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The Philosophy Of Positive Law Foundations Of Jurisprudence

Julia Schneider



The Philosophy Of Positive Law Foundations Of Jurisprudence:

The Philosophy of Positive Law James Bernard Murphy, 2008-10-01 In this first book length study of positive law James Bernard Murphy rewrites central chapters in the history of jurisprudence by uncovering a fundamental continuity among four great legal philosophers Plato Thomas Aquinas Thomas Hobbes and John Austin In their theories of positive law Murphy argues these thinkers represent successive chapters in a single fascinating story That story revolves around a fundamental ambiguity is law positive because it is deliberately imposed as opposed to customary law or because it lacks moral necessity as opposed to natural law These two senses of positive law are not coextensive yet the discourse of positive law oscillates unstably between them What then is the relation between being deliberately imposed and lacking moral necessity Murphy demonstrates how the discourse of positive law incorporates both normative and descriptive dimensions of law and he discusses the relation of positive law not only to jurisprudence but also to the philosophy of language ethics theories of social order and biblical law Lectures on Jurisprudence, Or, The Philosophy of Positive Law John Austin, Sarah Austin, 1869

The Cambridge History of Modern European Thought Warren Breckman, Peter Eli Gordon, 2019 In these well nigh encyclopedic volumes Warren Breckman and Peter E Gordon engage in a daunting feat They offer compact and informative introductions to essays on very many crucial dimensions of thought in the nineteenth and twentieth centuries And they furnish along with their own substantive chapters contributions from an array of prominent scholars of intellectual and cultural history all of whom demonstrate impressive expertise in their varied areas of inquiry The result is an important work of both scholarly and general interest Back cover Lectures on Jurisprudence, Or, The Philosophy of Positive Law John Austin, Robert Campbell, 2005 *The Making of Constitutional Democracy* Paolo Sandro, 2022-01-27 This open access book addresses a palpable yet widely neglected tension in legal discourse In our everyday legal practices whether taking place in a courtroom classroom law firm or elsewhere we routinely and unproblematically talk of the activities of creating and applying the law However when legal scholars have analysed this distinction in their theories rather than simply assuming it many have undermined it if not dismissed it as untenable The book considers the relevance of distinguishing between law creation and law application and how this transcends the boundaries of jurisprudential enquiry It argues that such a distinction is also a crucial component of political theory For if there is no possibility of applying a legal rule that was created by a different institution at a previous moment in time then our current constitutional democratic frameworks are effectively empty vessels that conceal a power relationship between public authorities and citizens that is very different from the one on which constitutional democracy is grounded After problematising the most relevant objections in the literature the book presents a comprehensive defence of the distinction between creation and application of law within the structure of constitutional democracy It does so through an integrated jurisprudential methodology which combines insights from different disciplines including history anthropology political science philosophy of language and philosophy of action while also casting new light

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The Role of Ethics in International Law Donald Earl Childress, III, 2011-11-14 The purpose of this book is to explore what role ethical discourse plays in public and private international law The book seeks 1 to delineate the role of ethical investigation in creating sustaining challenging and changing international law and 2 to open up a conversation between two related disciplines public and private international law that frequently labor in different vineyards By examining the role of ethical discourse in international law s public and private dimensions this volume will hopefully open new avenues for cross disciplinary exchange in these important fields and related disciplines The chapters in this book show that there is a way to engage the ethical dimension of international law without seeking to use ethics as raw politics and the will to power

Plato and Modern Law Richard O. Brooks, 2017-07-05 This audacious collection of modern writings on Plato and the Law argues that Plato s work offers insights for resolving modern jurisprudential problems Plato s dialogues in this modern interpretation reveal that knowledge of the functions of law based upon intelligible principles can be reformulated for relevance to our age Leading interpreters of Plato Vlastos Hall Strauss Weinrib Annas and Morrow are included in the collection The editor supplies an insightful introduction and extensive bibliography to the collection

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The Calcutta Law Journal , 1908

Foundations of Jurisprudence Jerome Hall, 1973

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