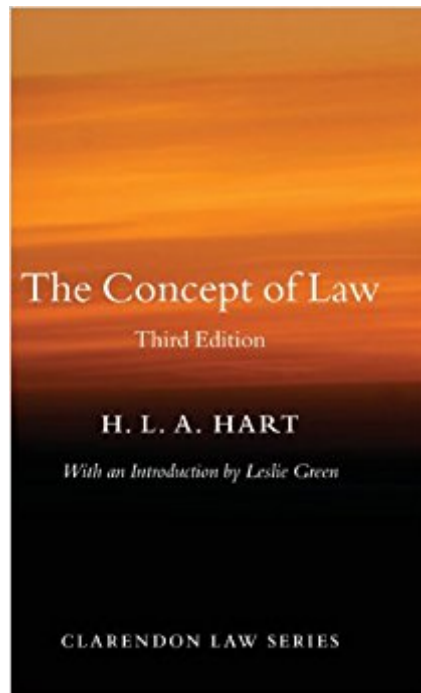




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# **The Concept Of Law (Clarendon Law Series)**



## Synopsis

Fifty years on from its original publication, HLA Hart's *The Concept of Law* is widely recognized as the most important work of legal philosophy published in the twentieth century. It is a classic book in the field of legal scholarship and remains the starting point for most students coming to the subject for the first time. Known as Hart's most famous work, *The Concept of Law* emerged from a set of lectures that Hart began to deliver in 1952 in which he developed a sophisticated view of legal positivism. Hart revolutionized the methods of jurisprudence and the philosophy of law in the English-speaking world by bringing the tools of analytic, and especially linguistic, philosophy to bear on the central problems of legal theory. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy, clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work. *The Concept of Law* remains a must-read for anyone interested in the great thinkers of the 20th century.

## Book Information

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## Customer Reviews

This edition of Hart's unintended magnum opus "*The Concept of Law*" features a new introductory essay by Oxford law professor Leslie Green. Green's intro clarifies many misunderstandings of Hart's project and sets Hart's work in the context of modern social and political theory. It also includes updated notes and references, allowing students to follow developments in subsequent literature. The third edition retains the pagination of the 2nd edition, allowing the references to be

followed, and it includes Hart's essential Postscript from the 2nd edition. Among the ideas Hart develops are a critique of John Austin's theory that law is the command of the sovereign backed by the threat of punishment; a distinction between primary and secondary legal rules, where a primary rule governs conduct and a secondary rule allows the creation, alteration, or extinction of primary rules; a distinction between the internal and external points of view of law and rules, close to (and influenced by) Max Weber's distinction between the sociological and the legal perspectives of law; the idea of the rule of recognition, a social rule that differentiated between those norms that have the authority of law and those that do not; and in the Postscript, a reply to Ronald Dworkin, who criticized legal positivism in general and especially Hart's account of law in "Taking Rights Seriously" (1977), "A Matter of Principle" (1985), and "Law's Empire" (1986). The starting point for Hart's discussion is his dissatisfaction with John Austin's "command theory", which holds that law is command backed by threat and is meant to be ubiquitous in its application.

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