



THE FORCE OF LAW

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SEMINAR3: THE FORCE OF LAW

Seminar3 is the research seminar of the Faculty of Law of University Alberto Hurtado, Santiago, Chile. The seminar, which takes its name from the fact that it needs at least 3 persons for taking place: paper-giver, discussant and one audience, is a space to discuss, refine and rethink the main ideas of the paper that it's being presented. Both the discussant and the specialized audience have prior access to the paper, so to enable sharp and deep debate.

The present Seminar3 will discuss some chapters of Frederick Schauer's future book, *The Force of Law*. In a nutshell, the main argument is that coercion is a main feature of law, that not only helps to distinguish it from other types of rules, but to understand what law is, how it operates, and how it helps organize society. He has described this central idea as follows:

“That the law can force people to do things they do not want to do, and which are sometimes against their own interests or their own best (and not necessarily self-interested) judgment, might seem far too obvious to justify thinking or writing much about it. But here, as elsewhere, things are often not what they seem. For more than half a century, legal philosophers, drawing their inspiration from H.L.A. Hart, have questioned whether force, coercion, and sanctions are as important to understanding the nature of law as the ordinary person – the man on the Clapham omnibus, as the English quaintly put it – believes. [...] ...although the present examination of the role of coercion in explaining the character and distinctiveness of law will at times be philosophical or conceptual in style and method, it will, unashamedly, often break out of those boundaries defined by the discipline of philosophy, or accepted, rather more narrowly, by many contemporary practitioners of the philosophy of law. Some of what follows will be sociological, in the broadest sense, and more than some will draw on experimental psychological research. Some will make use of empirical and analytical conclusions from economics and political science. And none of what is to come will be a theory of law, or for that matter a theory of anything else. [...] This book is thus an exploration of various aspects of law's coercive dimension, pursued largely philosophically and analytically, but with some empirical assistance. It is an account and not a theory. It is certainly not a system. But perhaps a mere account can have some value.”

In this opportunity, the discussant will be Federico Arena (University Alberto Hurtado).