

CHAPTER 3: THEORIES OF LAW

	NATURALIST	POSITIVIST	SOCIOLOGIST
THEORY	<ul style="list-style-type: none"> • a legal theory that recognises law of nature/ moral law • believes that laws must be good and just to govern human relation. • It's the nature of every human being to know from his conscience what is righteous and therefore lawful • They believe that human laws are defined by morality, and not by an authority figure like a government king. • NATURALIST: OVERLAP THESIS • all forms of natural law theory supports the necessary relation between the concepts of law and morality. 	<ul style="list-style-type: none"> • Positivists believe that only positive law is law. Positive laws are laws that have been established by the authority of the state (sovereign). • Positivists are blind to values. • Positive law has nothing to do with ideal or just law, it has no regard to goodness or badness or the law • Recognize only positive facts and excludes considerations towards concepts of jurisprudence • POSITIVIST: SEPARABILITY THESIS • Positivism is not concerned with whether law is moral, just or unfair. 	<ul style="list-style-type: none"> • Law is wholly concerned with its effect and results on society rather than treating law as will of god or command of the sovereign as law exists for the needs of the society. • Main concern of socialist is interpreting the law in the social context, to bring good to the society. • Law regulates all kinds of relationships in a society and controls the behavior of its members. Hence, it is considered as a form of social control. • Law is not only about legality and punishment.
JURIST	<p>→ BLACKSTONE</p> <ul style="list-style-type: none"> ◆ Laws of nature dictated by god himself that are superior to any other 	<p>→ JOHN AUSTIN</p> <ul style="list-style-type: none"> ◆ Law is a command made by a political sovereign. ◆ Rule is only legally valid 	<p>→ ROSCOE POUND</p> <ul style="list-style-type: none"> ◆ Law is an instrument of social engineering. Its

Modern Legal Theory Problems And Perspectives

Stephen C. Hicks



Modern Legal Theory Problems And Perspectives:

Modern Legal Theory Stephen C. Hicks, 1998-01-01 This book of readings was designed for an introductory course in the theory of modern Western law The materials mine the depths of history philosophy politics ethics to bring to view a certain story of the present past future condition of modern Western legal theory namely that modern legal theory is reaching its end with the new millennium

Legal Theory and the Legal Academy Maksymilian Del Mar, 2017-07-05 The third in a series of three volumes on Contemporary Legal Theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law The focus of the first two topics is on the common law world where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since John Austin's 1828 lecture The Uses and the Study of Jurisprudence These first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives The last three decades have seen just as many changes for legal scholarship and comparative law These changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists Within comparative law the last thirty years have witnessed intense methodological reflection within the discipline the results of these reflections are themselves properly recognised as legal theoretical contributions The volume collects the key papers including those by Neil MacCormick Mark Van Hoecke Andrew Halpin William Ewald and Geoffrey Samuel

The Modern Legal Philosophy Series..., 1909

Current Publications in Legal and Related Fields, 1998

African Legal Theory and Contemporary Problems Oche Onazi, 2013-11-26 The book is a collection of essays which aim to situate African legal theory in the context of the myriad of contemporary global challenges from the prevalence of war to the misery of poverty and disease to the crises of the environment Apart from being problems that have an indelible African mark on them a common theme that runs throughout the essays in this book is that African legal theory has been excluded under explored or under theorised in the search for solutions to such contemporary problems The essays make a modest attempt to reverse this trend The contributors investigate and introduce readers to the key issues questions concepts impulses and problems that underpin the idea of African legal theory They outline the potential offered by African legal theory and open up its key concepts and impulses for critical scrutiny This is done in order to develop a better understanding of the extent to which African legal theory can contribute to discourses seeking to address some of the challenges that confront African and non African societies alike

Man, Law and Modern Forms of Life Eugenio Bulygin, Jean-Louis Gardies, I. Niiniluoto, 1985-06-30 Proceedings of the 11th IVR World Congress on Philosophy of Law and Social Philosophy held on August 14 20 1983 in Helsinki

Introd *Michigan Law Review*, 1929

The Law in Philosophical Perspectives Luc J. Wintgens, 2013-04-17 In this age of collections that is ours many volumes of collections are published They contain

contributions of several well known authors and their aim is to present a selective overview of a relevant field of study This book has the same purpose Its aim is to introduce students scholars and all those interested in current problems of legal theory and legal philosophy to the work of the leading scholars in this field The large number of publications both books and articles that have been produced over recent decades makes it quite difficult however for those who are making their first steps in this domain to find firm guidelines The book is new in its genre because of its method The choice was made not to reprint an example of contributors earlier basic articles or a part of one of their books This would only give a partial view of the rich texture of their work Rather the authors were asked to make an original synthesis of their own contributions to the field of legal theory and legal philosophy Brought together in this volume they constitute a truly author ised view of their work This book is also new in that each essay is complemented with bibliographical information in order to encourage further research on the author s self selected work This will help the reader rapidly to become familiar with the whole of the published work of the contributors

Research Handbook on Modern Legal Realism Shauhin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26 This insightful Research Handbook provides a definitive overview of the New Legal Realism NLR movement reaching beyond historical and national boundaries to form new conversations Drawing on deep roots within the law and society tradition it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law It explores an impressive range of contemporary issues including immigration policing globalization legal education and access to justice concluding with and examination of how different social science disciplines intersect with NLR

Theory of Legal Science Aleksander Peczenik, L. Lindahl, G.C. van Roermund, 2012-12-06 Proceedings of the Conference on Legal Theory and Philosophy of Science Lund Sweden December 11 14 1983

Recent Acquisitions Ohio State University. College of Law. Library, 1999

Postmodern Philosophy and Law Douglas E. Litowitz, 1997 The author presents a two tiered analysis that views postmodern legal thought as both a collective intellectual movement and as the work of particular theorists notably Friedrich Nietzsche Michel Foucault Jacques Derrida Francois Lyotard and Richard Rorty He concludes that even though postmodern thought does not give rise to a normative theory of right that can be used as a framework for deciding cases it can focus attention on genealogy and discourse and can empower those who have been denied a voice in the legal system Annotation copyrighted by Book News Inc Portland OR

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