

## Hans Kelsen And His Pure Theory Of Law

Second Edition, Revised and Expanded  
 Hans Kelsen and the Natural Law Tradition  
 Principles of International Law  
 A Critical Analysis of Hans Kelsen's Pure Theory of Law  
 Legality and Legitimacy  
 The Construction of Law  
 Kelsen Revisited  
 A Translation of the First Edition of the Reine Rechtslehre Or Pure Theory of Law  
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 Justice, Law, and Politics in the Mirror of Science : Collected Essays  
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 The Pure Theory of Law  
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 Law and Politics in the World Community. Essays on Hans Kelsen's Pure Theory and Related Problems in International Law. Compiled and Edited by G.A. Lipsky  
 Hans Kelsen's Pure Theory of Law  
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 Hans Kelsen's Pure Theory of Law

*Hans Kelsen And His Pure Theory Of Law*

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### YULIANA AMARIS

Second Edition, Revised and Expanded Oxford : Clarendon Press

Kelsen, Hans. *Society and Nature: A Sociological Inquiry*. London: K. Kegan Paul, Trench, Trubner & Co., Ltd., [1946]. viii, 391 pp. Reprinted 2000 by The Lawbook Exchange, Ltd. LCCN 99-054869. ISBN 1-58477-064-3. Cloth. \$85. \* The influential jurist Hans Kelsen [1881-1973] here applies his concept of the distinction between society and nature. He shows how primitive man developed his interpretation of nature, through the laws of retribution and of causality, to a modern concept of nature and society. He holds that the gradual emancipation of the law of causality from the principle of retribution is "the emancipation from a social interpretation of nature. The process shows a relation between social and natural science which is very important from the point of view of intellectual history." (Introduction p. viii) Extensively annotated. Kelsen is known for his theory of pure positive law, as postulated in *General Theory of Law and State*, which is also available in a reprint edition from The Lawbook Exchange.

*Hans Kelsen and the Natural Law Tradition* The Lawbook Exchange, Ltd.

There exists a genuine degree of scepticism as to whether Hans Kelsen's pure theory of law can rationalise the intricacies of the English legal system. This ground-breaking book examines pertinent aspects of English law relating to constitutional patterns of law-making, the relationship between law

and policy, and the ultimate efficacy of the legal order, through the pure theory's prism. It demonstrates that while Kelsen's theory is highly suitable to examine some of these issues, in relation to some aspects of English law it actually possesses the analytical cutting edge.

Principles of International Law Cambridge University Press

Hans Kelsen's Pure Theory of Law is the most prominent example of legal normativism. This text traces its origins and its genesis. In philosophy, normativism started with Hume's distinction between Is- and Ought-propositions. Kant distinguished practical from theoretical judgments, while resting even the latter on normativity. Following him, Lotze and the Baden neo-Kantians instrumentalized normativism to secure a sphere of knowledge which is not subject to the natural sciences. Even in his first major text, Kelsen claims that law is solely a matter of Ought or normativity. In the second phase of his writings, he places himself into the neo-Kantian tradition, holding legal norms to be Ought-judgments of legal science. In the third phase, he advocates a barely coherent naive normative realism. In the fourth phase, he supplements the realist view with a strict will-theory of norms, coupled with set-pieces from linguistic philosophy; classical normativism is more or less dismantled.

**A Critical Analysis of Hans Kelsen's Pure Theory of Law** Oxford University Press on Demand

Hans Kelsen is commonly considered to be among the founding fathers of modern legal philosophy. Despite Kelsen's prominence as a legal theorist, his political theory has so far been mostly overlooked. This book argues that Kelsen's legal theory, the Pure Theory of Law, needs to be read in the context of Kelsen's political theory. It offers the first comprehensive interpretation of the Pure Theory that makes systematic use of Kelsen's

conception of the rule of law, of his theory of democracy, his defense of constitutional review, and his views on international law. Once it is read in the context of Kelsen's political works, Kelsen's analysis of legal normativity provides us with a notion of political legitimacy that is distinct from any comprehensive and contestable theory of justice. It shows how members of pluralist societies can reasonably acknowledge the binding nature of law, even where its content does not fully accord with their own substantive views of the requirements of justice, provided it is created in accordance with an ideal of fair arbitration amongst social groups. This result leads to a fundamental re-evaluation of the Pure Theory of Law. The theory is best understood as an attempt to find a middle ground between natural law and legal positivism. Later positivist legal theorists inspired by Kelsen's work failed to appreciate the political-theoretical context of the Pure Theory and turned to a narrow instrumentalism about the functions of law. The perspective on Kelsen offered in this book aims to reconnect positivist legal thought with normative political theory.

*Legality and Legitimacy* GRIN Verlag

This volume collects many of the key essays exploring the possible relationships between the concepts of law and morality, a central concern of contemporary philosophizing about law. It is organized around five conceptual issues: classical natural law theory; legal positivism's separability thesis; Ronald Dworkin's constructive interpretivism; inclusive legal positivism's assertion that there can be legal systems with moral criteria of legality; and the relevance of morality and moral theorizing in theorizing about the concept of law and associated legal concepts. Each of the essays makes an important contribution toward addressing these issues.

*The Construction of Law* The Lawbook Exchange, Ltd.

Kelsen, Hans. What is Justice? Justice, Law and Politics in the Mirror of Science. Berkeley: University of California Press, 1957. [vi], 397 pp. Reprinted 2000 by The Lawbook Exchange, Ltd. ISBN 1-58477-101-1. Cloth. New. \$95. \* Through the lens of science, Kelsen proposes a dynamic theory of natural law, examines Platonic and Aristotelian doctrines of justice, the idea of justice as found in the holy scriptures, and defines justice as "...that social order under whose protection the search for truth can prosper. 'My' justice, then, is the justice of freedom, the justice of peace, the justice of democracy-the justice of tolerance." (p. 24).

*Kelsen Revisited* The Lawbook Exchange, Ltd.

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 Translation of the First Edition of the Reine Rechtslehre Or Pure Theory of Law* Oxford University Press, USA

Published in Vienna in 1936, *The Authoritarian State* by Eric Voegelin has remained virtually unknown to the public until now. Sales of the German edition were halted following the Nazi invasion of Austria in 1938, & the entire printing was later destroyed by wartime bombing. In this volume, Voegelin offers a critical examination of the most prominent European theories of state & constitutional law of the period while providing a political & historical analysis of the Austrian situation. He discusses the dismissal of Parliament in 1933, the civil war, the murder of Federal Chancellor Dollfuss, the adoption of the "Authoritarian Constitution" of 1934, & the predicament of being sandwiched between Hitler & Mussolini. A radical critique of Hans Kelsen's pure theory of law lies at the heart of this work, marking Voegelin's definitive departure from Neo-Kantian epistemology. For the first time, Voegelin elaborates on the important distinction between theoretical concepts & political symbols as a basis for explaining the nontheoretical & speculative character of ideologies, both left & right. He shows that total & authoritarian are symbols of ideological self-interpretation that have no theoretical value, a distinction basic to his later work in *The New Science of Politics*. Available for the first time in English, *The Authoritarian State* is a valuable addition to the Voegelin canon & to the field of intellectual history in general.

*Austrian Minds: Vienna Circle and Hans Kelsen* Transaction Publishers

Fourteen leading scholars explore the lives of seven of the most famous Jewish lawyers in the history of international law.

*Uncertainty in International Law* OUP Oxford

Positivist legal theorists inspired by Kelsen's work failed to appreciate the political-theoretical potential of the Pure Theory of Law and thus turned to a narrow agnosticism about the functions of law. The Pure Theory of Law, I conclude, may offer a paradigm of jurisprudential thought that could reconnect jurisprudence with political theory as it was traditionally understood: namely as a reflection on the best constitution and on the contribution that different legal actors and institutions can make to its realization.

*The Authoritarian State* ECPR Press

"An important resource, it includes the most significant and influential texts representative of the political and conceptual diversity of the intellectual approaches of that time. . . . Very significant for contemporary debates about the relationship between state, law, and constitution."—Ulrich Karl Preuss, Freie Universität Berlin

*The Idea of a Pure Theory of Law* Bloomsbury Publishing

Re-engaging with the Pure Theory of Law developed by Hans Kelsen and the other members of the Viennese School of Jurisprudence, this book looks at the causes and manifestations of uncertainty in international law. It considers both epistemological uncertainty as to whether we can accurately perceive norms in international law, and ontological problems which occur inter alia where two or more norms conflict. The book looks at these issues of uncertainty in relation to the foundational doctrines of public international law, including the law of self-defence under the United Nations Charter, customary international law, and the interpretation of treaties. In viewing international law through the lens of Kelsen's theory Jörg Kammerhofer demonstrates the importance of the theoretical dimension for the study of international law and offers a critique of the recent trend towards pragmatism and eclecticism in international legal scholarship. The unique aspect of the monograph is that it is the only book to apply the Pure Theory of Law as theoretical approach to international law, rather than simply being a piece of intellectual history describing it. This book will of great interest

to students and scholars of public international law, legal theory and jurisprudence.

*The Law of Strangers* The Lawbook Exchange, Ltd.

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 émigré 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 émigré 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.

*An Essay on the Problem of the Austrian State* Oxford University Press

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.

*Justice, Law, and Politics in the Mirror of Science : Collected Essays* Bloomsbury Publishing

This text investigates one of the oldest questions of legal philosophy - the relationship between law and legitimacy. It analyses the legal theories of three public lawyers of the Weimar era, Carl Schmitt, Hans Kelsen, and Hermann Heller.

*Peace Through Law* Ian Randle Publishers

Widely regarded as the most important legal theorist of the twentieth century, Hans Kelsen is best known for his formulation of the "pure theory of law", - within which the study of international law was his special field of work. The present volume, "General Theory of Law and State", first published in 1945, allowed Kelsen to adjust his pure theory of law to American circumstances after World War II. It also afforded him the opportunity to present to English-speaking readers his latest ideas on the supremacy of international law. The volume is divided into two parts: the first devoted to law, the second to the state. Together these topics constitute the most systematic and comprehensive exposition of Kelsen's jurisprudence. The volume is not only a compendium of Kelsen's lifework up to that time; it is also an extension of his theories, "to embrace the problems and institutions of English and American law as well as those of the Civil Law countries". Indeed, references to Continental European law are minimal compared with examples, scattered throughout the text, taken from the U.S. Constitution and several American court cases. This is more than a concession to American readers; it signifies that Kelsen's legal theory is truly general in that it accounts for the Common Law as well as the Civil Law. A systematic treatise on jurisprudence, "General Theory of Law and State" is a substantial reformulation of Kelsen's ideas articulated in several of his previous books, written in German. The juridical principles put forth by the most important legal theorist of the twentieth century remain of great value. This volume will be read by legal scholars, political scientists, and intellectual historians.

*Essays on Hans Kelsen's Pure Theory and Related Problems in International Law* Oxford University Press, USA

The last work of this celebrated legal theorist, in which he makes some important revisions to his "pure theory of law", and discusses the views of over 200 philosophers and jurists on law morality, and the place of logic in law.

*Hans Kelsen's Normativism* Springer Science & Business Media

Kelsen, Hans. Pure Theory of Law. Translation from the Second German Edition by Max Knight. Berkeley: University of California Press, 1967. x, 356 pp. Reprinted 2005 by The Lawbook Exchange, Ltd. ISBN 1-58477-578-5. Paperbound. \$36.95 \* Second revised and enlarged edition, a complete revision of the first edition published in 1934. A landmark in the development of modern jurisprudence, the pure theory of law defines law as a system of coercive norms created by the state that rests on the validity of a generally accepted Grundnorm, or basic norm, such as the supremacy of the Constitution. Entirely self-supporting, it rejects any concept derived from metaphysics, politics, ethics, sociology, or the natural sciences. Beginning with the medieval reception of Roman law, traditional jurisprudence has maintained a dual system of "subjective" law (the rights of a person) and "objective" law (the system of norms). Throughout history this dualism has been a useful tool for putting the law in the service of politics, especially by rulers or dominant political parties. The pure theory of law destroys this dualism by replacing it with a unitary system of objective positive law that is insulated from political manipulation. Possibly the most influential jurisprudent of the twentieth century, Hans Kelsen [1881-1973] was legal adviser to Austria's last emperor and its first republican government, the founder and permanent advisor of the Supreme Constitutional Court of Austria, and the author of Austria's Constitution, which was enacted in 1920, abolished during the Anschluss, and restored in 1945. The author of more than forty books on law and legal philosophy, he is best known for this work and *General Theory of Law and State*. Also active as a teacher in Europe and the United States, he was Dean of the Law Faculty of the University of Vienna and taught at the universities of Cologne and Prague, the Institute of International Studies in Geneva, Harvard, Wellesley, the University of California at Berkeley, and the Naval War College. Also available in cloth.

*Normativity and Norms* Edward Elgar Publishing

Kelsen, Hans. *Peace Through Law*. Chapel Hill: The University of North Carolina Press, 1944. xii, 155 pp. Reprinted 2001 by The Lawbook Exchange, Ltd. ISBN 1-58477-103-8. Cloth. \$60. \* Kelsen [1881-1973] departs from his theories on pure law and here proposes a formula for international peace. He proffers "peace guaranteed by compulsory adjudication of international disputes," (Part I): the formation of a world court with the authority to resolve international conflicts, and "peace guaranteed by individual responsibility for violations of international law," (Part II): that individual statesmen take personal moral and legal responsibility for war crimes and other acts of violation committed by their country. Walker, Oxford Companion to Law 699. Marke, A Catalogue of the Law Collection of New York University (1953) 637, 653.  
[General Theory of Law and State](#) University of Missouri Press

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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.