

Contents

Preface v

Table of abbreviations ix

- 1 What is jurisprudence about?** 1
- 2 Natural law** 6
- 3 The command theory of law** 24
 - 1 Law as commands 26
 - 2 The sovereign 31
- 4 Utilitarianism and the economic analysis of law** 36
 - 1 Utilitarianism 36
 - 2 The economic analysis of law 42
- 5 Punishment** 49
- 6 Kelsen's pure theory of law** 59
 - 1 Why 'pure'? 60
 - 2 Sanctions 63
 - 3 The basic norm 67
- 7 Legal concepts** 76
 - 1 Hohfeld's analysis 76
 - 2 Analysis in general 87
- 8 Legal realism** 93
 - 1 American legal realism 93
 - 2 Scandinavian legal realism 98
- 9 Hart's concept of law** 105
 - 1 Legal rules as social rules 105
 - 2 The union of primary and secondary rules 109

10 Freedom and the enforcement of morals	115
11 The morality of law and the rule of law	128
12 Statutory interpretation	140
1 English canons of statutory interpretation	141
2 The status of the canons of statutory interpretation	146
3 Should English canons of statutory interpretation be reformed?	150
13 Precedent	156
1 The English rules of precedent	156
2 The status of precedent rules	163
3 Should our precedent rules be changed?	168
14 Dworkin's rights thesis	172
1 Rules are not enough	173
2 No line between law and morals	177
3 Judges do not legislate	185
15 Legal reasoning	193
16 The duty to obey the law	209
17 The historical school and non-state law	219
18 Sociological jurisprudence	232
1 Social interests	234
2 The functions and limits of law	237
3 The living law	240
19 Law, social theory and Marxist jurisprudence	245
1 Law and social theory	245
2 Marxist jurisprudence	251
20 Justice	259
Index	275