Lost in the System or Lost in Translation? The Exchanges between Hart and Ross

SVEIN ENG

- I. Overview
- II. The Linguistic Background
 - II.1. Introduction
 - II.2. The Adjective "Gældende"
 - II.2.1. Introduction
 - II.2.2. Linguistic Properties of the Adjective
 - II.2.3. Ross's Application-Criteria of Efficacy. His Use of the Term "Ideology"
 - II.3. The Adjective "Gyldig" and the Noun "Gyldighed"
 - II.4. The Translation of "Gældende Ret" as "Valid Law": Linguistics and Philosophy
- III. Did Hart Misunderstand Ross's Theory of "Valid Law"?
 - III.1. Introduction
 - III.2. The Translation of "Gældende Ret" as "Valid Law"
 - III.3. Some Main Problems in Hart's Reading
 - III.3.1. Running together Rules and Statements about Rules
 - III.3.2. Leaving out Ross's "Coherent Whole of Meaning and Motivation"
 - III.3.3. Hart's Main Argument against Ross
 - III.4. The Problems Treated in Connection with the Term "Validity"
- IV. Was Hart Correct in Perceiving a Theoretical Gulf between His Own Views on Norms and Normativity and Those Entertained by Ross?
 - IV.1. A Distinction. Ross's Wide Use of the Term "Directive"
 - IV.2. The Level of Normative Entities Other than the Rule of Recognition and Its Constituent Parts
 - IV.2.1. Types of Norm
 - IV.2.2. Conceptualising Meaning and Motivation as Components of Norms
 - IV.2.2.1. Situating Ross in Relation to Hart's Internal–External Distinction
 - IV.2.2.2. Parallels between some Conceptualisations in Hart and in Ross
 - IV.2.2.3. The "Hermeneutics" of Normativity
 - IV.2.3. Hart and Ross on the Ultimate Basis of Normativity in Reality. First Part
 - IV.3. The Level of the Rule of Recognition
 - IV.3.1. Introduction
 - IV.3.2. Hart's Rule of Recognition and the Scandinavian Doctrine of the Sources of Law
 - IV.3.3. Hart and Ross on the Ultimate Basis of Normativity in Reality. Second Part
- V Some General Conclusions
- VI. The Discussion between Hart and Ross in Context

References

Tidsskriftet trykker ikke innholdsfortegnelser. Siden artikkelen er lang, vedlegger jeg den separat for oversiktens skyld.