

CONTENTS

ACKNOWLEDGEMENTS	ix
1. IDEALS IN LEGAL THEORY: AN INTRODUCTION	1
1. Common Sense Understandings	1
2. Ideals and Values	4
3. Moral Ideals, Legal Ideals	9
4. Ideals, Principles, Rules	11
5. The Aims and Structure of This Book	14
2. TWO CONCEPTS OF IDEALS	17
1. An Ontological Distinction	17
2. Ideals as Transcendent	18
3. Ideals as Immanent	28
4. The Merits of the Two Concepts	40
3. THE THEORY OF GUSTAV RADBRUCH	47
1. Introduction	47
2. Radbruch's General Philosophical Views	48
3. Legal Philosophy and Legal Science	55
4. From Legal Positivism to Natural Law? Radbruch's Turn	63
4. RADBRUCH ON IDEALS	69
1. Introduction	69
2. The Nature of Values	71
3. Values and Reality	77
4. The Interaction of Values	81
5. The Role of Values in Law	83
6. The Concept of Ideals	88
7. Conclusions	91

CONTENTS

5. THE THEORY OF PHILIP SELZNICK	99
1. Introduction	99
2. The Influence of Pragmatism: Selznick's Method	100
3. Selznick's Social Thought	111
4. Legal Theory	116
6. SELZNICK ON IDEALS	121
1. Introduction	121
2. The Nature of Ideals	123
3. The Latency of Values	132
4. Master Ideals	136
5. Ideals and Law	142
6. Conclusions	148
7. DEVELOPING A CONCEPT OF IDEALS FOR LEGAL THEORY	155
1. Different Concepts	155
2. Evaluating Radbruch and Selznick	160
3. Improving the Pragmatist Theory of Values	171
4. Developing a Theory of Legal Ideals	178
5. Conclusions	194
8. RECOGNIZING THE IDEALS OF LAW	
<i>Beyond Legal Positivism and Natural Law Theory</i>	197
1. The Aims of This Chapter	197
2. The Debate between Legal Positivism and Natural Law Theory	198
3. Evaluating the Different Positions	210
4. Radbruch and Selznick as Non-Positivists	220
5. The Promise of a Pragmatist Theory	227
REFERENCES	233
INDEX	245