

H. L. A. HART

THE
CONCEPT
OF LAW



SECOND
EDITION

Hart Concept Of Law

Jean d'Aspremont



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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

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

Perspectives in Jurisprudence Eric J. Boos,1998 H L A Hart s book The Concept of Law is perhaps the single greatest contribution to the field of legal philosophy in this century Hart lays the groundwork for the continued progress in the perennial debate between legal positivism and natural law This book briefly reviews the historic significance of that debate and demonstrates how Hart paves the way for an enlightened analysis of the tenuous relationship between law and morality It provides a detailed examination of Hart s efforts to establish a legal framework through primary and secondary rules and an ultimate rule of recognition It focuses specifically on Hart s reliance on the internal perspective as a means of establishing the form of obligation necessary for a legal system It examines Hart s treatment of the relationship between law and morality and Hart s mischaracterization of St Thomas Aquinas s natural law theory

Reflections on 'The Concept of Law' A. W. Brian Simpson,2011-09-22 HLA Hart s The Concept of Law is one of the most influential works of philosophy of the twentieth century redefining the field of legal philosophy and introducing generations of students to philosophical reflection on the nature of law Since its publication in 1961 an industry of academic research and debate has grown up around the book disputing refining and developing Hart s work Under the

sheer volume of competing interpretations of the book the original contexts cultural and intellectual that shaped Hart's project can be obscured In this book renowned legal historian AWB Simpson attempts to sweep aside the volumes of academic criticism and return to Troy I revealing the world of post war Oxford that produced Hart and his famous book *Drawing on his personal experience of studying and teaching in Oxford at the time Hart developed The Concept of Law* Simpson recreates with characteristic wit the social and intellectual culture of Oxford philosophy and the law faculty in the 1950s He traces Hart's early work and influences within and outside Oxford showing how Hart developed his picture of philosophy and its potential for enriching the understanding of law He also lays bare the painful shortcomings of post war Oxford academia depicting a world of eccentric dons and intellectual Cyclopes isolated and closed to broad interdisciplinary exchange arguing that Hart did not escape from the limitations of his intellectual world Simpson's entertaining and controversial account of the world that produced *The Concept of Law* will be essential reading for all those engaged in interpreting and teaching the seminal book and an engaging read for anyone interested in the history of Oxford philosophy and legal education

The Postscript to H.L.A. Hart's The Concept of Law H. Sheinman, 1996 *The Nature of Law* Daniel Mark, 2024-08-15 Challenging the prevailing understanding of the authority of law Daniel Mark offers a theory of moral obligation that is rooted both in command and in the law's orientation to the common good When and why do we have an obligation to obey the law Prevailing theories in the philosophy of law starting with the work of H L A Hart and Joseph Raz fail to provide definitive answers regarding the nature of legal obligation In this highly original and effective new work Daniel Mark argues that there is a prima facie moral obligation to obey the law simply because it is the law In Mark's view the best concept of law one that allows for the possibility of justified authority and obligation defines law as a set of commands oriented to the common good Legal obligation he proposes shares defining features with moral obligation and with religious obligation while aligning wholly with neither This philosophically coherent view of legal obligation offers a viable framework for analyzing important and seemingly paradoxical puzzles about the law such as why civil disobedience is punished as lawbreaking or why war crimes trials for legal but immoral acts present a moral quandary By reconciling the concept of law as command with the role of law in promoting the common good *The Nature of Law* provides an original and important scholarly contribution to the fields of legal philosophy and political thought

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

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

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

Legal Theory Herbert Lionel Adolphus Hart, 1998

A Theory of African Constitutionalism Berihun Adugna Gebeye, 2021 Utilizing detailed case studies from Nigeria Ethiopia and South Africa this title traces African constitutionalism from precolonial times to the present The volume offers a new framework for understanding African constitutionalism and a range of practical proposals for its future development

Law and Ethics in

Nursing and Health Care Judith Hendrick, 2000 Provides an overview of the British legal and ethical issues that nurses and other health professionals come across Hendrick Oxford Brookes U discusses the relationship between law and ethics and how at times they overlap or diverge Chapters include case studies theoretical discussion possible outcomes and a summary of how the legal and ethical approaches compare They also examine the patient client relationship confidentiality consent responsibility and accountability as well as the relationship between the law codes of practice and health care circulars The book includes guidelines from professional bodies Distributed in the US by ISBS c Book News Inc *The Blackwell Guide to the Philosophy of Law and Legal Theory* Martin P. Golding, William A. Edmundson, 2008-04-15 The Blackwell Guide to the Philosophy of Law and Legal Theory is a handy guide to the state of play in contemporary philosophy of law and legal theory Comprises 23 essays critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists Each essay incorporates essential background material on the history and logic of the topic as well as advancing the arguments Represents a wide variety of perspectives on current legal theory Formalism and the Sources of International Law Jean d'Aspremont, 2013-05-23 This book revisits the theory of the sources of international law from the perspective of formalism It critically analyses the virtues of formalism construed as a theory of law ascertainment as a means of distinguishing between law and non law The theory of formalism is re evaluated against the backdrop of the growing acceptance by international legal theorists of the blurring of the lines between law and non law At the same time the book acknowledges that much international normative activity nowadays takes place outside the ambit of traditional international law and that only a limited part of the exercise of public authority at the international level results in the creation of international legal rules The theory of ascertainment that the book puts forward attempts to dispel some of the illusions of formalism that accompany the traditional sources of international law It also sheds light on the tendency of scholars theorists and advocates to deformalize the identification of international legal rules with a view to expanding international law The book seeks to revitalize and refresh the formal identification of rules by engaging with some tenets of the postmodern critique of formalism As a result the book not only grapples with the practice of law making at the international level but it also offers broad theoretical insights on international law dealing with the main schools of thought in legal theory positivism naturalism legal realism policy oriented jurisprudence and postmodernism This paperback edition features the author's discussion of this book on the EJIL Talk blog *The Question of Law* Young Kim, 2024-01-08 In pursuit of the question of law Young Kim explores foundational political and moral concerns and develops a new normative theory of law This theory of law may be stated as two principles in lexical priority as follows First Principle One should obey those laws of legal rational political authority that do not otherwise violate societal norms and customs Second Principle Government should only enforce rules of human behavior of legitimate legal rational political authority This view understands the foundation of law to be political including the power to enforce rules Thus as this book argues the

question of law is seen primarily as a question of obedience whether and in what circumstances it is appropriate to obey the law Furthermore justice is seen as providing the moral framework within which rules of law are articulated Law should serve the demands of justice in particular the theory of justice as right actions which is led by moral concerns

The Concept of Dilemma in Legal and Judicial Ethics Przemysław Kaczmarek, Krzysztof J. Kaleta, Paweł Łabieniec, Marcin Pieniążek, Paweł Skuczyński, Sebastian Sykuna, 2018-10-12

Judges and lawyers have to shape their moral competences in order to maintain their professional ethics at a high standard if they want to effectively meet the challenges that modern society will throw at them This requirement is due to the growing expectation that they will be socially and morally responsible for the law Thus the need to place ethics at the heart of legal education and to make ethical reflection pervasive in academic courses becomes more obvious every day Using the concept and examples of moral dilemmas is a way of facilitating this task The main purpose of this book is to analyse the concept of moral dilemma in context of judicial and legal ethics and to provide material for legal education The structure of this book is designed with this double aim in mind The theoretical part presents the concept of dilemmas on grounds of metaethics and the perspectives for its application in a professional legal context The former encompasses situations of conflict of duties or obligations in which the choice of one conduct necessarily prevents a different conduct and therefore leads to an unacceptable outcome Hence the situation of dilemma always involves an issue of moral responsibility and the problem of dirty hands How such situations are present in legal practice and how to deal with them is the main concern of this part The considerations are divided into three levels of reflection deontological axiological and moral responsibility The practical part of the book contains an overview of 150 dilemmas that can be useful in legal ethics or other legal courses The dilemmas are divided into chapters covering the following branches of law criminal law civil and commercial law family and custody law labour and social security law and constitutional law Every dilemma presents a description of the facts a reconstruction of dilemma its standard solution and some critical remarks from a meta ethical perspective The dilemmas cover situations regularly met in everyday practice as well as examples of more exceptional challenges in connection with constitutional crises that have occurred in Poland in recent years

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