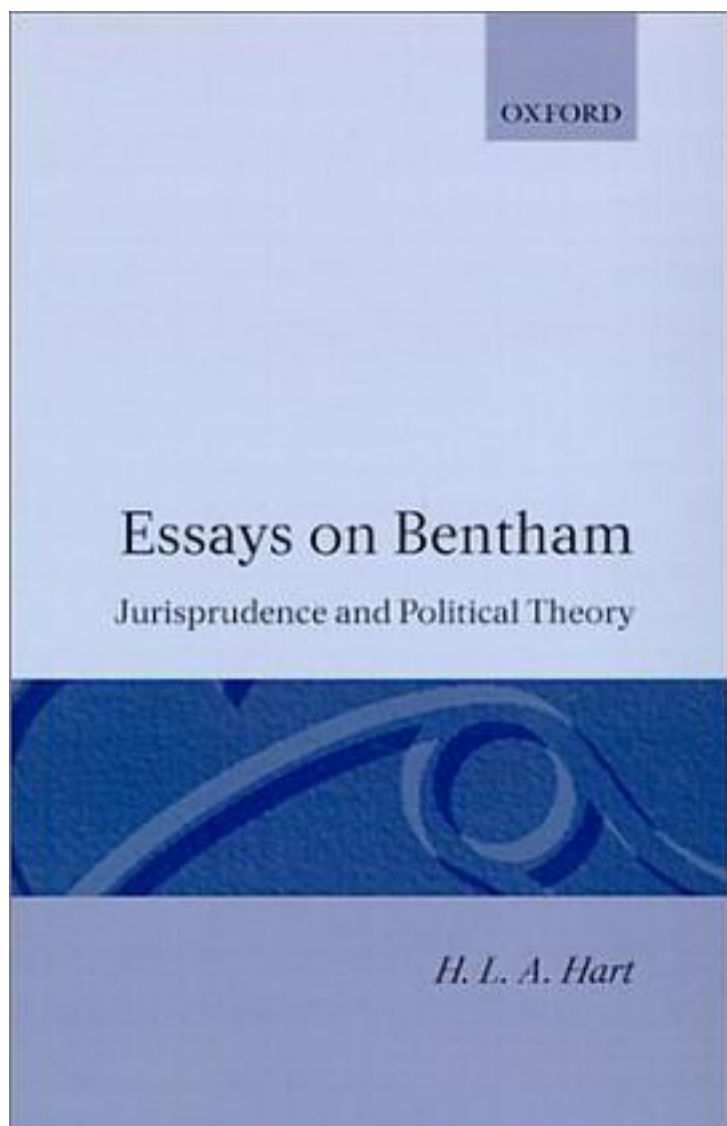


Essays on Bentham



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著者:H. L. A. Hart

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In his introduction to these closely linked essays Professor Hart offers both an exposition and a critical assessment of some central issues in jurisprudence and political theory. Some of the essays touch on themes to which little attention has been paid, such as Bentham's identification of the forms of mystification protecting the law from criticism; his relation to Beccaria; and his conversion to democratic radicalism and a passionate admiration for the United States.

作者介绍:

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标签

法理学

哲学

Hart

西方哲学

法理

法律实证主义

Jurisprudence

法哲学

评论

出乎意料的精彩！虽说哈特在前言里谦虚地表示自己只是做一回边沁和普通读者之间的middle man，但正如钱钟书先生说“别传也是自传”——哈特写的虽是边沁，但借机给自己的descriptive jurisprudence方法论和法实证主义的起源、论证、核心theses都梳理注释了一遍。前四章哈特有点回归自己老本行classic studies的感觉，从第五章开始分析哲学技能全开，分别详细讨论了deontic logic作为方法论对commend theory的支撑及不足，进而分章对“义务与责任”、“权利”、“权力”、“主权者”进行非常精彩的概念分析，并阐明他们如何fit in实证主义的“法律/道德分离”thesis，最后一章对全书内容进行简要回顾总结。虽是论文汇编，读起来却很有整体感呢

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书评

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