

an unjust law is no law at all

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Martin Luther King on Just and Unjust Laws - LAW AND RELIGION FORUM

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal.

Finnis on the Philosophy of Law and the Relevance of “Common Custom”

Finnis says: Natural law theory has no quarrel with – indeed, promotes – a distinction or bifurcation between intra-systemic [legal] validity (and obligatoriness) and legal validity (and obligatoriness) in the moral sense. Indeed, it is not unreasonable to see such a distinction at work in the famous tag — “An unjust law is not a law.”

Augustine on the Ends of Law - LAW AND RELIGION FORUM

“Augustine posed two questions that go to the heart of the nature of law. Firstly, what is the difference between a kingdom and a band of robbers? Secondly, is an unjust law a law at all? These two questions force us to consider whether law is simply a means of social control, distinguished from a band of robbers only by its size, or whether law is a social institution justified by its ...

Tradition Archives - LAW AND RELIGION FORUM

Lugato on Tradition in Customary International Law It’s not a law-and-religion piece, exactly, but I’d like to draw attention to a fantastic essay by our Tradition Project partner, Professor Monica Lugato of LUMSA, on the role of tradition in customary international law. This is a complicated subject, and Monica handles it masterfully. I highly recommend it. The essay appears in a new ...

Center News Archives - Page 13 of 32 - LAW AND RELIGION FORUM

First, legal regimes with unjust or repressive laws can be committed to the rule of law. Now you might say—well, even in morally unjust regimes, consistency in legal application is a virtue and a kind of justice.

Discrimination Archives - Page 2 of 2 - LAW AND RELIGION FORUM

We might be able to reach consensus in the abstract that equal treatment means the absence of unjust discrimination, but what counts as unjust discrimination is open to an array of conflicting

interpretations, underwritten by conflicting values. It is not the burden of constitutional law conclusively to resolve these conflicts.

Euripides Archives - LAW AND RELIGION FORUM

The War Cycle We are coming to the end of Euripides' great drama. The final scenes naturally divide into two parts. First, the chorus of the sons of the fallen Argive warriors enters, bearing the urns in which their fathers' ashes are gathered. They engage in a colloquy with their grandmothers. The episode ends with a brief exchange between the two kings, Theseus and Adrastus, in which ...

The Suppliants Archives - LAW AND RELIGION FORUM

Euripides implies that it lies beyond human power to end the war cycle. Here, there is to be no final resolution to the blood-letting, unlike the ending of Aeschylus' Eumenides, where Athena appeases the avenging Furies, the helpers of justice, persuades them to reside in Athens, and institutes a court of law.

Koran Archives - LAW AND RELIGION FORUM

Danish Blasphemy Prosecution for Koran Burning Here's a fascinating story in the New York Times about a prosecution in Denmark for blasphemy, against a man who burned a Koran and posted his burning to Facebook. It seems that blasphemy laws remain on the Danish books, notwithstanding that the country is, by all accounts, very secular. Though the decision to charge was made at the local level ...

A New Book on Christianity and Law

There is no Christian "law" of inheritance, for example, that directs beneficiaries how to divide up property. But Christianity doesn't entirely reject law. The Catholic tradition, in particular, places emphasis on natural law as a rational system—an emphasis that Orthodox and Protestants view with great suspicion.