

What Is Justice By Hans Kelsen

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Law and Politics in the World Community - George A. Lipsky 2022-09-23
This title is part of UC Press's Voices Revived program, which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice, reach, and impact. Drawing on a backlist dating to 1893, Voices Revived makes high-quality, peer-reviewed scholarship accessible once again using print-on-demand technology. This title was originally published in 1953.
What is Justice? - Hans Kelsen 1957-01-01

The Presidency In The Courts - Glendon A. Schubert 1973-01-21

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.

Politics and the Histories of International Law - 2021-07-19
This book brings together 18 contributions by authors from different legal systems and backgrounds. They address the political implications of the writing of the history of legal issues ranging from slavery over the use of force and extraterritorial jurisdiction to Eurocentrism.

What is justice? : Justice, law, and politics in the mirror of science ; collected essays - Hans Kelsen 1960

Legality and Legitimacy - David Dyzenhaus 1997
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.

On Law and Justice - Alf Ross 1959
Ross, Alf. *On Law and Justice*. Berkeley: University of California Press, 1959. xi, 383 pp. Reprint available December 2004 by the Lawbook Exchange, Ltd. ISBN 1-58477-488-6. Cloth. \$90. * In this influential and oft-cited study Ross discounted the theories of natural law, positivism and legal realism. In their stead, he proposed the abandonment of "ought-propositions" for the "is-propositions" employed by other empirical sciences, thereby envisioning lawyers that serve merely as "rational technologists." Less bound by tradition, and traditional notions of justice, jurisprudence then becomes "not only a beautiful mental activity per se, but also an instrument which may benefit any lawyer who wants to understand what he is doing and why" (Preface).

Normativity and Norms - Stanley L. Paulson 1998
Using newly translated papers and some of the best extant writings on Kelsen's theory, this volume covers topics including competing ideas on the nature of law, legal validity, legal powers and the unity of municipal and international law.

Principles of International Law - Hans Kelsen 1952
Kelsen, Hans. *Principles of International Law*. New York: Rinehart & Company, Inc. [1952]. xvii, 461 pp. Reprinted 2003 by The Lawbook Exchange, Ltd. ISBN 1-58477-325-1. Cloth. \$85. * Upon his retirement from the faculty of University of California at Berkeley in 1952, noted legal philosopher and political scientist Hans Kelsen [1881-1973]

produced arguably this his most important work, "... a systematic study of the most important aspects of international law, including international delicts and sanctions, reprisals, the spheres of validity and the essential function of international law, creation and application of international law and national law." Nicoletta Bersier Ladavac, "Hans Kelsen (1881 - 1973) Biographical Note and Bibliography," *European Journal of International Law* Vol. 9 (1998) No. 2.

Democracy in Its Essence - Sara Lagi 2020-10-07
Hans Kelsen is commonly associated with legal theory and philosophy of law. *Democracy in Its Essence: Hans Kelsen as a Political Thinker* instead investigates Kelsen's democratic theory as it developed between the 1920s and 1950s, which challenged the existence of democracies in many different respects. Kelsen provided a critical reflection on the strengths and problems of living within a democratic system, while also defending it against a series of specific targets: from the Soviet regime and Bolshevism to European Fascisms, from religious-based conceptions of politics to those claiming a perfect identity between capitalism and classical liberal institutions, and chiefly against all those ideologies claiming to possess objective understanding of what true freedom and true democracy signify. By seeking what he defined as the "essence" and "value" of democracy, Kelsen elaborated a pluralist, relativist, constitutional, proceduralist, and liberal theory of representative democracy, characterized by a strong recall to the values of tolerance, responsibility, and respect toward "the other" as well as to the idea of politics as space for compromise. In this book, Sara Lagi reconstructs his political theory as a relevant contribution to the twentieth-century liberal-democratic tradition of thought, while representing a stimulating reflection on the meaning and implication of democracy both as a political system and as a form of co-existence.

The Foundation of the Juridico-Political - Ian Bryan 2015-10-23
Hans Kelsen and Max Weber are conventionally understood as initiators not only of two distinct and opposing processes of concept formation, but also of two discrete and contrasting theoretical frameworks for the study of law. *The Foundation of the Juridical-Political: Concept Formation in Hans Kelsen and Max Weber* places the conventional understanding of the theoretical relationship between the work of Kelsen and Weber into question. Focusing on the theoretical foundations of Kelsen's legal positivism and Weber's sociology of law, and guided by the conceptual frame of the juridico-political, the contributors to this interdisciplinary volume explore convergences and divergences in the approach and stance of Kelsen and Weber to law, the State, political science, modernity, legal rationality, legal theory, sociology of law, authority, legitimacy and legality. The chapters comprising *The Foundation of the Juridical-Political* uncover complexities within as well as between the theoretical and methodological principles of Kelsen and Weber and, thereby, challenge the enduring division between legal positivism and the sociology of law in contemporary discourse.

The Rule of Law History, Theory and Criticism - Pietro Costa 2007-05-06
Authors Costa and Zolo share the conviction that a proper understanding of the rule of law today requires reference to a global problematic horizon. This book offers some relevant guides for orienting the reader through a political and legal debate where the rule of law (and the doctrine of human rights) is a concept both controversial and significant at the national and international levels.

What Is Justice? Justice, Law and Politics in the Mirror of Science - Hans Kelsen 2013-08

Originally published: Berkeley: University of California Press, 1957. [vi], 397 pp. Through the lens of science, Hans Kelsen proposes a dynamic theory of natural law, examines Platonic and Aristotelian doctrines of justice and the idea of justice as found in the holy scriptures. "You simply cannot get around this book if you want a real understanding of the fundamental ideas on which the great work of Kelsen is built. Reading this volume you may once more admire the transparent clarity of style

and the merciless consistency of reasoning which are well known qualities of this author." -- Alf Ross, 45 California Law Review 564 1957. 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. He was the author of more than forty books on law and legal philosophy. 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.

Rights and Civilizations - Gustavo Gozzi 2019-02-14

Illustrates the origin and ways of Western hegemony over other civilizations across the world.

Hans Kelsen and the Natural Law Tradition - Peter Langford 2019-03-19

Hans Kelsen and the Natural Law Tradition provides the first sustained examination of Hans Kelsen's critical engagement, itself founded upon a distinctive theory of legal positivism, with the Natural Law Tradition.

Pure Theory of Law - Hans Kelsen 1967

F.B.I. Agents Jack Harper and Oscar Hidalgo are burned out from too many cases so they schedule a two week vacation. Jack plans to hang out with his son, followed by some fishing in Baja. Then Jack gets a phone call from his snitch and on-again-off-again girlfriend, the sexy and unpredictable car thief, Michelle Wu. Michelle's sister has been kidnapped. Terrified that she will be killed, Michelle begs Jack to come to Santa Fe at once.

Kelsen Revisited - Luís Duarte d'Almeida 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.

Law in a Changing Society - Friedmann 1959

Essays in Legal and Moral Philosophy - H. Kelsen 2012-12-06

In his choice of texts, the Editor has been faced with the difficult task of selecting, from among the author's more than 600 publications, those of the greatest philosophical interest. It is chiefly the topics of value-relativism and the logic of norms that have been kept in view. The selection has also been guided by the endeavour to reprint, so far as possible, texts which have not hitherto appeared in English. At times, however, this aim has had to be discarded, in order to include works of key importance and also the latest expressions of Kelsen's view. In addition to the two topics already mentioned, the Editor has considered Kelsen's discussions of the causal principle to be so far worthy of philosophical attention, that some writings on causality and account ability have been included in this collection of philosophical studies. OTA WEINBERGER Hans Kelsen died on April 19th, 1973. Only his work now lives, for the inspiration of future generations of jurists and philosophers. Graz, 25th April, 1973 OT A WEINBERGER TRANSLATOR'S NOTE I am obliged to the Editor for his careful scrutiny of the translation, which has led to a number of corrections and improvements in the text.

Weimar - Arthur Jacobson 2002-10-21

"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

Essays on Kelsen - Hans Kelsen 1986

This book presents papers that deal with Hans Kelsen's legal philosophy, and includes contributions from Hedley Bull, J.W. Harris, Phillip Pettit, Joseph Raz, Jes Bjarup, and Stanley L. Paulson.

What is Justice? - Hans Kelsen 2020

Institutionalized Reason - Matthias Klatt 2012-02-23

This volume gathers leading figures from legal philosophy and

constitutional theory to offer a critical examination of the work of Robert Alexy. The contributions explore the issues surrounding the complex relations between rights, law, and morality and reflect on Alexy's distinctive work on these issues. The focus across the contributions is on Alexy's main pre-occupations - his anti-positivist views on the nature of law, his approach to the nature of legal reasoning, and his understanding of constitutional rights as legal principles. In an extended response to the contributions in the volume, Alexy develops his views on these central issues. The volume's juxtaposition of Anglo-American and German perspectives brings into focus the differences as well as the prospect of cross-fertilization between Continental and Anglo-American work in jurisprudence.

Pure Theory of Law - Hans Kelsen 2005-01-01

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 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.

Aristotle and Natural Law - Tony Burns 2011-10-27

Aristotle and Natural Law lays out a new theoretical approach which distinguishes between the notions of 'interpretation,' 'appropriation,' 'negotiation' and 'reconstruction' of the meaning of texts and their component concepts. These categories are then deployed in an examination of the role which the concept of natural law is used by Aristotle in a number of key texts. The book argues that Aristotle appropriated the concept of natural law, first formulated by the defenders of naturalism in the 'nature versus convention debate' in classical Athens. Thereby he contributed to the emergence and historical evolution of the meaning of one of the most important concept in the lexicon of Western political thought. *Aristotle and Natural Law* argues that Aristotle's ethics is best seen as a certain type of natural law theory which does not allow for the possibility that individuals might appeal to natural law in order to criticize existing laws and institutions. Rather its function is to provide them with a philosophical justification from the standpoint of Aristotle's metaphysics.

Essays in Legal Philosophy - Eugenio Bulygin 2015

Eugenio Bulygin is a distinguished representative of legal science and legal philosophy. His essays, several written together with Carlos E. Alchourron, reflect the genre familiar from Alf Ross's *On Law and Justice*, Hans Kelsen's *Pure Theory of Law*, and Georg Henrik von Wright's *Norm and Action*. Bulygin's wide-ranging interests include most of the topics found under the rubric of analytical jurisprudence - interpretation and judicial reasoning, validity and efficacy of law, legal positivism and the problem of normativity, completeness and consistency of the legal system, the nature of legal norms, and the role of deontic logic in the law.

Essays in Legal Philosophy - Eugenio Bulygin 2015-07-09

Eugenio Bulygin is a distinguished representative of legal science and legal philosophy as they are known on the European continent - no accident, given the role of the civil law tradition in his home country,

Argentina. Over the past half-century, Bulygin has engaged virtually all major legal philosophers in the English-speaking countries, including H.L.A. Hart, Ronald Dworkin, and Joseph Raz. Bulygin's essays, several written together with his eminent colleague and close friend Carlos E. Alchourrón, reflect the genre familiar from Alf Ross's *On Law and Justice*, Hans Kelsen's *Pure Theory of Law*, and Georg Henrik von Wright's *Norm and Action*. Bulygin's wide-ranging interests include most of the topics found under the rubric of analytical jurisprudence - interpretation and judicial reasoning, validity and efficacy of law, legal positivism and the problem of normativity, completeness and consistency of the legal system, the nature of legal norms, and the role of deontic logic in the law. The reader will take delight in the often agreeably unorthodox character of Bulygin's views and in his hard-hitting arguments in defence of them. He challenges the received opinion on gaps in the law, on legal efficacy, on permissive norms, and on the criteria for legal validity. Bulygin's essays have been wellnigh inaccessible in the past, appearing in specialized journals, often in Spanish or German. They are now available for the first time in an English-language collection.

Kelsen in the "Grenada Court" - Simeon C. R. McIntosh 2008

Historically, revolution has been one of the principal means of founding a new state. But can this new state have any moral legitimacy, born as it is out of violence? That is the critical question for legal theorists. The late Hans Kelsen, arguably one of the leading legal theorists and philosophers of the twentieth century, in his *Pure Theory of Law*, articulated this theory of revolutionary legality as a part of his general theory of law. *Kelsen in the Grenada Court: Essays on Revolutionary Legality* examines revolutionary legality in the context of the Grenada coup d'etat of March 1979, which brought the People's Revolutionary Government (PRG) to power. The 1973 Constitution was suspended, the executive authority of the country changed, parliament was reconstituted and a new Supreme Court established. The governing principles of political life in Grenada were transformed. The PRG had established a new legality. The courts however, were confronted with questions of their validity and jurisdictional competence. Called upon to judge the validity of the PRG regime, the issue of the validity of the courts was also called into question. Following the demise of the PRG regime in sensational fashion, culminating in the invasion of Grenada by the US army in 1983, the validity of the court was again challenged. This collection of clear, readily understood essays, shows that the Court determined its own validity as a matter of necessity. Using examples from around the Commonwealth, the case of *Bernard Coard & Ors. v. The Attorney General*, known popularly as the Maurice Bishop murder trial, or the Grenada Thirteen, McIntosh criticizes the Grenada Court and its handling of the subject of revolutionary legality; while addressing Kelsen's theory of continuity and discontinuity of law and the doctrine of necessity.

The Law of the United Nations - Hans Kelsen 2017-11-06

Excerpt from *The Law of the United Nations: A Critical Analysis of Its Fundamental Problems* T1115 book is a juristic - not a political - approach to the problems of the United Nations. It deals with the law of the Organisation, not with its actual or desired role in the international play of powers. Separation of law from politics in the presentation of national or international problems is possible in so far as law is not an end in itself, but a means or, what amounts to the same, a specific social technique for the achievement of ends determined by politics. It stands to reason that in dealing with legal questions the elimination of the political issues involved is always relative, never absolute. In a merely juristic inquiry the political ends of the law-maker, in so far as they are ascertainable in an objective way, are taken for granted, and, hence, not subjected to a criticism, except to the degree that it may properly be restricted to the law as a means to these ends. Juristic in contradistinction to political has the connotation of technical.' It is not superfluous to remind the lawyer that as a jurist he is but a technician whose most important task is to assist the law-maker in the adequate formulation of the legal norms. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

Reconsidering Constitutional Formation II Decisive Constitutional Normativity - Ulrike Müßig 2020-10-08

This second volume of ReConFort, published open access, addresses the decisive role of constitutional normativity, and focuses on discourses concerning the legal role of constitutional norms. Taken together with ReConFort I (*National Sovereignty*), it calls for an innovative reassessment of constitutional history drawing on key categories to convey the legal nature of the constitution itself (national sovereignty, precedence, justiciability of power, judiciary as constituted power). In the late 18th and early 19th centuries, constitutional normativity began to complete the legal fixation of the entire political order. This juridification in one constitutional text resulted in a conceptual differentiation from ordinary law, which extends to alterability and justiciability. The early expressions of this 'new order of the ages' suggest an unprecedented and irremediable break with European legal tradition, be it with British colonial governance or the French ancien régime. In fact, while the shift to constitutions as a hierarchically 'higher' form of positive law was a revolutionary change, it also drew upon old liberties. The American constitutional discourse, which was itself heavily influenced by British common law, in turn served as an inspiration for a variety of constitutional experiments - from the French Revolution to Napoleon's downfall, in the halls of the Frankfurt Assembly, on the road to a unified Italy, and in the later theoretical discourse of twentieth-century Austria. If the constitution states the legal rules for the law-making process, then its Kelsian primacy is mandatory. Also included in this volume are the French originals and English translations of two vital documents. The first - Emmanuel Joseph Sieyès' *Du Jury Constitutionnaire* (1795) - highlights an early attempt to reconcile the democratic values of the French Revolution with the pragmatic need to legally protect the Revolution. The second - the 1812 draft of the Constitution of the Kingdom of Poland - presents the 'constitutional propaganda' of the Russian Tsar Alexander I to bargain for the support of the Lithuanian and Polish nobility. These documents open new avenues of research into Europe's constitutional history: one replete with diverse contexts and national experiences, but above all an overarching motif of constitutional decisiveness that served to complete the juridification of sovereignty. (www.reconfort.eu) This work was published by Saint Philip Street Press pursuant to a Creative Commons license permitting commercial use. All rights not granted by the work's license are retained by the author or authors.

True Detective and Philosophy - Jacob Graham 2017-11-13

Investigating the trail of philosophical leads in HBO's chilling *True Detective* series, an elite team of philosophers examine far-reaching riddles including human pessimism, Rust's anti-natalism, the problem of evil, and the 'flat circle'. The first book dedicated to exploring the far-reaching philosophical questions behind the darkly complex and Emmy-nominated HBO *True Detective* series *Explores* in a fun but insightful way the rich philosophical and existential experiences that arise from this gripping show. Gives new perspectives on the characters in the series, its storylines, and its themes by investigating core questions such as: *Why Life Rather Than Death? Cosmic Horror and Hopeful Pessimism, the Illusion of Self, Noir, Tragedy, Philosopher-Detectives*, and much, much more. Draws together an elite team of philosophers to shine new light on why this genre-expanding show has inspired such a fervently questioning fan-base.

Peace Through Law - Hans Kelsen 2000

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.

Hans Kelsen and the Case for Democracy - Sandrine Baum 2012

Hans Kelsen and the Case for Democracy is a contextual analysis of this famous jurist's political thought. Kelsen's works are usually reduced to his theory of law, and his reflections on democracy are often ignored. The great strength of Kelsen's political thinking lies in the largely original arguments that it musters against the critics who condemn or debunk the institutions of parliamentary democracies. This study

assesses Kelsenian democratic theory by exploring three questions: first, how is Kelsen's political theory intertwined with his legal theory? Second, how does Kelsen combine his reflections on the democratic ideal with his appreciation of a reality that more often than not quite distant from that ideal? Third, how does Kelsen conceive of the sources of the state's cohesion in a democracy?

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.

What is Justice? - Hans Kelsen 2000

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).

Administrative Law - Peter Woll 1974-01-01

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 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. [The Public International Law Theory of Hans Kelsen](#) - Jochen von Bernstorff 2010-10-28

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.

A New Science of Politics - Hans Kelsen 2013-05-02

Eric Voegelin is famous as a philosopher of history and as one of the most eminent political scientists of the 20th century. His most fundamental work on political theory, the "New Science of Politics, is nowadays considered a classic in its field. While the "New Science" has always been a very controversial book, its critics have hardly ever taken the pain to pinpoint the weaknesses they condemned Voegelins book for. There is, however, one exception: Only shortly after the appearance of Voegelins "New Science" in 1954, Hans Kelsen has written a most detailed reply to this book of his former student. This reply, which was known to Voegelin and is mentioned in his autobiography, is now being published by the ontos verlag. Being a distinguished philosopher himself of an erudition and breadth of knowledge that matches that of Eric Voegelin, Hans Kelsen is able to support the critical stance he takes on Voegelin "New Science" by clear and well founded argument. This critical reply to Voegelins "New Science" is not only an important contribution to the dispute about the foundations of political order in modern society, but will also prove valuable to readers generally interested in Voegelins life and work.