

H. L. A. HART

THE
CONCEPT
OF LAW



SECOND
EDITION

Hart Concept Of Law

David Brooke



Hart 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

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

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 **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 **The Postscript to H.L.A. Hart's *The Concept of Law*** H. Sheinman, 1996

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

The Legacy of H.L.A. Hart Matthew H. Kramer, 2008 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 eighteen 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

Legal Theory Herbert Lionel Adolphus Hart, 1998

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

Law, Morality, and Society Herbert Lionel Adolphus Hart, 1977 *Law Morality and Society Essays in Honour of H L A Hart*

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 **Issues in Contemporary Legal Philosophy** Ruth Gavison, 1987 Papers from a conference held in Jerusalem in March 1984 **H.L.A. Hart's Idea of Obligation and Concept of Law** M. S. Blackman, 1983 HLA Hart's Concept of Law Nicola Lacey, University of Toronto. Faculty of Law, 2005 A Theory of African Constitutionalism Berihun Aduugna 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 **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 Hart-Fuller Debate in the Twenty-First Century Peter Cane, 2010-02-16 This book presents the papers and comments on those papers delivered at a colloquium held at the Australian National University in December 2008 to celebrate 50 years since the publication in the Harvard Law Review of the famous and wide ranging debate between HLA Hart and Lon L Fuller These essays do not to re run that debate and they are not confined to discussion of the jurisprudential issues canvassed by Hart and Fuller Rather they pick up on strands in the debate and re think them in the light of social political and intellectual developments in the past 50 years and changed ways of understanding law and other normative systems This collection looks forward rather than backward using the debate as a point of departure and inspiration **Hart, Fuller, and Everything After** Allan C Hutchinson, 2023-02-23 More has been said about the Hart Fuller debate than can be considered healthy or productive even within the precious world of jurisprudential scholarship too much philosophising about how law has revelled in its own abstractness and narrowness But the mission of this book is distinctly and determinedly different it is not to rework these already rehashed ideas but to reject them entirely Rather than add to the massive jurisprudential literature that has been generated by all and sundry the book criticises and abandons the project that Hart and Fuller set in motion It contends that the turn that was taken in 1957 has led down a series of cul de sacs blind alleys and dead ends to nowhere useful or illuminating It is more than past time to leave

their debate behind and strike out in an entirely new and more promising direction The book insists that not only law but also all theorising about law is political in all its derivations dimensions and directions

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