

Deryck Beyleveld • Stefano Bertea  
Editors

# Theories of Legal Obligation

This book is the first comprehensive study of the major theories of legal obligation. It is intended to provide a clear and accessible introduction to the field, and to stimulate further research. The book is divided into three parts. Part I, 'Theories of Legal Obligation', contains five chapters, each dealing with a different theory. Part II, 'Applications of the Theories', contains four chapters, each dealing with a different application. Part III, 'Conclusion', contains a final chapter. The book is intended to be a valuable resource for students and scholars of law, philosophy, and related disciplines.



Springer

# Contents

<b>Introduction . . . . .</b>	<b>1</b>
Deryck Beyleveld and Stefano Bertea	
<b>Part I What a Legal Obligation Is</b>	
<b>Towards a Minimal Concept of Legal Obligation . . . . .</b>	<b>7</b>
Lorenz Kaehler	
<b>What Is a Legal Obligation? . . . . .</b>	<b>27</b>
Stefano Bertea	
<b>Part II Theoretical Perspectives on Legal Obligation</b>	
<b>Why Any Legal Positivist Idea of Legal Obligation Is Untenable: A Kantian-Gewirthian Synthesis . . . . .</b>	<b>61</b>
Deryck Beyleveld	
<b>Gustav Radbruch's Theory of Legal Obligation . . . . .</b>	<b>99</b>
Martin Borowski	
<b>Part III Forms of Legal Obligation</b>	
<b>Is There a Legal Duty Not to Harm in Tort Law? . . . . .</b>	<b>125</b>
Diego M. Papayannis	
<b>Reflections on the Justifiability of Authority: Raz vs. Wolff . . . . .</b>	<b>151</b>
Noam Gur	