

HANS KELSEN

*The
Pure
Theory
of
Law*

Translated by Max Knight

Pure Theory Of Law

Lars Vinx



Pure Theory Of Law:

Pure Theory of Law Hans Kelsen, 2005 Reprint of the 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 jurist 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 [Introduction to the Problems of Legal Theory](#) Hans Kelsen, 1992 Hans Kelsen is considered to be one of the foremost legal theorists and philosophers of the twentieth century His writing made significant contributions to many areas especially those of legal theory and international law Over a number of decades he developed an important legal theory which found its first complete exposition in *Reine Rechtslehre* or *Pure Theory of Law* the first edition of which was published in Vienna in 1934 This is the first English translation of the first edition of that work It covers such topics as law and morality the legal system and its hierarchical structure and the state and international law **The Pure Theory of Law** William E. Ebinstein, 1945 *General Theory of Law and State* Hans Kelsen, 1999 Classic work by a noted Austrian jurist Hans Kelsen 1881 1973 in which he advances his theories of the pure nature of law and of the state as separate from a philosophy of justice The appendix includes an analysis of the natural law doctrine in its opposition to legal positivism [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 **The Idea of a Pure Theory of Law** Christoph Kletzer, 2018-01-25 Most contemporary legal philosophers tend to take force to be an accessory to the law According to this prevalent view the law primarily consists of a series of demands made on us force conversely comes into play only when these demands fail to be satisfied This book claims

that this model should be jettisoned in favour of a radically different one according to the proposed view force is not an accessory to the law but rather its attribute The law is not simply a set of rules incidentally guaranteed by force but it should be understood as essentially rules about force The book explores in detail the nature of this claim and develops its corollaries It then provides an overview of the contemporary jurisprudential debates relating to force and violence and defends its claims against well known counter arguments by Hart Raz and others This book offers an innovative insight into the concept of Pure Theory In contrast to what was claimed by Hans Kelsen the most eminent contributor to this theory the author argues that the core insight of the Pure Theory is not to be found in the concept of a basic norm or in the supposed absence of a conceptual relation between law and morality but rather in the fundamental and comprehensive reformulation of how to model the functioning of the law intended as an ordering of force and violence

Hans Kelsen's Pure Theory of Law Lars Vinx, 2007-09-06 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

Legal Norms and Legal Science Ronald Moore, 1978 The Pure Theory of Law Hans Kelsen, 1938 The Idea of a Pure Theory of Law Christoph Kletzer, 2018-01-25 Most contemporary legal philosophers tend to take force to be an accessory to the law According to this prevalent view the law primarily consists of a series of demands made on us force conversely comes into play only when these demands fail to be satisfied This book claims that this model should be jettisoned in favour of a radically different one according to the proposed view force is not an accessory to the law but rather its attribute The law is not simply a set of rules incidentally guaranteed by force but it should be understood as essentially rules about force The book explores in detail the nature of this claim and develops its corollaries It then provides an overview of the contemporary jurisprudential debates relating to force and violence and defends its claims against well known counter

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The Pure Theory of Religion Miles Hollingworth,2025 This book develops a pure theory of religion comparable to the pure theory of mathematics It does so by focusing on the miracle of Christ s Resurrection from the dead on the Third Day either outright and explicitly or implicitly in reflections and thought experiments made with historical thinkers like Saint Augustine of Hippo and Ludwig Wittgenstein for whom this miracle was central and true

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

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

Introduction to the General Theory of Law ,2023

Jurisprudence Roscoe Pound,2000 v 1 Jurisprudence The end of law v 2 The nature of law v 3 The scope and subject matter of law Sources forms modes of growth v 4 Application and enforcement of law Analysis of general juristic conceptions v 5 The system of law

Jurisprudence Suri Ratnapala,2013-09-30 Offers a comprehensive overview of legal theory and philosophy and demystifies the discipline s major ideas and debates

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

The Continuity of Legal Systems in Theory and Practice Benjamin Spagnolo, 2015-10-22 The Continuity of Legal Systems in Theory and Practice examines a persistent and fascinating question about the continuity of legal systems when is a legal system existing at one time the same legal system that exists at another time The book's distinctive approach to this question is to combine abstract critical analysis of two of the most developed theories of legal systems those of Hans Kelsen and Joseph Raz with an evaluation of their capacity in practice to explain the facts attitudes and normative standards for which they purport to account That evaluation is undertaken by reference to Australian constitutional law and history whose diverse and complex phenomena make it particularly apt for evaluating the theories explanatory power In testing whether the depiction of Australian law presented by each theory achieves an adequate fit with historical facts the book also contributes to the understanding of Australian law and legal systems between 1788 and 2001 By collating the relevant Australian materials systematically for the first time it presents the case for reconceptualising the role of Imperial laws and institutions during the late nineteenth and early twentieth centuries and clarifies the interrelationship between Colonial State Commonwealth and Imperial legal systems both before and after Federation

Purely Formal Legal Theory Ottavio Quirico, 2025-04-16 This book elaborates on deontic logic and network theory to present a reductionist theory of the law disclosing a simple understanding of legal norms based on minimum necessary and sufficient notions The analysis explores the concept of a norm as a claim obligation relation that regulates conduct that is action and inaction among subjects in space and time Based on these five minimum notions the study illustrates legal systems as networks of substantive right duty relations that are procedurally organised according to time The research relies on basic Kripke style semantics as social matrixes to explain fundamental normative concepts and further on network science social network theory and graph theoretic notation based on ties and nodes to elaborate a formal representation of minimum necessary notions and of legal systems as deontic networks The book will be of interest to academics researchers and practitioners working in the areas of legal philosophy legal theory and international law

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

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