

THE PHILOSOPHY OF LAW IN HISTORICAL PERSPECTIVE

CARL JOACHIM FRIEDRICH



Philosophy Of Law In Historical Perspective

Jean-Pierre Gauci, Barrie Sander



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Private International Law Roxana Banu, 2018-07-18 Private International Law is often criticized for failing to curb private power in the transnational realm. The field appears disinterested or powerless in addressing global economic and social inequality. Scholars have frequently blamed this failure on the separation between private and public international law at the end of the nineteenth century and on private international law's increasing alignment with private law. Through a contextual historical analysis, Roxana Banu questions these premises. By reviewing a broad range of scholarship from six jurisdictions—the United States, France, Germany, the United Kingdom, Italy, and the Netherlands—she shows that far from injecting an impetus for social justice, the alignment between private and public international law introduced much of private international law's formalism and neutrality. She also uncovers various nineteenth-century private law theories that portrayed a social relationally constituted image of the transnational agent, thus contesting both individualistic and state-centric premises for regulating cross-border interpersonal relations. Overall, this study argues that the inherited shortcomings of contemporary private international law stem more from the incorporation of nineteenth-century theories of sovereignty and state rights than from theoretical premises of private law. In turn, by reconsidering the relational premises of the nineteenth-century private law perspectives discussed in this book, Banu contends that private international law could take centre stage in efforts to increase social and economic equality by fostering individual agency and social responsibility in the transnational realm.

The English Historical Review Mandell Creighton, Justin Winsor, Samuel Rawson Gardiner, Reginald Lane Poole, Sir John Goronwy Edwards, 1915

Teaching International Law Jean-Pierre Gauci, Barrie Sander, 2024-06-26 The practice of teaching international law is conducted in a wide range of contexts across the world by a host of different actors, including scholars, practitioners, civil society groups, governments, and international organisations. This collection brings together a diversity of scholars and practitioners to share their experiences and critically reflect on current practices of teaching international law across different contexts, traditions, and perspectives, to develop existing conversations and spark fresh ones concerning teaching practices within the field of international law. Reflecting on the responsibilities of teachers of international law to engage with and confront histories, contemporary crises, and everyday events in their teaching, the collection explores efforts to decenter the teacher and the law in the classroom, opportunities for dialogical and critical approaches to teaching, and the possibilities of co-producing non-conventional pedagogies that question the mainstream underpinnings of international law teaching. Focusing on the tools and techniques used to teach international law to date, the collection examines the teaching of international law in different contexts. Traversing a range of domestic and regional contexts around the world, the book offers insights into both the culture of teaching in particular domestic settings as well as the structural challenges and obstacles that arise in terms of who, what, and how international law is taught in practice. Offering a unique window into the personal experiences of a diversity of scholars and practitioners from around the world, this collection aims to nurture conversations about the responsibilities, approaches, opportunities, and challenges of teaching

international law *The Medieval Idea of Law as Represented by Lucas de Penna* Walter Ullmann, 1597 Philosophy of Law in Korea Jeong-Oh Kim, Hak Tai Kim, Joon-Seok Park, Dong-Ryong Shin, 2022-10-21 When Korea began as a newly independent state in 1948 its economy was very underdeveloped and the rule of law was just established The journey of democratization in Korea was not without challenges This book traces the history of the legal philosophy development in Korea and highlights Korea's unique experience This book shows how Western legal philosophy has been accepted in Korea a non Western country that has newly introduced the Western legal system and what role the legal philosophy has played in social context The book also examines academic scholars intellectual activities in a historical context and how their intellectual products are yielded through their continuous response to the circumstances of the time It specifically looks at the many challenging tasks legal philosophers had to overcome in a society when the rule of law and democracy had not yet settled The book explores how Korean legal philosophers coped during such unique historical situations It also illustrates how Korean scholars accepted German and Anglo American legal philosophies and integrated them to change social realities of Korea Through Korea's experience this book will provide insights into how modern legal philosophy develops in a new state and what legal philosophers responses would be like during such a process The developing process of legal philosophy in Korean society will interest not only readers in countries who have had similar experiences to Korea but also readers in the West

The Changing Profile of the Natural Law Michael Bertram Crowe, 2013-12-01 It has more than once been observed that funeral orations for the natural law have always been premature The implication that the concept has a continuing vitality giving the lie to the prophets of its doom is justification for yet another book on a subject now as much as ever in the two and a half millennia of its history a matter of controversy The history of the natural law has often been written or at least the history of the concept in the Western European Greco-Roman tradition This study does not claim to be a history although its method is primarily historical and its subject is an idea that more perhaps than most has been shaped by its history The omissions Hobbes Vico Kant Hegel for example amply demonstrate that this is not a systematic history On the other hand it accepts that In an orderly preparation for the study of natural law the most important step would be to list the main modifications undergone by the notion of natural law as a result of doctrinal and historical circumstances 1 Bergbohm *Jurisprudenz und Rechtsphilosophie* cited in a M Manser *Vas Natuecht in Thomistischer Beleuchtung* p 1 cf A P d Entreves *Natural Law* p 13 It was declared dead never to rise again from its ashes Yet natural law has survived and still calls for discussion 2 A

Why Religion? Towards a Critical Philosophy of Law, Peace and God Dawid Bunikowski, Alberto Puppo, 2020-02-11 This book examines the relation between religion and jurisprudence God and peace respectively It argues that in order to elucidate the possible role religion can play in the contemporary world it is useful to analyse religion by associating it with other concepts Why peace Because peace is probably the greatest promise made by religions and the greatest concern in the contemporary world Why jurisprudence Because quoting Kelsen's famous book *Peace through Law*

peace is usually understood as something achievable by international legal instruments But what if we replace Peace through Law with Peace through Religion Does law as an instrument for achieving peace incorporate a religious dimension Is law ultimately a religious and normative construction oriented to peace to the protection of humanity in order to keep humans from the violence of nature Is the hope for peace rational or just a question of faith Is religion itself a question of faith or a rational choice Is the relatively recent legal concept of responsibility to protect a secular expression of the oldest duty of humankind The book follows the structure of interdisciplinary research in which the international legal scholar the moral philosopher the philosopher of religion the theologian and the political scientist contribute to the construction of the necessary bridges Moreover it gives voice to different monotheistic traditions and more importantly it analyses religion in the various dimensions in which it determines the authors cultures as a set of rituals as a source of moral norms as a universal project for peace and as a political discourse

The American Historical Review John Franklin Jameson, Henry Eldridge Bourne, Robert Livingston Schuyler, 1922 American Historical Review is the oldest scholarly journal of history in the United States and the largest in the world Published by the American Historical Association it covers all areas of historical research

Common Law and Liberal Theory James R. Stoner, 1992 In this book James Stoner's purpose is to recover the common law basis of American constitutionalism American constitutionalism in general he argues and judicial review in particular cannot be fully understood without acknowledging their roots in both common law and liberal political theory But for the most part the common law underpinnings of constitutionalism have received short shrift

Law, Liberty, and the Rule of Law Imer B. Flores, Kenneth E. Himma, 2012-09-28 In recent years there has been a substantial increase in concern for the rule of law Not only have there been a multitude of articles and books on the essence nature scope and limitation of the law but citizens elected officials law enforcement officers and the judiciary have all been actively engaged in this debate Thus the concept of the rule of law is as multifaceted and contested as it's ever been and this book explores the essence of that

concept including its core principles its rules and the necessity of defining or even redefining the basic concept Law Liberty and the Rule of Law offers timely and unique insights on numerous themes relevant to the rule of law It discusses in detail the proper scope and limitations of adjudication and legislation including the challenges not only of limiting legislative and executive power via judicial review but also of restraining active judicial lawmaking while simultaneously guaranteeing an independent judiciary interested in maintaining a balance of power It also addresses the relationship not only between the rule of law human rights and separation of powers but also the rule of law constitutionalism and democracy

Tax Law, Religion, and Justice Allen Calhoun, 2021-03-08 This book asks why tax policy is both attracted to and repelled by the idea of justice Accepting the invitation of economist Henry Simons to acknowledge that tax justice is a theological concept the work explores theological doctrines of taxation to answer the presenting question The overall message of the book is that taxation is an instrument of justice but only when taxes take into account multiple goods in society the requirements of the

government the property rights of society's members and the material needs of the poor. It is argued that this answer to the presenting question is a theological and ethical answer in that it derives from the insistence of Christian thinkers that tax policy take into account material human need (*necessitas*). Without the *necessitas* component of the tax balance, tax systems end up honoring only one of the three components of the tax equation and cease to reflect a coherent idea of justice. The book will be of interest to academics and researchers working in the areas of tax law, economics, theology, and history.

International Law and Time Klara Polackova Van der Ploeg, Luca Pasquet, León Castellanos-Jankiewicz, 2022-12-16. This book explores the close, complex and consequential yet to a large extent implicit relationship between international law and time. There is a conspicuous discrepancy between international law's technical preoccupation with the mechanics of temporal rules and the absence of more foundational considerations of how time both as an irrepressible physical dimension manifesting in the passage of time and as a social construct shaped by diverse social and cultural factors impacts and interacts with international law. Divided into five parts and 21 chapters, this book explores key aspects of the relationship between international law and time and puts the spotlight on time's fundamental significance for international law as a legal order and as a discipline. Pursuing diverse approaches to international law, the authors consider the notion's significance, manifestations, uses, and implications of time in international law in a wide range of contexts and offer insights into the various ways in which international law and international lawyers cope with time both in terms of constructing narratives and in devising and employing particular legal techniques.

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