

INTRODUCTION TO LEGAL SCIENCE

PHILOSOPHY OF LAW

Philosophy is a way of thinking that tends to be reflective and law in this case tends to be interpreted as a rule in human life. The term philosophy of law is a translation of the word philosophy of law according to Mochtar Kusumaatmadja, namely translating philosophy of law as the equivalent of the word philosophy of law rather than legal philosophy. with legal philosophy. This is based on the argument that law is not just statutes and law is not official matters.

According to Plato, philosophy is the science or teaching of reality or eternal reality while legal philosophy is the science or teaching of legal reality. Likewise with the opinion of Aristotle who said that philosophy is the science or teaching of truth by covering metaphysics, logic, rhetoric, ethics, economics, politics and aesthetics. Philosophy in the sense of Aristotle is also comprehensive and involves many connections with other branches of philosophy. According to Poedjawijatna, philosophy is the science of everything that investigates the deepest explanations or causes.

William Zevenbergen stated that philosophy of law is the philosophy imposed or applied to law. In other words, legal philosophy is a characteristic of thinking. Philosophy is applied to law, meaning that the legal process is a special philosophy, meaning that it is part of general philosophy. Gustav Radbruch defines legal philosophy as meaning three aspects, namely:

1. Aspects of justice, in the form of equal rights for all people before the court.

Nature And Process Of Law An Introduction To Legal Philosophy

Elijah Jordan



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Nature and Process of Law, 2002 **The Nature and Process of Law** Ali Smith, Patricia Smith, 1993 Unlike other works in philosophy of law which focus on the nature of law in the abstract this comprehensive anthology presents law as a process part and parcel of a system of government and defined constitutional procedures Using the U S legal system as a model it establishes the basis of law in political theory then presents substantive issues in private and public law illustrated throughout with important political documents and court cases and stimulating readings in history law and philosophy The editor s detailed critical commentary notes and study questions make these materials accessible and useful for a wide range of readers seeking a deeper understanding of private and public law and the nature of the political process **Foreign Investment, Human Rights and the Environment** Shyami Puvimanasinghe, 2007-06-30 Events like the Bhopal disaster the sale of products harmful to human health and safety and child labour especially in resource scarce settings raise fundamental issues of human dignity and ecological integrity From a legal perspective and in the context of Foreign Direct Investment by Transnational Corporations in developing countries they highlight the lacuna of a holistic international legal framework and its implementation This book embodies a critique of the complex web of public international law principles on economics human rights and the environment and their convergence or lack thereof related regional South Asian and domestic Sri Lankan legal arrangements interventions of states and non state actors towards just equitable and sustainable development It is a quest for a middle path in the multidisciplinary landscape of international law development and North South power dynamics globalization of free trade and investment and of social and environmental interests and salient aspects of the philosophical socio economic and legal fabric of South Asia viewed against the evolving controversial and elastic sphere of international relations and law where consensus has hitherto been an elusive dream **The Nature of the Judicial Process** Benjamin Nathan Cardozo, 1921 The Storrs lectures delivered at Yale University Half t p Reciprocity in International Law Shahrard Nasrolahi Fard, 2015-12-22 In international relations reciprocity describes an environment in which States support one another for short or long term advantage through the balancing of rights duties and interests This book examines reciprocity in the context of international law It considers the role reciprocity plays in the creation and development of international law as well as in the interpretation and application of international law The book illuminates the reciprocal framework of international law and international relations by examining the role reciprocity plays in different types of States obligations including bilateral bilateralisable multilateral non bilateralisable multilateral and obligations erga omnes The book examines how reciprocity is intertwined with the principle of equality as the rights and obligations of States are equal irrespective of size and economic or military strength and the beneficial effects of reciprocity in creating stability and cooperation amongst States **Readings in Jurisprudence and Legal Philosophy** Morris Raphael Cohen, Felix S. Cohen, 2002 **The American Legal System** Albert P. Melone, Allan Karnes, 2008 Firmly anchored in social science

concepts the second edition of *The American Legal System* demonstrates the relationships among private law the business legal environment and public law issues as well as related subjects of interest This fifteen chapter book is divided into three parts Part I places the legal system in a political perspective centering on the origins of the law schools of jurisprudence branches and functions of law legitimacy of law how the judiciary functions in the federal system of government and judicial interpretation and decision making Part II contrasts legal processes civil suits for money damages criminal processes equity justice administrative processes and alternative dispute resolution Part III centers on the legal norms or rules governing both civil and criminal conduct property law family law contract law and government regulation of business Throughout the text features edited court opinions many new to this edition illustrating lively and thought provoking controversies that are certain to spark student interest Among the many compelling issues addressed are the legal and constitutional controversies surrounding the Bush Administration s War on Terror and the socially explosive developments concerning same sex marriage In addition each chapter includes at least three comparative notes showing how other legal cultures in different nation states treat legal matters A wealth of pedagogical features chapter opening objectives key terms names and concepts a glossary discussion questions and appendices are included to aid student comprehension The authors have prepared an Instructor s Manual and Test Bank to facilitate the book s use in the classroom

Who Owns Sport? Andrew Adams, Leigh Robinson, 2019-04-12 This fascinating collection of essays explores the complex economic political cultural and social claims over sport from multi disciplinary perspectives including philosophy history political science and management The book seeks to uncover some of the tensions and dilemmas wrapped up within aspects of owning sport and attempts to make sense of the place role meaning and function of sport when set against the broad notion of ownership It considers the relationships between individuals organisations and institutions and investigates the power of grassroots participants from the bottom up In presenting contemporary analyses from many viewpoints not simply the commercial it asks the reader to think of sport differently Important reading for scholars and students with an interest in sport and society sport management policy or development as well as those studying political science economics philosophy and development studies this is also a useful resource for practitioners managers and those working strategically with sport

From Violence to Peace Alex Deagon, 2017-08-24 This book contributes to the literature on jurisprudence and theology by arguing for the role of a theoretically robust Christian theology in a legal community dominated by secular and liberal ideology It is not a doctrinal or empirical analysis but a theoretical exposition of the way in which modern law has contingently drifted from its theological origins As a result the legal system and the ideal of individual and communal relationship it envisages is characterised by antagonism and alienation or more broadly violence The book contends that the way to restore a legal community of peace is to return to a Christian theology which is informed by Trinitarian thinking or the notion of unity in diversity and reunites faith with reason Returning reason to its ground in being allows peaceful persuasion by the revelation of God s perfect being

through the Trinity and Incarnation which models and enables the peaceful coexistence of difference through self sacrificing love This in turn produces the law of love to love your neighbour as yourself Since love does no wrong to a neighbour a legal community operating by the law of love can fulfil the obligations of law by going beyond merely what is required by law and love individuals as part of a community

China Law Review ,1929 **The Juridical Nature of Unilateral Acts of States in International Law** Eva Kassoti,2015-10-14 In The Juridical Nature of Unilateral Acts of States in International Law Eva Kassoti explores the question of the legal nature of unilateral acts by focusing on their essential characteristics namely unilateralism and the manifest intention to be bound By analysing the legal and factual context surrounding the making of unilateral acts this volume offers a list of indicators of the elements of unilateralism and manifest intention that will facilitate the determination of the existence of a unilateral juridical act in practice Kassoti explores the legal nature of unilateral acts from the viewpoint of the theory of international juridical acts and thus attests to the validity of this theory as a comprehensive framework for the analysis of all juridical acts in international law

Handbook on Global Constitutionalism Anthony F. Lang,Antje Wiener,2023-11-03 This thoroughly revised Handbook presents an up to date political and philosophical history of global constitutionalism By exploring the constitutional like qualities of international affairs it provides key insight into the evolving world order

Forthcoming Books Rose Arny,1993 *The Great Legal Philosophers* Clarence Morris,1971 An attempt to give readers in one volume a speaking acquaintance with the great legal philosophers of the ages Preface

The Nature of International Law Gerry Simpson,2017-10-05 This title was first published in 2002 The purpose if this volume is to provide a map of some of the great theoretical debates within the discipline of international law The essays included are structured as dialogues between international legal theorists on concrete subjects such as democracy gender compliance sovereignty and justice They represent the most interesting theoretical work undertaken in international law

The Nature and Types of Sociological Theory Don Martindale,2013-11-05 First Published in 1998 This is Volume XI of twenty two in a series on Social Theory and Methodology Notions are widespread that sociological theory is either an industrious activity on the drawing boards of the architects of fantasy or a branch of esoterics operating in a shadowy realm of semi darkness The present study holds neither of these conceptions of sociological The present study s function is to illuminate the difference between one theory and another The power and reliability of a theory are not always evident all at once A theory may have a power to explain what was not originally anticipated it may also disclose the existence of problems it cannot explain

The Nature and Functions of Law Harold Joseph Berman,William R. Greiner,Samir N. Saliba,1996 *Expanding the Palace of Torah* Tamar Ross,2021-07-30 Expanding the Palace of Torah offers a broad philosophical overview of the challenges the women s revolution poses to Orthodox Judaism as well as Orthodox Judaism s response to those challenges Writing as an insider herself an Orthodox Jew Tamar Ross confronts the radical feminist critique of Judaism as a religion deeply entrenched in patriarchy Surprisingly very little work has been done

in this area beyond exploring the leeway for ad hoc solutions to practical problems as they arise on the halakhic plane In exposing the largely male focused thrust of the rabbinic tradition and its biblical grounding she sees this critique as posing a potential threat to the theological heart of traditional Judaism the belief in divine revelation This new edition brings this acclaimed and classic text back into print with a new essay by Tamar Ross which examines new developments in feminist thought since the book was first published in 2004 Comparative Law and Legal Traditions George

Mousourakis,2019-11-01 The primary aim of this book is to provide clear and reliable information on a number of central topics in comparative law At a time when global society is increasingly mobile and legal life is internationalized the role of comparative law is gaining importance While the growing interest in this field may well be attributed to the dramatic increase in international legal transactions this empirical parameter is only part of the explanation The other part and at least equally important has to do with the expectation of gaining a deeper understanding of law as a social phenomenon and a fresh insight into the current state and future direction of one s own legal system In response to the internationalization of legal practice and theory law schools around the world have expanded their comparative law programs Within the legal subjects that form the core of the curriculum there is a greater interest in comparative legal analysis as well as greater attention to how global developments and international actors and institutions affect domestic law Transnational legal education based on comparative reasoning is intended to help shape a new generation of lawyers public servants and other professionals who recognize and respect cultural diversity in an interconnected world The central topics discussed in this book include the nature and scope of comparative legal inquiries the relationship of comparative law to other fields of legal study the aims and uses of comparative law the origins and historical development of comparative law and the evolution and defining features of some of the world s predominant legal traditions It also deals with selected theoretical aspects such as the problem of comparability of legal events the classification of legal systems into families of law and the topics of legal transplants harmonization and convergence of laws Chiefly intended for students the book also discusses a number of fundamental issues concerning the development of comparative law and devotes certain sections to reviewing the salient features of the relevant literature on definitional terminological methodological and historical issues **Jurisprudence** Suri Ratnapala,2017-08-08 This book offers an overview of legal theory and philosophy It examines the discipline s major ideas and promotes an understanding of the social moral and economic dimensions of the law By locating the major traditions of jurisprudence within the history of ideas the author deepens students understanding of the perennial debates about the nature and function of law and its relation to justice

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