

1. Record Nr.	UNINA9910438227403321
Autore	Ferreira da Cunha Paulo
Titolo	Rethinking Natural Law [[electronic resource] /] / by Paulo Ferreira da Cunha
Pubbl/distr/stampa	Berlin, Heidelberg : , : Springer Berlin Heidelberg : , : Imprint : Springer, , 2013
ISBN	1-283-93516-3 3-642-32659-5
Edizione	[1st ed. 2013.]
Descrizione fisica	1 online resource (78 p.)
Collana	SpringerBriefs in Law, , 2192-855X
Disciplina	340.112
Soggetti	Law—Philosophy Law Political science Political theory Theories of Law, Philosophy of Law, Legal History Philosophy of Law Political Theory
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	Introduction. Part I Foundations: Goethe's Swan -- The contributions of the paradigm "Natural Law" -- Sterility of Natural Law theoreticism -- From the side of positivism -- Part II New Visions Old Questions: Contemporary Natural Law dialogues -- What Natural Law is, what it is not -- Legacies and achievements of lusnaturalism -- Avatars of Natural Law. Natural Law in different colours -- Conclusion.
Sommario/riassunto	For centuries, natural law was the main philosophical legal paradigm. Now, it is a wonder when a court of law invokes it. Arthur Kaufmann already underlined a modern general "horror iuris naturalis". We also know, with Winfried Hassemer, that the succession of legal paradigms is a matter of fashion. But why did natural law become outdated? Are there any remnants of it still alive today? This book analyses a number of prejudices and myths that have created a general misconception of natural law. As Jean-Marc Trigeaud put it: there is a natural law that positivists invented. Not the real one(s). It seeks to understand not only

the usual adversaries of natural law (like legalists, positivists and historicists) but also its further enemies, the inner enemies of natural law, such as internal aporias, political and ideological manipulations, etc. The book puts forward a reasoned and balanced examination of this treasure of western political and juridical thought. And, if we look at it another way, natural law is by no means a loser in our times: because it lives in modern human rights.
