

HANS KELSEN

*The
Pure
Theory
of
Law*

Translated by Max Knight

Pure Theory Of Law

Hans Kelsen



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 The Pure Theory of Law William Ebenstein, 1945 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 **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

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

Legal Norms and Legal Science Ronald Moore, 1978

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

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 **The Pure Theory of Law** Hans Kelsen, 1938 *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

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Table of Contents Pure Theory Of Law

1. Understanding the eBook Pure Theory Of Law
 - The Rise of Digital Reading Pure Theory Of Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Pure Theory Of Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Pure Theory Of Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Pure Theory Of Law
 - Personalized Recommendations
 - Pure Theory Of Law User Reviews and Ratings
 - Pure Theory Of Law and Bestseller Lists

5. Accessing Pure Theory Of Law Free and Paid eBooks
 - Pure Theory Of Law Public Domain eBooks
 - Pure Theory Of Law eBook Subscription Services
 - Pure Theory Of Law Budget-Friendly Options
6. Navigating Pure Theory Of Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Pure Theory Of Law Compatibility with Devices
 - Pure Theory Of Law Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Pure Theory Of Law
 - Highlighting and Note-Taking Pure Theory Of Law
 - Interactive Elements Pure Theory Of Law
8. Staying Engaged with Pure Theory Of Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Pure Theory Of Law
9. Balancing eBooks and Physical Books Pure Theory Of Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Pure Theory Of Law
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Pure Theory Of Law
 - Setting Reading Goals Pure Theory Of Law
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Pure Theory Of Law
 - Fact-Checking eBook Content of Pure Theory Of Law
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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