

The Foundation of the Juridico-Political

Concept Formation in Hans Kelsen and
Max Weber

Edited by
Ian Bryan, Peter Langford and
John McGarry



Foundation Juridico Political Concept Formation Kelsen

**Peter Langford, Ian Bryan, John
McGarry**



Foundation Juridico Political Concept Formation Kelsen:

The Foundation of the Juridico-Political Ian Bryan, Peter Langford, John McGarry, 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 Life and Death of States Natasha Wheatley, 2025-12-02 An intellectual history of sovereignty that reveals how the Habsburg Empire became a crucible for our contemporary world order. Sprawled across the heartlands of Europe, the Habsburg Empire resisted all the standard theories of singular sovereignty. The 1848 revolutions sparked decades of heady constitutional experimentation that pushed the very concept of the state to its limits. This intricate multinational polity became a hothouse for public law and legal philosophy and spawned ideas that still shape our understanding of the sovereign state today. The Life and Death of States traces the history of sovereignty over one hundred tumultuous years, explaining how a regime of nation states, theoretically equal under international law, emerged from the ashes of a dynastic empire. Natasha Wheatley shows how a new sort of experimentation began when the First World War brought the Habsburg Empire crashing down, the making of new states. Habsburg lands then became a laboratory for postimperial sovereignty and a new international order, and the results would echo through global debates about decolonization for decades to come. Wheatley explores how the Central European experience opens a unique perspective on a pivotal legal fiction, the supposed juridical immortality of states. A sweeping work of intellectual history, The Life and Death of States offers a penetrating and original analysis of the relationship between sovereignty and time, illustrating how the many deaths and precarious lives of the region's states expose the tension between the law's need for continuity and history's volatility.

Kelsenian Legal Science and the Nature of Law Peter Langford, Ian Bryan, John McGarry, 2017-05-16 This book critically examines the conception of legal science and the nature of law developed by Hans Kelsen. It provides a single, dedicated space for a range of established European scholars to engage with the influential work of this Austrian jurist, legal philosopher, and political philosopher. The introduction provides a thematization of the Kelsenian notion of law as a legal science. Divided into six parts, the chapter contributions feature distinct levels of analysis. Overall, the structure of the book

provides a sustained reflection upon central aspects of Kelsenian legal science and the nature of law Parts one and two examine the validity of the project of Kelsenian legal science with particular reference to the social fact thesis the notion of a science of positive law and the specifically Kelsenian concept of the basic norm Grundnorm The next three parts engage in a critical analysis of the relationship of Kelsenian legal science to constitutionalism practical reason and human rights The last part involves an examination of the continued pertinence of Kelsenian legal science as a theory of the nature of law with a particular focus upon contemporary non positivist theories of law The conclusion discusses the increasing distance of contemporary theories of legal positivism from a Kelsenian notion of legal science in its consideration of the nature of law

Secession in International Law with a Special Reference to the Post-Soviet Space Júlia Miklasová, 2024-08-19 The open access publication of this book has been published with the support of the Swiss National Science Foundation International law is increasing in relevance to the topic of secession This book demonstrates that if a secessionist entity's effectiveness is achieved in violation of peremptory norms the emergence of statehood is precluded thereby challenging a classical view of secession as purely factual and meta legal Dr J lia Miklasov coins the term illegal secessionist entity demonstrates the pervasive effects of the original illegality on the subsequent relations of such entities purported diplomatic treaty economic relations acts and laws and outlines the overlapping regimes of the law of occupation human rights law and duty of non recognition Post Soviet secessionist entities result from an illegal use of force They are thus prohibited from becoming States and further consequences of their illegality apply

Remaking Central Europe Peter Becker, Natasha Wheatley, 2020-12-29 Over the last two decades the new international order of 1919 has grown into an expansive new area of research across multiple disciplines With the League of Nations at its heart the interwar settlement's innovations in international organizations international law and many other areas shaped the world we know today This book presents the first study of the relationship between this new international order and the new regional order in Central and Eastern Europe after the collapse of the Habsburg empire An analysis of the co implication of these two orders is grounded in four key scholarly interventions understanding the legacies of empire in international organizations examining regionalism in the work of interwar international institutions creating an integrated history of the interwar order in Europe and testing recent claims of the conceptual connection between nationalism and internationalism With chapters covering international health international financial oversight human trafficking minority rights scientific networks technical expertise passports commercial treaties borders and citizenship and international policing this book pioneers a regional approach to international order and explores the origins of today's global governance in the wake of imperial collapse

Science, Freedom, Democracy Péter Hartl, Adam Tamas Tuboly, 2021-03-21 This book addresses the complex relationship between the values of liberal democracy and the values associated with scientific research The chapters explore how these values mutually reinforce or conflict with one another in both historical and contemporary contexts The contributors utilize various

approaches to address this timely subject including historical studies philosophical analysis and sociological case studies The chapters cover a range of topics including academic freedom and autonomy public control of science the relationship between scientific pluralism and deliberative democracy lay expert relations in a democracy and the threat of populism and autocracy to scientific inquiry Taken together the essays demonstrate how democratic values and the epistemic and non epistemic values associated with science are interconnected Science Freedom Democracy will be of interest to scholars and graduate students working in philosophy of science history of philosophy sociology of science political philosophy and epistemology

The Reconstruction of the Juridico-Political Ian Bryan, Peter Langford, John McGarry, 2015-12-22 Hans Kelsen and Max Weber are conventionally understood as the original proponents of two distinct and opposed processes of concept formation generating two separate and contrasting theoretical frameworks for the study of law The Reconstruction of the Juridico Political Affinity and Divergence in Hans Kelsen and Max Weber contests the conventional understanding of the theoretical relationship between Kelsen's legal positivism and Weber's sociology of law Utilising the conceptual frame of the juridico political the contributors to this interdisciplinary volume analyse central points of affinity and divergence in the work of these two influential figures Thus the chapters collected in The Reconstruction of the Juridico Political offer a comprehensive reconsideration of these affinities and divergences through a comparison of their respective reconstruction of the notions of democracy the State legal rights and the character of law From this reconsideration a more complex understanding of their theoretical relationship emerges combined with a renewed emphasis upon the continued contemporary relevance of the work of Kelsen and Weber

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 theontos 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

Hans Kelsen and the Case for Democracy Sandrine Baume, 2017-05-19 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

General Theory of Law and State Hans Kelsen,2017-07-05 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

The Essence and Value of Democracy Hans Kelsen,2013-08-22 Hans Kelsen is widely recognized as one of the most important legal theorists of the 20th century Surprisingly however his political writings are not nearly as widely known as his legal theory especially in the English speaking world This book fills the void between what is and isn t known about Hans Kelsen s political philosophy and the ways that philosophy has and will continue to shape political debates inherent to democracy in the future For the first time in English this classic book with an introduction by political theorist Nadia Urbinati provides an overview of Kelsen s career and his contributions to 20th century political thought

Foundations of Democracy Hans Kelsen,1955 **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 Timeless Concept of Law Ervin Paul Hexner, Hans Kelsen, 1943 **Legal Technique in International Law** Hans Kelsen, 1939

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