

# Introduction to Legal Theory

**Law?**

# Natural Law

- Natural law has fulfilled many functions
  - Different theories of natural law
- **What is Natural or Nature?**

- **Greek period (5<sup>th</sup> century B.C)**

- **Meddle ages**

- **Enlightenment period**

# Greek thinkers

## 5<sup>th</sup> century B.C

- Man become conscious
  - Essence of being

Destiny

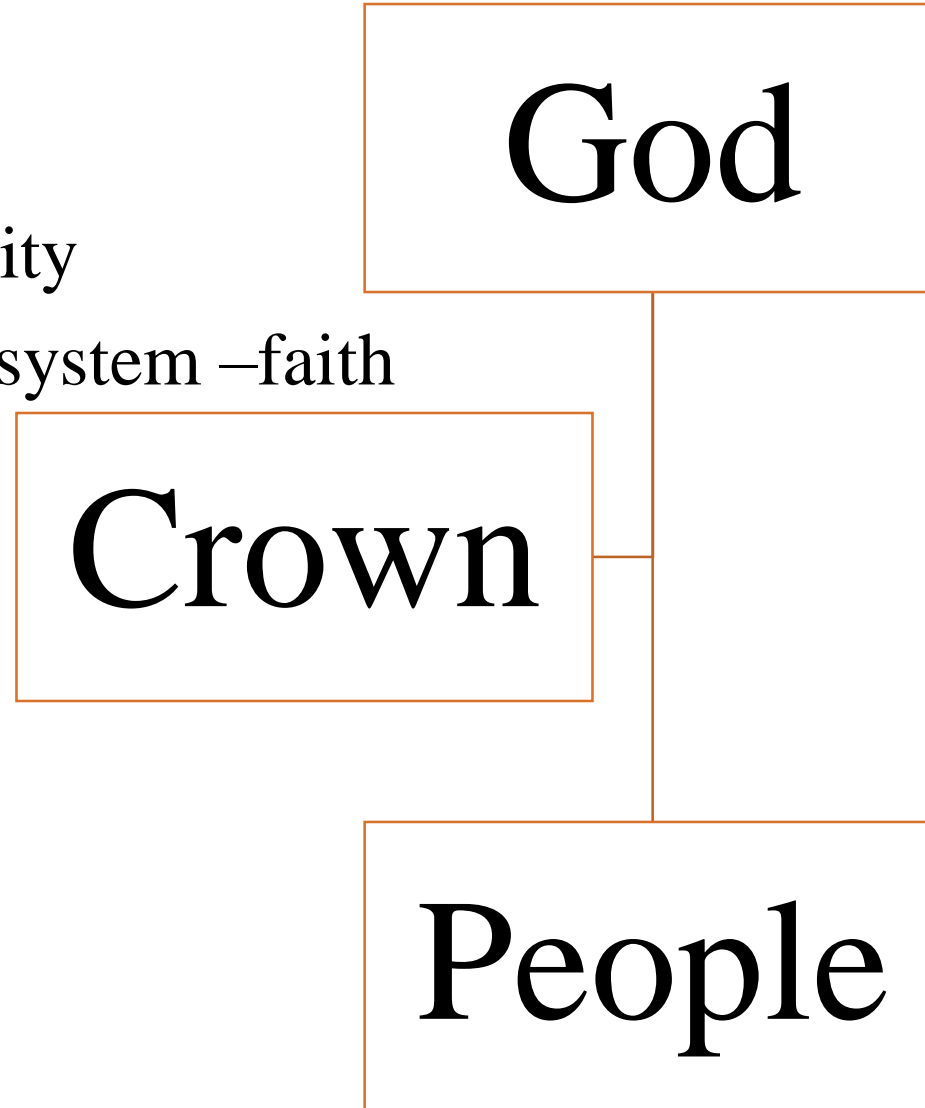
order

Reason of the world

Reason for validity of Law

**Nature as an order of things**

- Nature was equated with divinity
- Belief system- multiple belief system –faith



# Stoics

- Socrates : Man's intelligence and insight –good –tested the reason- goodness of law
- Aristotle: man is a part of nature
  - Part of creatures of God
  - Reason distinguishes man
- Kant, Ihering, Mill, Kelsen etc.

- Reason governs the universe
  - Man govern by reason
- “When man who is destined to be a social being and citizen, lives according to reason, he lives naturally”
  - It identified with moral duty.

- **“Live according to nature”**

**Nature**

- Universe

**Reason**

- Man

- Aristotle: State – natural
  - Man is Political being
  - Realize his personality full
  - organisation
  - Natural result of social tendencies

# Roman

(Basis for legal study)

Positive Law

Rules Changeable  
(Depends on men's  
will)

Universally accepted  
and immutable  
(Depends on reason)

- Universally adopted – presumed – reasonable
- Actual common practices – in accord with natural law
- Contrary proved
- Ideal standard of value – to test law in force
- 



- Rules based on nature are beyond the power of man
- Certain approximation between natural law and actual common practices
- Jurist tried to draw rules from human nature
- Discrimination (Racial, slavery, etc. )