyond National Jurisdiction ABNJ The proposed ILBI is attempting to fill existing gaps under international law over marine biodiversity and Marine Genetic Resources MGR in ABNJ One way it is attempting to do this is by having an Access and Benefit Sharing ABS schema over these resources in ABNJ that the United Nations Convention on Biological Diversity CBD and its Nagoya Protocol NP do not currently cover These existing frameworks that regulate genetic resources are grounded in the notion of sovereignty Effectively States have sovereign rights over their biological resources The ILBI however is attempting to regulate marine biodiversity and MGR in ABNJ Thus the notion that negotiators representing nation States under the auspices of the United Nations can regulate ABNJ is paradoxical are these areas beyond nation States jurisdiction or not Implicitly the negotiators are acting as though they have sovereignty over resources located in what has been historically a sovereign free space Thus the purpose of this book is to investigate this paradox Essentially this book critiques the notion that ABNJ can actually be regulated under the auspices of the United Nations by nation State negotiators

The Project of Positivism in International Law Mónica García-Salmones Rovira, 2013-11-28 International legal positivism has been crucial to the development of international law since the nineteenth century It is often seen as the basis of mainstream or traditional international legal thought The Project of Positivism in International Law addresses this theory in the long standing tradition of critical intellectual histories of international law It provides a nuanced analysis of the resilience of the economic positivist theory and shows how influential its role was in shaping the modern frameworks of international law The book argues that the rise of positivist international law was inseparable from philosophical developments placing the notion of conflict of interests at the centre of collective life Where previously international thought was dominated by notions of the right the just and the good increasingly international relations became viewed as interests in need of harmonisation In this context international law was re founded as the universal law that could harmonise the interests of both public and private international entities The book argues that these

evolutions in philosophical thought were bound up with the consolidation of capitalism and with the ideas about human existence and human nature which emerged in that process It provides an innovative analysis of the selected biography of ideas which it presents including a detailed focus on the work of Hans Kelsen one of the leading positivist thinkers of the twentieth century It also argues that the work of Lassa Oppenheim should be included within this analysis as providing some of the key founding texts of positivism in international law This book will be a fascinating read for scholars and students of international legal theory historians of ideas and legal philosophers

Essays in Legal Philosophy

Eugenio Bulygin, 2015-07-09 Eugenio Bulygin is a distinguished representative of legal science and legal philosophy as they are known on the European continent no accident given the role of the civil law tradition in his home country Argentina Over the past half century Bulygin has engaged virtually all major legal philosophers in the English speaking countries including H L A Hart Ronald Dworkin and Joseph Raz Bulygin's essays several written together with his eminent colleague and close friend Carlos E Alchourrón reflect the genre familiar from Alf Ross's *On Law and Justice* Hans Kelsen's *Pure Theory of Law* and Georg Henrik von Wright's *Norm and Action* Bulygin's wide ranging interests include most of the topics found under the rubric of analytical jurisprudence interpretation and judicial reasoning validity and efficacy of law legal positivism and the problem of normativity completeness and consistency of the legal system the nature of legal norms and the role of deontic logic in the law The reader will take delight in the often agreeably unorthodox character of Bulygin's views and in his hard hitting arguments in defence of them He challenges the received opinion on gaps in the law on legal efficacy on permissive norms and on the criteria for legal validity Bulygin's essays have been wellnigh inaccessible in the past appearing in specialized journals often in Spanish or German They are now available for the first time in an English language collection

Law, Morality, and Legal Positivism International Association for Philosophy of Law and Social Philosophy. World Congress, 2004 Contents P Capps Positivism in Law and International Law D von Daniels Is Positivism a State Centered Theory K E Himma Legal Positivism's Conventionality Thesis and the Methodology of Conceptual Analysis R Nunan A Modest Rehabilitation of the Separability Thesis A Oladosu Choosing Legal Theory on Cultural Grounds An African Case for Legal Positivism C Orrego Hart's Last Legal Positivism Morality Might Be Objective Legality Certainly is Not M Pavcnik Die Unproduktivität der Positivistischen Jurisprudenz M Haase The Hegelianism in Kelsen's Pure Theory of Law S Papaefthymiou The House Kelsen Built U J Pak Legal Practitioners Need of Reflective Application of Legal Philosophy in Korea U Schmill Jurisprudence and the Concept of Revolution D Venema Judicial Discretion a Necessary Evil J Baker Rights Obligations and Duties and the Intersection of Law Conventions and Morals S Berteau Legal Systems Claim to Normativity and the Concept of Law J Dalberg Larsen On the Relevance of Habermas and Theories of Legal Pluralism for the Study of Environmental Law A Philippopoulos Mihalopoulos A Connection of No Connection in Luhmann and Derrida *Popular Sovereignty and the Crisis of German Constitutional Law* Peter C. Caldwell, 1997 A path breaking critical analysis of the meaning and interpretation of

the German constitution in the Weimar years 1919 1933 *A Treatise of Legal Philosophy and General Jurisprudence* Enrico Pattaro, Corrado Roversi, 2016-07-13 *A Treatise of Legal Philosophy and General Jurisprudence* is the first ever multivolume treatment of the issues in legal philosophy and general jurisprudence from both a theoretical and a historical perspective. The work is aimed at jurists as well as legal and practical philosophers. Edited by the renowned theorist Enrico Pattaro and his team, this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholars at all levels. The work is divided in two parts. The theoretical part, published in 2005, consisting of five volumes, covers the main topics of the contemporary debate. The historical part, consisting of six volumes, Volumes 6-8 published in 2007, Volumes 9 and 10 published in 2009, Volume 11 published in 2011, and Volume 12 forthcoming in 2016, accounts for the development of legal thought from ancient Greek times through the twentieth century. Volume 12, *Legal Philosophy in the Twentieth Century: The Civil Law World*, Volume 12 of *A Treatise of Legal Philosophy and General Jurisprudence*, titled *Legal Philosophy in the Twentieth Century: The Civil Law World*, functions as a complement to Gerald Postema's volume 11, titled *Legal Philosophy in the Twentieth Century: The Common Law World*, and it offers the first comprehensive account of the complex development that legal philosophy has undergone in continental Europe and Latin America since 1900. In this volume, leading international scholars from the different language areas, making up the civil law world, give an account of the way legal philosophy has evolved in these areas in the 20th century, the outcome being an overall mosaic of civil law legal philosophy in this arc of time. Further, specialists in the field describe the development that legal philosophy has undergone in the 20th century by focusing on three of its main subjects: namely, legal positivism, natural law theory, and the theory of legal reasoning, and discussing the different conceptions that have been put forward under these labels. The layout of the volume is meant to frame historical analysis with a view to the contemporary theoretical debate, thus completing the *Treatise* in keeping with its overall methodological aim, namely, that of combining history and theory as a necessary means by which to provide a comprehensive account of jurisprudential thinking.

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