

REVIEW ESSAY

"Plucking the Mask of Mystery from Its Face": Jurisprudence and H.L.A. Hart

A LIFE OF H.L.A. HART: THE NIGHTMARE AND THE NOBLE DREAM. By Nicola Lacey. Oxford: Oxford University Press. 2004. Pp. xxii, 422. \$35.00

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[J]urisprudence trembles so uncertainly on the margin of many subjects that there will always be the need for someone, in Bentham's phrase, to "pluck the mask of Mystery" from its face.¹

Herbert Lionel Adolphus Hart, or H.L.A. Hart as he is commonly known, is widely held to be one of the greatest legal philosophers of the twentieth century. Many would disagree, insisting that Hart is *the* greatest, without qualification.² However that may be, there is little doubt that Hart's work has had a powerful impact on the fields of jurisprudence and legal philosophy throughout the English-speaking world and beyond. Hart was Chair of Jurisprudence at Oxford University from 1952 to 1968, and the books and articles he published during this period, including *Positivism and the Separation of Law and Morals*,³ *Causation in the Law* (with A.M. Honoré),⁴ *The Concept of Law*,⁵ *Law, Liberty,*

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1. H.L.A. Hart, *Positivism and the Separation of Law and Morals*, 71 HARV. L. REV. 593, 594 (1958), reprinted in H.L.A. HART, *ESSAYS IN JURISPRUDENCE AND PHILOSOPHY* 49 (1983) [hereinafter *ESSAYS*].

2. Opinions differ, and some would probably give the nod to the Austrian jurist, Hans Kelsen. But most scholars would agree that Hart and Kelsen are the century's two greatest legal philosophers. See, e.g., Brian Leiter, *The End of Empire: Dworkin and Jurisprudence in the 21st Century*, 36 RUTGERS L.J. 165, 168 (2005) (describing Kelsen and Hart as "the two dominant figures in twentieth-century legal philosophy"); John Gardner, Book Review, 121 LAW Q. REV. 329, 333 (2005) (reviewing NICOLA LACEY, *A LIFE OF H.L.A. HART: THE NIGHTMARE AND THE NOBLE DREAM* (2004)) (affirming that "only Hans Kelsen seriously challenges Hart's claim to be the most important legal philosopher of the twentieth century").

3. Hart, *supra* note 1.

4. H.L.A. HART & A.M. HONORÉ, *CAUSATION IN THE LAW* (2d ed. 1985).

5. H.L.A. HART, *THE CONCEPT OF LAW* (1961).