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The Internal Point of View as a Rational Choice?

An Empirical Interpretation of the ‘Normativity’ of Social and Legal Rule

Abstract:

H. L. A. Hart’s seminal book *The Concept of Law* entails arguments which are also of substantial importance for social theory: his claim that the existence of social and legal norms presupposes the dissemination of an internal point of view among the members of a social and legal community presents a serious challenge for any explanation of social order. Hartmut Kliemt emphasizes this aspect of Hart’s work time and again in his own writings—and surely with very good reasons. In my paper I will try to reconstruct Hart’s theory in detail. I will argue that we have to clarify the different dimensions of the concept of an internal point of view to be able to assess its consequences for a theory of social and legal order—especially for a rational choice approach which at first sight seems to be incompatible with the concept of an internal point of view.