

Jurisprudence note.

Jurisprudence is the philosophy of law; it asks questions about why the law exists, how law affects the society and how the society affects the law. It is based on theories, culture, ethics, power, and history. Another important question is what is the purpose of the law.

Key theories in jurisprudence:

1- Natural law

Natural law is based on timeless moral principles and justice, it is inherent in nature and human ethics in decision-making and reasoning to know what is right and what is wrong. It is used to support the argument of human rights and to question the legitimacy of some legal systems. And it is found that since the Greek and Roman empires. It is not created by human authorities. It is the contract of the positive law in the creation.

The Golden rule is the idea of treat every body as the way you want to be treated.

Natural law argues that human don't need written law because they already know what is right and what is wrong and all people can act accordingly.

One con about natural law is that it could lead to legal uncertainty.

2- Positivism legal law:

Positivism argues that law is valid because of its existence and the source of it and the enforcement, regardless of the morality, just and the unjust. Positivism also argues that law exists and content is determined by social facts such as actions of legal makers, judges, and other legal workers. A key aspect of positivism is the separation thesis, which argues that law is valid whether it is moral or immoral, or even unjust, and there is no connection between law and morality.

-Inclusive positivism or soft, believes that morality should be part of the law if the legal rules or system allows it.

-Exclusive positivism, or hard, believes that morality should not be part of the law, and the law should be what is written or passed by legal procedures.

Positivism is help in human understanding of the just behavior and the ability to predict outcomes of certain behaviour.

One con of positivism is that legal text could be confusing sometimes to understand and human might be lost in the legal texts.

3- Critical legal theories:

Critical legal theories are legal thoughts that challenge the traditional view of the law; they argue that law is not natural or objective, but it is the reflection of power dynamics and social biases. It also supports the

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PT Brinkman



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