

1. Record Nr.	UNINA9911145786403321
Autore	Berkowitz Roger <1968->
Titolo	The gift of science : Leibniz and the modern legal tradition / / Roger Stuart Berkowitz
Pubbl/distr/stampa	Cambridge, Mass., : Harvard University Press, 2005
ISBN	9780674020795 0674020790
Edizione	[1st ed.]
Descrizione fisica	1 online resource (235 p.)
Disciplina	344/.095
Soggetti	Science and law - History Jurisprudence - History Law - Philosophy
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Frontmatter -- Acknowledgments -- Contents -- Preface -- Note on Terminology -- Introduction: Legal Codification, Positive Law, and the Question of Science -- I. From Insight to Science: Leibniz's Scientific Foundation of Justice -- CHAPTER 1. Beyond Geometry: Leibniz and the Science of Law -- CHAPTER 2. The Force of Law: Will -- CHAPTER 3. Leibniz's Systema Iuris -- II .The Allgemeines Landrecht: From Recht to Gesetz -- CHAPTER 4. From the Gesetzbuch to the Landrecht: The ALR and the Triumph of Legality -- CHAPTER 5. The Rule of Law: The Crown Prince Lectures and the Grounding of Legality in Order and Security -- III. From Science to Technique: Friedrich Carl von Savigny, the BGB, and the Self-Overcoming of Legal Science -- CHAPTER 6. From Reason to History: Savigny's System and the Rise of Social Legal Science -- CHAPTER 7. The Bürgerliches Gesetzbuch (BGB) of 1900: Positive Legal Science and the End of Justice -- Conclusion -- Note on Sources -- Notes -- Index
Sommario/riassunto	Moving from the scientific revolution to the nineteenth-century rise of legal codes, Berkowitz tells the story of how lawyers and philosophers invented legal science to preserve law's claim to moral authority. The "gift" of science, however, proved bittersweet. Instead of strengthening the bond between law and justice, the subordination of law to science

transformed law from an ethical order into a tool for social and economic ends.
