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**  
   1. Introduction  
   2. The Influence of Pragmatism: Selznick’s Method  
   3. Selznick’s Social Thought  
   4. Legal Theory  

6. **SELZNICK ON IDEALS**  
   1. Introduction  
   2. The Nature of Ideals  
   3. The Latency of Values  
   4. Master Ideals  
   5. Ideals and Law  
   6. Conclusions  

7. **DEVELOPING A CONCEPT OF IDEALS FOR LEGAL THEORY**  
   1. Different Concepts  
   2. Evaluating Radbruch and Selznick  
   3. Improving the Pragmatist Theory of Values  
   4. Developing a Theory of Legal Ideals  
   5. Conclusions  

8. **RECOGNIZING THE IDEALS OF LAW**  
   *Beyond Legal Positivism and Natural Law Theory*  
   1. The Aims of This Chapter  
   2. The Debate between Legal Positivism and Natural Law Theory  
   3. Evaluating the Different Positions  
   4. Radbruch and Selznick as Non-Positivists  
   5. The Promise of a Pragmatist Theory  

REFERENCES  

INDEX  

viii
The Concept of Ideals in Legal Theory
Taekema, S.
2003, IX, 253 p., Hardcover