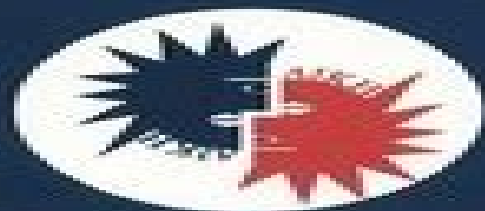


Bjarne Melkevik

RÉFLEXIONS  
SUR LA PHILOSOPHIE  
DU DROIT



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# Reflexions Sur La Philosophie Du Droit

**Louis Ferri**



## **Reflexions Sur La Philosophie Du Droit:**

Réflexions sur la philosophie du droit Bjarne Melkevik, 2000 A travers des réflexions sur la solidarité l'identité la métaphysique l'idologie la culture et le positivisme se dessine un ensemble d'arguments et de raisons pour nourrir soutenir et approfondir nos idées sur le projet juridique moderne C'est par le dialogue et la réflexion que nous pourrions aujourd'hui aboutir à la élaboration de ce droit que nous devons réciproquement faire le nœud **La formation de la pensée juridique moderne** Michel Villey, 2018-01-31T00:00:00+01:00 Pourquoi publier ces cours anciens de j Pour l'amour de la grande pensée plus excitante encore lorsqu'elle se donne voir affrontée aux plus difficiles enjeux dialoguant avec les œuvres maîtresses de notre tradition philosophique travaillant sur elle même vivante rendue plus belle encore dans le don superbe de l'enseignement Dans une présentation de cette édition Stéphane Rials esquisse une interprétation de l'entreprise de Michel Villey et rend hommage celui qu'il considère comme le plus grand penseur des facultés de droit françaises au XXe siècle

Réflexions sur la philosophie et le droit Michel Villey, 1995 Cette édition numérique a été réalisée à partir d'un support physique parfois ancien conservé au sein du dépôt légal de la Bibliothèque nationale de France conformément à la loi n° 2012-287 du 1er mars 2012 relative à l'exploitation des livres indisponibles du XXe siècle Pages de début Préface Note au lecteur Michel Villey Le premier livre des pages Le deuxième livre des pages Le troisième livre des pages Le quatrième livre des pages Le cinquième livre des pages Le sixième livre des pages Le septième livre des pages Le huitième livre des pages Le neuvième livre des pages Le dixième livre des pages Le onzième livre des pages Le douzième livre des pages Le treizième livre des pages Le quatorzième livre des pages Le quinzième livre des pages Le seizième livre des pages Le dix-septième livre des pages Le dix-huitième livre des pages Le dix-neuvième livre des pages Le vingtième livre des pages Le vingt et unième livre des pages Le vingt-deuxième livre des pages Le vingt-troisième livre des pages Le vingt-quatrième livre des pages Le livre vingt-cinquième des pages Index analytique Pages de fin *Réflexions sur la philosophie du droit* Bjarne Melkevik, 2017-01-26T00:00:00-05:00 Comment penser aujourd'hui le projet juridique moderne dans un monde de boussol et qui tend à capituler devant le cynisme la déraison et les réalités matérielles phénomenes A travers des réflexions sur la solidarité l'identité la métaphysique l'idologie la culture et le positivisme se dessine un ensemble d'arguments et de raisons pour nourrir soutenir et approfondir nos idées sur le projet juridique moderne C'est par le dialogue et la réflexion que nous pourrions aujourd'hui aboutir à la élaboration de ce droit que nous devons réciproquement faire le nœud En revivifiant la modernité juridique par la critique la communication et l'actualisation continue nous pourrions alors vraiment prétendre devenir les auteurs démocratiques de nos droits de nos normes et de nos institutions Ce livre invite à la réflexion et au ressourcement dans l'esprit d'une publicité démocratique de la philosophie du droit **Philosophie du droit. Volume 1** Bjarne Melkevik, 2010-08-16T00:00:00-04:00 La philosophie du droit telle que nous la concevons focalise sur la santé intellectuelle du droit Pareil à un clinicien juriste nous envisageons le droit comme un patient qui a besoin de vigilance et d'attention partir de la philosophie du droit Non pas parce que le droit

est malade ou en tout cas pas plus malade que tous les autres artefacts culturels que l'homme fabrique pour s'aider vivre l'aise et en harmonie sur notre planète bleue et qui craque lourdement sous l'effet des bêtises et de l'orgueil des hommes et des femmes fussent-ils juristes ou non. Disons plutôt que la saine intellectuelle se cultive sa propre valeur et davantage encore parce qu'elle nous permet de réfléchir de manière critique aux enjeux de notre modernité juridique. Vue de cette façon, la philosophie du droit se conçoit comme une œuvre de recommencement éternel. La façon de l'œuvre d'un Sisyphe il convient de défendre avec vigilance et ardeur cette entreprise si singulière et si fragile que nous nommons droit. Il convient surtout de protéger le droit contre la convoitise des forces de l'hétéronomie qui ne rêvent que de neutraliser la menace que le droit a toujours plus ou moins fait peser sur leurs sombres manœuvres. Tel Judas, ces forces sont toujours là pour nous faire une bise sur le front pour trahir la possibilité de droit et pour faire triompher le pouvoir nos despotes et pour notre malheur.

*Natural Law and Thomistic Juridical Realism* Petar Popovic, 2022-02-04. This book proposes a rather novel legal philosophical approach to understanding the intersection between law and morality. It does so by analyzing the conditions for the existence of a juridical domain of natural law from the perspective of the tradition of Thomistic juridical realism. In order to highlight the need to reconnect with this tradition in the context of contemporary legal philosophy, the book presents various other recent jurisprudential positions regarding the overlap between law and morality. While most authors either exclude a conceptual necessity for the inclusion of moral principles in the nature of law or refer to the purely moral status of natural law at the foundations of the legal phenomenon, the book seeks to elucidate the essential properties of the juridical status of natural law. In order to establish the juridicity of natural law, the book explores the relevant arguments of Thomas Aquinas and some of his main commentators on this issue, above all Michel Villey and Javier Hervada. It establishes that Thomistic juridical realism observes the juridical phenomenon not only from the perspective of legal norms or subjective individual rights but also from the perspective of the primary meaning of the concept of *right ius*, namely the just thing itself as the object of justice. In this perspective, natural rights already possess a fully juridical status and can be described as natural juridical goods. In addition, from the viewpoint of Thomistic juridical realism, we can identify certain natural norms or principles of justice as the juridical title of these rights or goods. The book includes an assessment of the prospective points of dialogue with the other trends in Thomistic legal philosophy as well as with various accounts of the nature of law in contemporary legal theory.

### **Introduction A la Philosophie du Droit** Bjarne Melkevik, **Réflexions de philosophie du droit international**

Robert Kolb, 2003. Cet ouvrage ne présente pas un système complet et cohérent méritant le nom d'une philosophie du droit international. Une telle entreprise serait la fois trop vaste face à une société internationale de haute complexité et aussi un peu anachronique au regard de la perte de foi dans les systèmes trop parfaits et dès lors trop rigides. C'est plutôt une série de réflexions personnelles sur les points de droit international qui m'ont paru importants au fil des années d'étude de cette matière que je veux ici présenter. Si ces points ne s'ordonnent pas en un système, ils ne sont néanmoins pas jetés sur le papier au hasard.

Ces réflexions ont ceci en commun qu'elles tentent de serrer de plus près les aspects ordonnateurs et structurants du droit international en un mot ses chevilles ouvrières aux points charnières ou ses votes névralgiques. Ces réflexions s'ordonnent autour de trois axes. Dans une première partie il s'agit de dégager quelques caractéristiques fondamentales du droit international qui expliquent et imprègnent ses applications. Après une discussion des types possibles de droit international et de leur réalisation dans l'histoire il est question des grandes phases d'évolution qu'a connues le droit international depuis le temps de Grotius. Ensuite les caractéristiques propres des sources du droit international, les sources constituant une espèce de radiographie de tout ordre juridique sont examinées. Parmi les autres caractéristiques de la règle internationale ce sont notamment sa tendance à l'individualisation, l'ouverture vers les circonstances particulières des espèces ainsi que les incidences de cette tendance qui font l'objet de considérations. Enfin il est question de la règle tout ce qui n'est pas interdit est permis renforcé en droit international par la souveraineté. De sa place et de ses règles exactes dépend la nature et la force de l'ordre juridique en question. Dans une seconde partie ce sont les relations multiples du droit et de la politique qui font l'objet d'analyses. Si la politique est un facteur essentiel de vie et de réalisation de tout droit et aussi une menace pour lui il en est plus forte raison ainsi en droit international où les deux branches droit et politique sont particulièrement proches. L'analyse ne se borne pas des relations stéréotypées mais tente de dégager en catégories d'espèces une multitude de pesées réciproques entre les deux branches dans leurs vertus centripètes et centrifuges. Enfin dans une troisième partie importante c'est une série de notions juridiques cardinales qui forme l'objet des réflexions. Il s'agit du bien commun, de la justice, de la sécurité juridique, de la réciprocité, de l'égalité et de la proportionnalité, de la liberté, de la morale et de la morale sociale, de la volonté dans ses rapports avec la raison, de la sanction. Il s'agit de voir quelle est la configuration que l'expérience juridique générale a donnée ces notions et par la suite d'examiner comment elles peuvent s'insérer et agir au sein du droit international au regard des spécificités de la société internationale avec quelles analogies mais aussi avec quelles altérations ou adaptations. C'est ainsi qu'on peut dégager ce degré d'orientation juridique inhérent au droit international dans ses forces et ses faiblesses.

*La pensée philosophique d'expression française au Canada* Josiane Boulad Ayoub, Raymond Klibansky, 1998

**Essai sur l'histoire de la philosophie en Italie au dix-neuvième siècle** Louis Ferri, 1869

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