



The Law in Quest of Itself

Lon L. Fuller

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LEGAL POSITIVISM AND NATURAL LAW Three lectures by the Harvard Law School professor examine legal positivism and natural law. In the course of his analysis Fuller discusses Kelsen's theory as a reactionary theory and Hobbes' theory of sovereignty. He defines legal positivism as the viewpoint that draws a distinction "between the law that is and the law that ought to be" and interprets natural law as that which tolerates a combination of the two. He looks at the effects of positivism's continued influence on American legal thinking and concludes that law is necessary in a democracy as a principle of order. LON L. FULLER [1902-1978] was a professor at Harvard Law School and is remembered for his contributions to the law of contracts. His debate with H.L.A. Hart in the 1958 Harvard Law Review (Vol. 71) is noteworthy because it provided the framework for subsequent debates about legal positivism and natural law.

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