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Book Essay

Robert Alexy and the critique of Law Positivist Philosophy

(Robert Alexy, *Conceptul și validitatea dreptului*, Editura “Paralela 45”, ISBN 978-973-47-0443-9, 166 pag.)

The Paper aims to shape the contribution of the German researcher, Robert Alexy, to the critics of the positivist philosophy of law. I have in my attention the Alexy’s courage to restart a debate on an apparently common matter, as the law concept, by comparing it to the moral. The author’s conclusion, which I totally accept, is that, inside the dispute with the positive theories, there should win the non-positive theories which sustain the thesis of the existence of a connection of the moral elements in defining the law concept.

In 2008, „Paralela 45” publishing house issued the book „Law Concept and Validity” signed by the German professor Robert Alexy (born in 1945) from Kiel University, a translation by Adriana Cînța. A book, that left me with a certain degree of dissatisfaction concerning the current state of law philosophy in the Romanian culture. What I mean to say, is that we should make quicker progress in our attempt to rise up to the present standards in the field. This is the reason behind my trying to value the above mentioned paper.

The book, a beautiful logic work with a high density of ideas, comprises four chapters that can be compares with the stages of a consistent attempt to define the Law concept. I do appreciate the courage to restart a debate about an apparently common issue, such as the Law concept. As for the expertise of the German thinker, it can only be revealed by actually reading the text.

The first chapter, called “The Issue of Law Philosophy”, starts with the natural reminder of the fact that the core of the dispute regarding the law concept is the way to solve the relationship between law and moral. “The main issue in the dispute on the law concept is the relationship between law and moral”. (Robert Alexy, *Law Concept and Validity*, Paralela 45 Publishing house, Pitești, 2008, p. 11). The idea is that, even after two and a half millennia, this issue remains a current challenge, around which, nowadays – in Robert Alexy’s opinion – there is a fight between the positivist and the non-positivist doctrine. “All positivist theories, support the *separation thesis*, according to which the law concept should be defined in such a way as to include moral elements. The separation thesis assumes that there is no conceptual relationship needed between law and moral, between what law dictates and justice pretends, or between law as it is and law as it should be” (pp. 11-12). To exemplify, Alexy makes reference to the positivist doctrine of Hans Kelsen. According to this doctrine, the law concept can only be defined based on two elements, namely only through the interpretation of the legality of the norm and its social efficiency. In other words, according to the exigencies of the positivist doctrine, the validity of a juridical norm does not depend on its content. From here we can deduct that the different variants of this doctrine are explained by the existence of more ways to combine the results of the interpretation of the two defining elements.

Opposed to the positivist theories, that were quite influential in the previous century, the non-positivist ones support the thesis of the connection of moral elements in defining the concept of law. This does not mean that the neo-positivists do not take the elements of authority law or that connected to social efficiency into consideration. What essentially differentiates the non-positivism from positivism is the “view according to which the law concept has to be defined in such a way so that, besides the characteristic that stop at the level of the facts, it should also include moral elements” (p. 13). We should also note the fact that

the existence of more non-positivism variants is also explained based on the differences of interpretation of the defining elements and the combination of these interpretations.

Robert Alexy's merit stands in the insistence with which he underlines the need to correctly define the law concept, in order to understand what law is. Because, beyond the apparent ease with which practitioners understand law, under common circumstances, when there occur unusual cases, the theoretical explanations of the law concept become absolutely necessary. Here is what the German thinker believes: "The different concepts regarding what law is should not necessarily lead to different results, but they do not exclude this possibility" (p. 20).

Identifying this difficulty, the author analyzes its effects starting with the second chapter of the work, suggestively named „The Law Concept". He thinks that, in order to correctly define the law concept, three elements have to be connected, namely authoritarian *lawfulness*, social *efficiency* and content *correctness*. "Depending on the way in which the relative significance of these elements is estimated, we have different concepts of law. Those who don't attribute any significance to authoritarian legality and social efficiency, stopping exclusively at content correctness, get a pure concept of law, of natural law or of reason law. If we eliminate, content correctness and stop at authoritarian legality and / or social efficiency we get a purely positivist concept of law. Between these extremes there are multiple intermediary forms possible" (p. 21).

Two main groups of legal positivism are identified; these have been formulated through the different combination and interpretation of two defining elements of the law concept, namely "social efficiency" and "authoritarian legality".

In the first the law concepts mainly oriented towards efficiency are entered, where the observer's perspective dominates, in particular, that of the lawyer. These types of definitions are found in the sociologic and realistic theories on law. And within this group there are two definitions of the right concept that can be differentiated, depending on their focus either on the exterior or the interior aspect of the juridical norm. "The exterior aspect of a norm is the regulation of its abidance and/or the sanctioning of its infringement" (p. 23). To exemplify, Robert Alexy make reference to both the sociological approach from the definition on law made by Max Weber and Theodor Geiger, as well to the perspective of the pragmatic instrumentalism represented by Oliver Wendell Holmes. The idea is that such definitions of law oriented towards efficiency, which target the exterior aspect, seem to come to ease the lawyer's mission. „The interior aspect of a norm is the motivation of its abidance and/or its appliance. What counts are the mental dispositions" (p. 24). In this case also, that of the definitions oriented towards efficiency that target the interior aspect, the exemplification is made with reference to the contributions of two thinkers, namely Ernst Rudolf Bierling and Niklas Luhmann.

In the second group we have the primary normative concepts of law, that from the analytical theory of law, where legal praxis is reported to the exigencies of logic. "The primary normative concepts of law are usually found in the field of analytical law theory, that is in the centre of the law theories that mainly focus on the logical and conceptual analysis or legal praxis" (p. 25). This time, the observer's perspective is no longer primordial, that of the participant, namely the judge is. The argumentation continues with the highlighting of John Austin's ideas, according to which the elements of norms are combined with that of efficiency. An observation that recommends going to the ideas developed by Hans Kelsen and Herbert Hart, the main representatives of normativist positivism from the XX century. If in Kelsen's opinion, law, understood as normative coercive order is based on an assumed basic norm, that is neutral from the content's point of view, with Hart, law is understood as a system of norms, based on a knowledge and recognition rule, with a strong social character. In other words, even if Kelsen's "basic norm" and Hart's "knowledge and recognition rule"

fulfil the same function, they are different from one another since they have a statute of a different nature.

The intercession of this chapter continues with a critique of positivist law concepts. The starting point is the common thesis of different positivist explanations, which is the thesis of the separation between law and moral. The first observation made by Robert Alexy, starting from some decisions of the German Federal Constitutional Court, is that that the correctness of this thesis is not certain. This means that the positivist attempt to define the law concept through the interpretation of efficiency elements and legality cannot be accepted. Since the separation thesis is no longer certain, we are bound to consider the thesis of the connection between law and moral.

The arguments brought to support one or the other of the two thesis (that of the separation or the connection between law and moral) are divided by Robert Alexy in two groups, namely analytical and normative arguments. The analytical arguments must satisfy the exigencies of a conceptual need regarding a normative necessity, which is just a necessity in a larger sense. In the analytical field, the positivists, asserting that the definition of law should be made through the exclusion of moral elements, claim that there is no conceptual relationship needed between law and moral. Non-positivists, on the other hand, asserting that in the definition of law moral elements should be included, are free to either support the existence of a needed conceptual relationship between right and moral, or to avoid the assertion regarding the existence of such a relationship altogether. It is understood that, if the non-positivists manage to prove the existence of the conceptual relationship between law and moral, they will win the dispute against the positivists. And if they don't, they are still left with the chance of appealing to normative arguments, in order to substantiate the thesis that in defining the law concept, moral elements can also be included. In short, the idea is the following: "The separation or connexion thesis is based on a *normative* argument, when it is ascertained that, in order to reach a certain purpose or in order to abide by a certain norm, it is necessary to exclude or include moral element in the law concept. The connections or separations thus justified can be called «normatively -necessary»" (p. 30).

But the problem whether the dispute around whether the law concept can be justified only based on normative arguments, or whether analytical arguments should also be included, remains open. Even more so, since recent debates have imposed the thesis according to which "a relationship between law and moral is neither conceptually impossible, nor conceptually necessary" (p. 31). In this situation, Robert Alexy considers that the first part of this thesis is correct, and the second part, namely the affirmation that there is no needed conceptual relationship between law and moral is debatable. Moreover, Robert Alexy undertakes to prove that such a relationship exists, in order to show that the affirmation according to which the dispute around the law concept involves a decision that can only be justified based on normative arguments, is false. The hypothesis of the German thinker, that he tries to prove, sounds as follows: "first of all, there is a conceptual relationship needed between law and moral, and second of all, there are normative arguments for the inclusion of moral elements in the law concept, which, on one side reinforce the power of the needed conceptual relationship, and on the other side, go beyond it. In short, between law and moral, there are conceptual and normative relationships needed." (p. 32).

In order to prove his hypothesis, Robert Alexy suggests a conceptual frame composed of five distinctions, namely 1) between *valid* law concepts (that include the value concept) and *invalid* (that do not include the value concept); 2) between the legal system as a system of norms (the exterior aspect of the system) and the legal system as a system of procedures (the interior aspect); 3) between the perspective of the observer (of the external point of view) and the perspective of the participant (the internal point of view, the judge); 4) between two different ways to report law to moral, namely the "classificatory" way and the "qualificative"

way; 5) between *conceptually necessary relationships* and *normatively necessary relationships*.

Assessing the valences of this conceptual framework, Robert Alexy shows that he “underlines the fact that the thesis supporting the existence of a needed relationship between law and moral can receive different significations. In this conceptual framework, there are 32 possible combinations of the components of the five distinctions. In each combination, we can formulate both the thesis of the existence of a needed relationship, and that of its non-existence. So, in total, there are 64 theses. Without a doubt, between these 64 theses there is a number of implication relationships, so we could say that the truth or falseness of one thesis implies the truth or falseness of another. Moreover it is possible, from a conceptual point of view, that certain combinations are impossible. Still, this does not change the basic belief, that the dispute around the needed relationships between law and moral are supported by many different affirmations.” (p. 37).

With a lot of insight, Robert Alexy explains this inefficiency of the dispute, by the fact that, in most cases, these are parallel talks, to which the participants support theses of different natures. This is why he suggests a simplification of the debate around the concept of law to include that of validity. For this reason, at the dichotomy regarding the separation or connection between law and moral, he looks for an answer only from the perspective of the observer (the external point of view) and that of the participant (the internal point of view) thus, the other dichotomies become subordinate to this intention.

From the perspective of the observer, the question is whether the infringement, through a norm, of a moral criterion annuls only the legality of that given norm, or it annuls the legality of the whole system that norm belongs to. With other words, Robert Alexy undertakes to observe what happens to the norm or the system the norm belongs to, when there’s a certain degree of injustice. To do this, he makes a distinction between the individual norms of a legal system and the legal system as a whole and invokes the so called “injustice argument”, also referred to as “the tyranny argument”. With the injustice argument, we understand that “it is actually the thesis of the connection centred on a classifying relation” (pp. 38-39). When it refers to individual norms, he takes into consideration the injustice argument formulated by another German thinker, Gustav Radbruch (1878 – 1949) and concludes that „Radbruch’s connection thesis, from the perspective of an observer, cannot be founded on a needed conceptual relationship between law and moral” (p. 41). Moreover, checking to see if there is conceptually needed relationship between a law system taken as a whole and moral, also from the observer’s perspective, Alexy first makes the distinction between two types of moral requirements, namely *formal* and *material* requirements, then between *factual and conceptual relationships*, and then he underlines two types of social orders (the social order *without any sense* and the social order *based on robbery*) which, for conceptual reasons, are not legal systems. As opposed to these, the *master’s order* can be conceptually accepted as a legal system since it imposes on all its subordinated a *claim to correctness*. All these clarifications help the author draw the conclusion that from the observer’s point of view the positivist thesis of the separation between law and moral is essentially correct, not only for individual norms but also for legal systems. This thesis “reaches a limit only in the extreme and improbable case of a system of norms that raises absolutely no claim of correctness” (p. 48).

From the perspective of the participant, for example a judge, the thesis of the separation between law and moral is improper. In such a perspective, Robert Alexy thinks, the correct assertion is that of the connection of the two fields. In order to support this idea he employs three arguments, namely the correctness argument, the injustice argument and the principles argument.

The correctness argument, considered by the author to be the basis of the other two documents says that “not only the legal individual norms, but also the legal systems as a

whole, necessary raise a claim to correctness” (p. 48). Otherwise, such a system is not a legal one. We notice that, depending on this criterion, the individual legal acts and legal systems can be classified as being either legal or illegal. But the correctness criteria should not be reduced just to its classifying role, but it should be used further to value its qualification role, in the case of the legal systems that raise the correctness claim, but do not fulfil it. This means that these systems are erroneous from a legal point of view. To make himself understood, Robert Alexy comes with examples to demonstrate that the participants to a legal system necessarily raise a claim to correctness. And the measure to which this claim has moral implications proves the needed conceptual relationship between law and moral. But, despite all these, the thesis of the connection between law and moral becomes more vulnerable. This happens only because a positivist can insist on a separation thesis even if he accepts the correctness argument. To this purpose a positivist has two strategies. The first one is to show that the unfulfilment of the correctness claim does not necessarily lead to the loss of the legal character – since the separation thesis only refers to the classifying relation, and the correctness claim would better set a qualifying relation. The second focuses on the possibility to assert that the correctness claim has no moral implications and thus it does not lead to a needed conceptual relationship between law and moral. In this case, Robert Alexy notes: „The first objection of the positivist focuses on the injustice argument, the second on the principles argument” (p. 53).

The injustice argument is applicable either to the individual norms, or to the legal systems taken as a whole. In case of individual norms, according to this argument, “it is said that the individual norms of a legal system, lose their lawful character, by crossing a certain level of injustice” (p. 53). Now, Radbruch’s argument, that has previously been rejected from the observer’s point of view, is analyzed from the participant’s point of view. To his purpose there are eight perspectives formulated in the dispute around Radbruch’s assertion, these are the linguistic perspective, the clarity, efficiency, legal safety, relativism, democracy, dispensability and impartiality. The result is the following: „Reported to individual norms, the injustice argument in its weak version, as formulated by Radbruch, finds stronger reasons to talk in his favour than the objections against it. all the objections could be eliminated so that a power equality has resulted. Moreover, reasons have been given in favour of the injustice argument” (p. 83). Further on, the analysis aims to find out to what extent the injustice argument is also applicable for the legal systems taken as a whole. The debate is held around the affirmation of the German thinker Martin Kriele (n. 1931), who says that “the moral duty is to do justice, supposing that, in general, justice also takes morality into consideration” (apud, p. 84). Two interpretations are considered, namely the thesis of the “expansion”, (according to which „the lack of the lawfulness character of the content of the fundamental norms of a legal system, leads to the lack of the lawfulness character of all norms typical for the system, expanding – to this purpose – over them”, pp. 85-86) and the legal system “collapse” thesis (that sees the system as a whole, „assuming that it collapses as a law system if more individual norms, in particular the ones important for the system lose their lawful character” p. 89). Robert Alexy’s conclusion is that applying the injustice argument to a legal system taken as a whole does not lead to results that go beyond the consequences of applying it to the individual norms ” (p. 91).

The principles argument, that which is based on the distinction between rules and principles, refers to a particular situation, that where the law is unjustly to the extreme. This distinction underlines – in Robert Alexy’s opinion – the needed relationship between law and moral based on three thesis, namely the thesis of *incorporation* (that says that each legal system developed to the minimum mandatory contains principles), the *moral* thesis (that says that “there is a needed relationship between law and a *common* moral) and the *correctness* thesis (that considers a “need relationship between law and a *just* moral”). The gain is the

following: “ the needed relationship that can be based on these three thesis is first of all of a conceptual nature, second of all it is a qualifying relationship, not a classifying one – as the case of the injustice argument, and third of all, it exists only for the participant to a legal system, not for an observer as well” (p. 94). The idea is that the correctness claim entails the ideal dimension of law.

The third chapter of the book, called “The validity of Law” is structured in two parts that are well organized for the clarification of the issue.

In the first, smaller part of this chapter, called “Validity Concepts”, the author underlines the defining elements of the law concepts from the sociological, ethical and juridical perspective. The reasoning is the following: “for the three elements of the law concept, social efficiency, content correctness and authoritarian lawfulness, there are three corresponding validity concepts: the sociologic, ethic and juridical ones” (p. 109).

Regarding the sociologic concept of law validity it is understood that its object is social validity. From Robert Alexy’s statement we find out that a legal norm “is valid *from a social point of view* if it is abided, or if its infringement is sanctioned” (p. 109). But such an affirmation is based on ambiguous notions such as “abidance” and „sanctioning” of the legal norm. As a consequence, this concept accepts a large number of interpretations, systematically discussed within law sociology. More attention has to be paid to the statements concerning empirical aspects of the legal norm’s social efficiency. “Regarding this issue, three perspectives will suffice. The first one is that social validity is a matter that has to do with measure. The second is that it can be known based on two criteria, that of abidance and sanctioning of non-abidance. The third perspective is that sanctioning the non-abidance of the basic norms involves physical constraints, which in evolved legal systems is a task reserved for the state” (p. 111).

The ethic concept of juridical norm validity has as object moral validity. Using Robert Alexy’s words, we find out that „a norm is valid *from the moral point of view* if it allows a moral justification” (p. 111). The ethical validity concept is important since it lays at the base of the natural law and rational law theories. “The validity of a natural law norm of that of a rational law is not based on its social efficiency, or on its authoritarian lawfulness, but on the correctness of its content, justified from a moral perspective.” (p. 111).

As opposed to the sociological and ethical concept, the legal validity concept has a more complex structure since it also employs, besides the own component of this concept, namely the internal component, an external one. In this restricted sense, the juridical concept of legal norms’ validity is based only on specific characteristics, namely those characteristics that build the internal conceptual structure. In a broader sense, though, this concept also employs the external structure resulted its relationship with the other two validity concepts. Thus the legal validity concept, though its object is legal validity, should also include elements of social validity, and even more, in some thinkers’ opinion it should also include elements of moral validity. Because - says Robert Alexy - „if a norm system or a norm has no social validity, that is it does not have a minimum social efficiency, then this norm system or norm is not valid from a legal point of view” (p. 112). The merit of the thinker comes from the observation that, in positivist perspective, the legal validity concept only includes elements of social validity. And when besides there we also include elements of moral validity, we get a positivist concept of legal validity.” (p. 112). This does not mean – according to Alexy – that a legal validity concept in a stricter sense cannot be formulated, contrary to the social and moral validity concepts. Such a *validity concept in a stricter sense* is obtained when it is issued and applied according to legal order. In other words, the juridical validity concept, in a stricter sense, raises an internal issue (the apparent circularity of the definition of juridical validity) and an external one (the determination of the relationship of the juridical validity

concept with the social validity concept accepted by positivists and the relationships with the moral validity concept, accepted by the non-positivists).

The second part of this chapter, called “Validity Collision” tries to solve the problem of the relationship of the juridical validity concept, taken in a stricter sense, with the other two validity concepts. The collisions are followed distinctly, first with regard to norm systems, then with regard to individual norms.

Regarding the relationship between *juridical validity* and *social validity*, with reference to a norm system, the problem of the validity of a norm system taken as a whole is raised when there are legal systems with incompatible norms competing against each other (revolution, civil war, rebellions). For the theory of paradigm change of the legal system it is important that various possibilities regarding the validity of legal systems during political conflict is correctly analyzed. Alexy talks about three possibilities: a) no legal system in competition is valid, as a system, since it is not socially efficient; b) only at the end of the competition will it be clear which system is valid, because it will be the winning system; c) the old system remains valid, despite the fact that it is no longer socially efficient, until the new system is put into place. Faced with these possibilities, the German thinker concludes “A norm system that cannot impose itself on other systems like the ones mentioned above is usually not socially efficient” (p. 115). As opposed to the case of legal systems, in the case of individual norms, social efficiency is not a condition of legal validity. The worst case is, that when the individual norms lose their social efficiency, it is no longer taken into consideration.

The analysis of the collision between *legal validity* and *moral validity* follows to complete the ideas already mentioned here, regarding this issue. In case of a legal system taken as a whole, the relationship between legal and moral validity is somewhat asymmetrical in comparison to the relationship between legal and social validity. „this asymmetry is given by the fact that the legal validity of a legal system taken as a whole depends more on social than on moral validity” (p. 118). In other words, a socially inefficient legal system collapses while one that cannot be morally justified can exist. In case of individual norms, the relationship between legal and moral validity focuses on an extreme case, that is that the legal validity of a norm involves, on a theoretical level, a minimum moral justification; in practice though, the extent to which this requirement is fulfilled is hard to estimate. This means that the “minimum moral justification” requirement should not be reported to the individual norm, but to the juridical validity of the individual norm. Taking these aspects into consideration, Alexy concludes that “with respect to the individual norms, the role that the social and moral validity play has the same structure within juridical validity concept. These aspects refer to a limit case. It is the expression of the fact that authoritarian law within a socially efficient legal system is the dominant criteria of the validity of individual norms. This conclusion is confirmed on a daily basis by juridical practice.” (p. 120).

Another subtitle of the second part of the book is “Basic Norm” aimed at approaching other issues of the “juridical validity” concept, appreciated in a restricted sense, namely from which the social elements and that regarding content correctness are eliminated. These problems have been grouped on two categories namely existent problems (underlined by following the collisions of validity) and internal problems (that stem from the circularity of the juridical validity definition. For this purpose, Alexy uses the phrase “basic norm”. Here is the argument “the basic norm is the most important in solving the circularity of the legal validity concept in a restricted sense. The multiple possibilities of differentiation make the distinction between the three basic norms categories possible: analytical, normative and empirical. The most important variant of the basic analytical norm we find with Hans Kelsen, the normative with Kant and the empirical with Hart.”(pp. 121-122).

In Kelsen’s opinion, the theory of the basic analytical norm is followed under the aspect of its statute, tasks and characteristics. At the end of the undertaking Alexy concludes:

„synthesizing, with regard to Kelsen’s basic norm theory, we can determine the following. He is right when he says that a basic norm must be assumed if we want to go to the conclusion that something is applicable and efficient to the ascertainment that something has a juridical value or is mandatory from a legal point of view. This basic norm should not have the content of Kelsen’s basic norm. Thus, it may include moral elements that take the argument of injustice into consideration. Kelsen is also right when he says that, while on one hand we have to suppose that a basic norm is necessary if we want to interpret law as a normative order, on the other hand, we can give up this interpretation. Because of this, the basic norm has only a weak transcendental character. Last but not least, Kelsen is right when he says that the basic norm is simply a thought norm. Yet he is not right when he ascertains that the basic norm is not capable to ground. It needs grounding. And this leads to the problem of a basic normative norm.” (p. 147).

As opposed to Kelsen, who thinks that the basic norm is simply an epistemological premise, according to Kant’s opinion, the basic law is a natural law. In Kant’s vision the basic norm precedes the positive laws and justifies its value. „According to Kant, a natural law is a law that, even without an external law, can be recognized as mandatory that is it can be recognized *a priori* through reason. Thus, the Kantian norm is a norm of rational law, or – as called in the old terminology – of natural law, so that the validity of the positive law is set by the rational or natural law. Such a justification leads to the opposite of the morally neutral character law has according to Kelsen. It leads to a moral duty to conform to law.” (p. 148).

Another alternative to Kelsen’s basic norm, besides Kant’s is Hart’s basic norm. The latter does not name his norm a basic norm, but a knowledge rule. Between Kelsen and Hart’s view there are coincidences and differences as well. “The most important difference is the question regarding the existence of a «rule of recognition», and regarding its content, which are empirical questions” (p. 155). The idea is that Hart deducts the existence of a recognition rule from its acceptance, present in legal practice. Moreover, he states that such a recognition rule can be laid at the basis of all legal rules. In this case, Alexy concludes: „To accept a rule that finds its expression in the common practice means to pass from the fact that practice exists to the conclusion that people should act according to this practice. The advantage of this theory of Kelsen’s basic norm is that this passing from *is* to *should* (the passing from *Sein* to *Sollen*) does not hide behind concepts such as the acceptance and existence of a practice, but comes to light, becoming a problem” (p. 156).

In the last chapter of this work, called “Definition”, Robert Alexy synthesizes the entire undertaking of the book, giving the following legal definition of law, that is a definition from the participant’s perspective: “Law is a system of norms which (1) raises a correctness claim, (2) comprises all norms generally belonging to a socially efficient Constitution, which are not extremely unfair and the total of the applicable norms according to this Constitution, that prove a minimum social efficiency or present a potential for social efficiency and are not extremely unfair, and, last but not least, (3) to which the normative principles and arguments that the law application procedure is / or has to be based in order to satisfy the correctness claim.” (p. 157). It is a definition in which the law concept defined also includes the concept of validity and to the three parts of the definition the three arguments correspond, namely the correctness argument, the injustice argument and the principle argument.

In conclusion, Robert Alexy’s investigation is exemplary, under more aspects. It is exemplary mainly under the aspect of the ideas, since his doctrine pleads in favour of the thesis of the connection of the moral elements in defining the law concept. It is then again exemplary, as logical discourse, well informed bibliographically and coherently built. This is why, it would bring me great pleasure to see such a work on law philosophy appear in Romanian culture as well.

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