

1. Record Nr.	UNINA9910255339303321
Titolo	Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence // edited by D.A. Jeremy Telman
Pubbl/distr/stampa	Cham : , : Springer International Publishing : , : Imprint : Springer, , 2016
ISBN	3-319-33130-2
Edizione	[1st ed. 2016.]
Descrizione fisica	1 online resource (363 p.)
Collana	Law and Philosophy Library, , 1572-4395 ; ; 116
Disciplina	100
Soggetti	Political science Political theory Public international law Philosophy of Law Political Theory Public International Law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di contenuto	Introduction Hans Kelsen for Americans; D. A. Jeremy Telman -- Part I: Hans Kelsen and American Legal Philosophy -- Chapter 2 Kelsen in the U.S.: Still Misunderstood; Brian Bix -- Chapter 3 Marmor's Kelsen; Michael Steven Green -- Part II: Hans Kelsen and the Development of Public International Law -- Chapter 4 The Kelsen-Hart Debate: Hart's Critique of Kelsen's Legal Monism Reconsidered; Lars Vinx -- Chapter 5 Peace and Global Justice Through Prosecuting the Crime of Aggression? Kelsen and Morgenthau on the Nuremberg Trials and the International Judicial Function; Jochen von Bernstorff -- Chapter 6 Hans Kelsen, the Second World War and the U.S. Government Thomas Olechowski -- Part III: Kelsen in Unexplored Dialogues -- Chapter 7 Arriving at Justice by a Process of Elimination: Hans Kelsen and Leo Strauss; Elisabeth Lefort -- Chapter 8 Kelsen and Niebuhr on Democracy; Daniel R. Rice -- Chapter 9 Hans Kelsen's Psychoanalytic Heritage -- an Ehrenzweigian Reconstruction; Bettina Rentsch -- Chapter 10 A Morally Enlightened Positivism? Kelsen and Habermas on the Democratic Roots of Validity in Municipal and International Law; David Ingram -- Part IV: Kelsen's

Legacies -- Chapter 11 The Neglect of Hans Kelsen in West German Public Law Scholarship, 1945–1980; Frieder Günther -- Chapter 12 Philosophy of Law and Theory of Law: The Continuity of Kelsen's Years in America; Nicoletta Ladavac -- Chapter 13 Pure Formalism? Kelsenian Interpretive Theory between Textualism and Realism; Christoph Bezemek -- Chapter 14 Cognition and Reason: Rethinking Kelsen in the Context of Contract and Business Law; Jeffrey M. Lipshaw -- Chapter 15 Kelsen's View of the Addressee of the Law: Primary and Secondary Norms; Dru Stevenson -- Chapter 16 Kelsen, Justice, and Constructivism; Joshua Felix -- Conclusions -- Chapter 17 In Defense of Modern Times: A Keynote Address; Clemens Jabloner -- Chapter 18 Hans Kelsen's Modernist Secularism and the Free Exercise of Religion; Jeremy Telman.

Sommario/riassunto

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 application 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.
