WHAT IS LEGAL PHILOSOPHY

CLASSIFYING LEGAL PHILOSOPHIES

PRE MODERN LEGAL PHILOSOPHIES (27MW)

- PRE MODERN SOCIETY
  - CHARACTERISTICS OF PRE MODERN LEGAL THOUGHT
    - SPECIFIC PHILOSOPHERS
      - ROMAN PHILOSOPHERS
        - PRINCIPE
          - DIAGNOSIS: TAKE NOTES ON PHILOSOPHY. TAKE NOTES
      - MEDIEVAL PHILOSOPHERS
        - THOMAS AKINNA
          - DIAGNOSIS: TAKE NOTES ON PHILOSOPHY
      - AFRICAN LEGAL PHILOSOPHERS
        - PHILOSOPHY APPROACH (CHAVI, EARLY NATURALISM), FORMALISM, NATURAL LAW

- SOUTH AFRICAN LAW

EARLY MODERN LEGAL PHILOSOPHIES (1476)

- EARLY MODERN WORLD
  - CHARACTERISTICS
    - SPECIFIC PHILOSOPHERS
      - SOCIAL CONTRACTOR
        - HOBBS
        - LEWIS
          - DIAGNOSIS: TAKE NOTES ON PHILOSOPHY
      - LEGAL POSITIVIST
        - SOCIAL CONTRACT
        - LEWIS
          - DIAGNOSIS: TAKE NOTES ON PHILOSOPHY
      - AMERICAN REALISTS
        - PRUNCE

APPLICATION
Emphasis is on Community's Good (Comm Good), as opposed to Individual interest

Issues on Religious Observance of the World

In this context, it conflicts with Communities Religious Observance, thus cause of this, it believes in RL.

Characteristics

Natural Order

Applying to Social Life & Laws (Hierarchy structures, more moral questions)

Comm Good

Communities importance

Metaphysical Abs

Led to treat of RL

RATIONAL

[RL for God = Ideal]

In Nat. World, Hierarchy "ideal" claims to which we can

compare Human order (Ideal State)

Religious (to access these Ideas) = Ideal State

Religious

RL for RL or Gods = Religion as its purpose

Ideals are the "sacred" realms/areas we can

compare Human culture

Religious education is important, its education to

be a Political Animal = Ideal State

Religious

RL for RL or God (Bible)

Hierarchy = God

Law

Law

Law

Law

Law

Religious

[RL for RL = Unnatural]

Metaphysical

Religious, {real} which measures RL as Metaphysical

Hierarchical

As per RL God, we are a "sacred society"

RL as Metaphysical

Natural Law

Philosophical

Yahosick

Against which

We measure

Should be correct

RATIONAL

[Philosophical]

IDEA THAT, THERE IS a meta philosophical, SET of rules, providing a meta

Yahosick, in which human laws, are meta overlay

NOT be touched, seen or measured

Case Law: (Application) = Christian Education SA vs Min of Education


**Core Issues**

- **Facts vs. Values**
- **Tried to distinguish between Facts and Values**
- **Tried to rule laws under a "relative social science"**

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**John Locke**

- **Law of Nature vs. Natural Law**
- **Society arises from humanity, but human beings make a need to form a government**
- **Government must be in accordance with laws**

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**Legal Position (Proportion)**  1. **Power of Reason and Judgment (Judge Decides Case)**

- **What is the law?**
- **If we decide to a different form**
- **If we want to decide a case, we go to the law**

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**Current SA Legal Position**

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**American Reid**

- **Is the law, is it a legal rule for us?**
- **Reasonable to them, it is not a good idea a law that**
  1. **More than a person's circumstances into law**
  2. **So, laws must be made, respectable**

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**Radical**

- **Do not give laws power**
- **Replace it with a Cultural Approach**

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**Progressive**

- **Do not reject law mandates**
- **Replace it with Realistic Approach**

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**Case Law (Appication)** — **Reason Code**
Use Deconstruction to critique traditional legal thinking.

Represent an "MTV approach" to pornography.

Expect you to participate. 6h course; 1 exam. 1 essay. Finding a better solution.

Post Modern

Not focused on the 'sex' control law.

Criminal Legal Studies

- Hazard thus. Want a Deconstructed Law. A reference to their Deconstruction is an "Induction". This took law apart in real... 3 characteristics.

- Laws create false consciousness. Laws create illusion.
- Laws and judgements fail: Every time. They're no more meaningful.
- Laws are politics. Policies are the basis of politics.

- False consciousness

- How could there be law when allowing some things. We've come to believe that we must continue to do things this way.
- Use of morality: 1. Why?

- Interrogative (contemporary)

- Sometimes law says a thing a somewhat else. Is there the opposite or another thing.
- Prostitution is illegal. But.
- Can say, but must point to reasons their function a template.
- Hence we must this. Provided we're not law.

- Law as knowledge

- Beyond most of the law. Is law always made.

- Use of morality: come down before this electron. So make child be.
- Sex is not...

- Nicholson judgment (Pace & Sanger)

Feminist Legal Theories

- Treating to what. Sex the law. Is a mode.
- Conscious a way it appears now (Mary Jane)

- Sex is female. The same. This have same rights.
- Only a woman have essential characteristics. That women campaign.

- Difference F

- How a woman are differently. This have there own rights.

- Sex is biological. How are not opposite to walls, a person, others.

- Gender is culture. How a women have different characteristics (women, body, belief).

- Hugo Case

- What about sex or gender?

- Women are, of course (Maternity leave).
- Women are equal in court with men. Rate them a descender. Untalented (Terrorizing).

- Women are equal. Good for rest. 1. 100 cannot be expected any reason. 1. Men should not have sex to be with a child. (Stigmatization).