

PHILOSOPHICAL SCHOOL OF JURISPRUDENCE

Natural School and Philosophical School.

Why two different names for schools so similar?

Philosophical School also has the same thought as natural school that there are certain ideals that the society should strive for and for fulfilling those goals the society uses the means of law.

They both are similar in the sense that they both believe that there are certain ideals that need to be pursued, Natural law is inclined more towards God as a basis of those ideals and Philosophical school bases it more on Reason and Logic.

Basically, Natural law school is wider and Philosophical school could be called a subbranch of it in a way.

Philosophical School concerns itself chiefly with the relation of law to certain ideals which law is meant to achieve. It investigates the purpose of law and the measure and manner in which that purpose is fulfilled.

Proponents of Philosophical School:

Hugo Grotius (1583-1645)



Famous Work

De iure belli ac pacis
(On the law of war
and peace)

Considered Father of Philosophical School because he was the first Person to separate law of reason from Divine Law

He said that system of Natural law is formed by the right reason i.e. social nature of man.

Also Considered Father of International Law

He was one of the first to define expressly the idea of one society of states, governed not by force or warfare but by actual laws and mutual agreement to enforce those laws.

After Grotius we have three philosophers from Germany;
Kant, Fichte and Hegel.



Immanuel Kant

Famous Work:

Critique of
Pure Reason

Kant is responsible for the most prominent and well-known form of deontological ethics. Kant believes human inclinations, emotions and consequences should play no role in moral action; therefore, the motivation behind an action must be based on obligation and well thought out before the action takes place

Gave the concept of '**Categorical Imperative**'

Means that everyone should act in a way that their actions can be made a maxim of a general action.



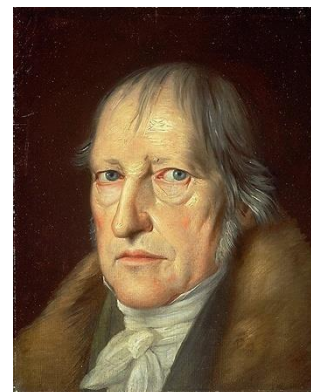
← Fichte and Hegel →

In philosophy, the triad of thesis, antithesis, synthesis is a progression of three ideas or propositions.

1st - Thesis, is a formal statement illustrating a point;

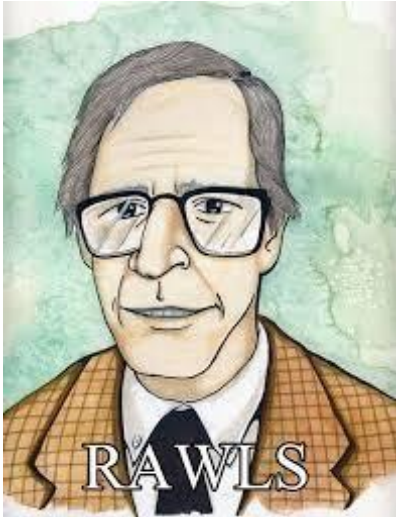
2nd - Antithesis, contradicts or negates the first;

3rd - Synthesis, resolves the conflict between the thesis and antithesis



It is often used to explain the **dialectical method/process** of German philosopher Hegel, but Hegel never used the terms himself; instead his triad was concrete, abstract, absolute. The thesis, antithesis, synthesis triad actually originated with Johann Fichte.

(Dialectic or dialectics, also known as the dialectical method, is at base a discourse between two or more people holding different points of view about a subject but wishing to establish the truth through reasoned methods of argumentation)



John Rawls “Veil of ignorance” and “original position”

Famous Work of Rawls

A Theory of Justice

Justice as Fairness

Where you don't know what will you be in society, black, brown, white, upper class, lower class, man woman, handicap, hindu, muslim you don't know anything, placing yourself at the original position and making you decide the structure of society will make you to give at least a basic amount of security in society to everyone because he will not be knowing his own position in society so he won't be biased.
