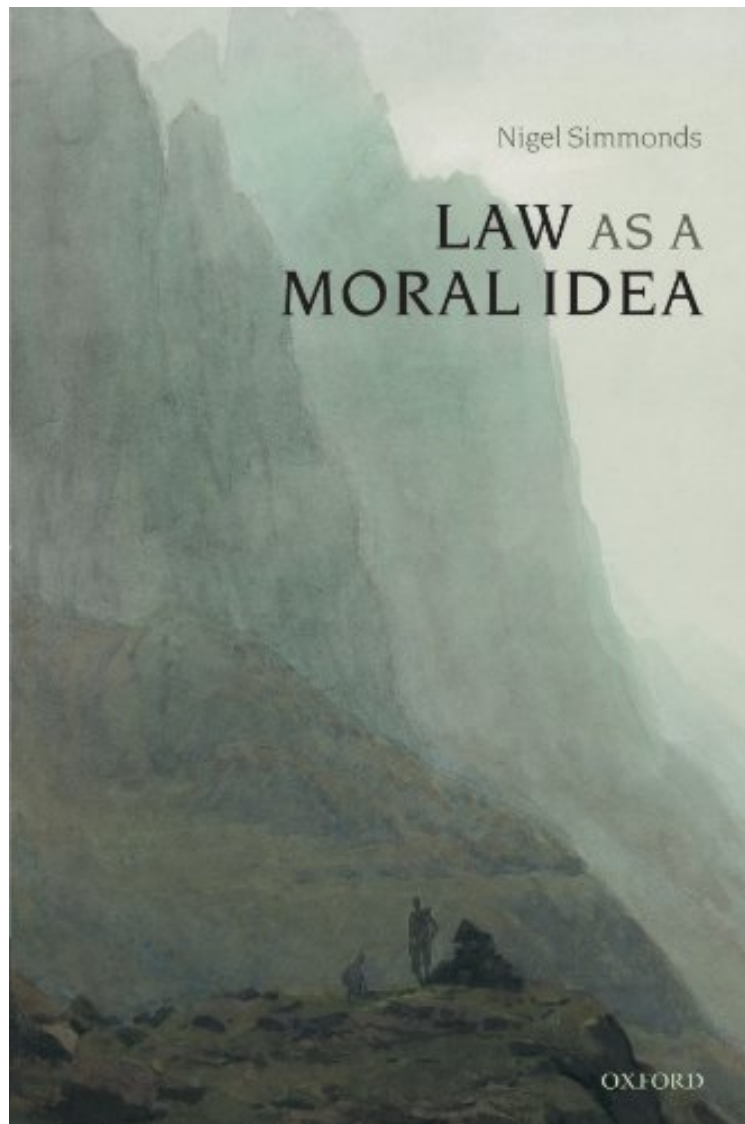


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Law as a Moral Idea

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Nigel Simmonds : Law as a Moral Idea before purchasing it in order to gauge whether or not it would be worth my time, and all praised Law as a Moral Idea:

This book argues that the institutions of law, and the structures of legal thought, are to be understood by reference to a moral ideal. The idea of law is an ideal of freedom, or independence from the power of others. The moral value and

justificatory force of law are not contingent upon circumstance, but intrinsic to its character as law. Doctrinal legal arguments are shaped by rival conceptions of the conditions for realization of the idea of law. In making these claims, the author rejects the viewpoint of much contemporary legal theory, and seeks to move jurisprudence closer to an older tradition of philosophical reflection upon law, exemplified by Hobbes and Kant. Modern analytical jurisprudence has tended to view these older philosophies as confused precisely in so far as they equate an understanding of law's nature with a revelation of its moral basis. According to most contemporary legal theorists, the understanding and analysis of existing institutions is quite distinct from any enterprise of moral reflection. But the relationship between ideals and practices is much more intimate than this approach would suggest. Some institutions can be properly understood only when they are viewed as imperfect attempts to realize moral or political ideals; and some ideals can be conceived only by reference to their expression in institutions.

"This book will interest researchers and graduate students looking for a serviceable overview of traditional jurisprudential debates. What is law without justice? What is a practice or an institution cut loose from its ideas? These questions provide the animating spirit of this volume. Recommended. Graduate students and faculty." --CHOICE "Law as a Moral Idea contains an important and original theory of the nature of law by a profound and brilliant thinker. It deserves to be read and carefully pondered by anyone seeking to gain a greater understanding of law in the modern world." --Sean Coyle, *Journal of Moral Philosophy* "The seriousness by which Simmonds addresses the central claims of...positivists, often in forensic detail, is one of the strongest features of this book. He never attacks a straw-man and he clearly criticises the claims of his opponents on their home turf...A superb work in legal philosophy." --Patrick Capps, (2008) 28 *Legal Studies* 631-633 "The arguments are precise and subtle. I highly recommend ...this book, which is an invaluable contribution to our reflections on law and justice." --Professor Cristobal Orrego, *Persona y Derecho* "For a clear and elegantly argued ... view of law that balances the mundane reality of legislation, precedent and practice against the ideal or aspirational quality of legality, one need look no further... I have never seen the case for this view more clearly and persuasively stated than it is in *Law as a Moral Idea*." --Sir Neil MacCormick "This is a deep-going and deeply considered work, which should have a civilizing and reformative influence on English-speaking legal philosophy." --John Finnis "Beautifully written and consistently illuminating." --John Gardner

About the Author Nigel Simmonds is Reader in Jurisprudence at the University of Cambridge, where he is also Director of Studies in Law, and Dean of College at Corpus Christi College