

The Force of Law

By Frederick Schauer

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Many legal theorists maintain that laws are effective because we internalize them, obeying even when not compelled to do so. In a comprehensive reassessment of the role of force in law, Frederick Schauer disagrees, demonstrating that coercion, more than internalized thinking and behaving, distinguishes law from society's other rules.

Reinvigorating ideas from Jeremy Bentham and John Austin, and drawing on empirical research as well as philosophical analysis, Schauer presents an account of legal compliance based on sanction and compulsion, showing that law's effectiveness depends fundamentally on its coercive potential. Law, in short, is about telling people what to do and threatening them with bad consequences if they fail to comply. Although people may sometimes obey the law out of deference to legal authority rather than fear of sanctions, Schauer challenges the assumption that legal coercion is marginal in society. Force is more pervasive than the state's efforts to control a minority of disobedient citizens. When people believe that what they should do differs from what the law commands, compliance is less common than assumed, and the necessity of coercion becomes apparent.

Challenging prevailing modes of jurisprudential inquiry, Schauer makes clear that the question of legal force has sociological, psychological, political, and economic dimensions that transcend purely conceptual concerns. Grappling with the legal system's dependence on force helps us understand what law is, how it operates, and how it helps organize society.

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Editorial Review

Review
Modern jurisprudence has been devoted to a search for law's necessary and sufficient conditions and has downgraded the importance of coercion, which is neither. However, **Fred Schauer** makes a convincing case for coercion's importance in understanding law and legal phenomena. His treatment of the topic is erudite, comprehensive, rigorous, and even witty, and it is delivered in a superb writing style. (Lawrence A. Alexander, University of San Diego School of Law)

The Force of Law has the virtues of all of **Schauer**'s work: clear and accessible writing, the grounding of persuasive arguments on good examples and a wide range of scholarship, and fair consideration of opposing views. It is an important contribution to jurisprudential debates about the nature of law and about the proper approach to theorizing in this area. (Brian H. Bix, University of Minnesota Law School)

Drawing upon language, moral, sociological, and economic theory, **Schauer** explores what makes legal norms unique and why and under what conditions individuals truly obey the law. He asserts that although coercion may not be the only reason people obey the law, often getting individuals to act in ways they would not normally act requires some type of force. This force need not necessarily be negative coercion as normally conceived but can involve an array of sanctions to condition behavior in specific ways. (D. Schultz *Choice* 2015-09-01)

About the Author
Frederick Schauer is David and Mary Harrison Distinguished Professor of Law at the University of Virginia.

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Typically the book The Force of Law will bring you to the new experience of reading a book. The author style to elucidate the idea is very unique. In the event you try to find new book to learn, this book very acceptable to you. The book The Force of Law is much recommended to you to learn. You can also get the e-book from your official web site, so you can quicker to read the book.

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