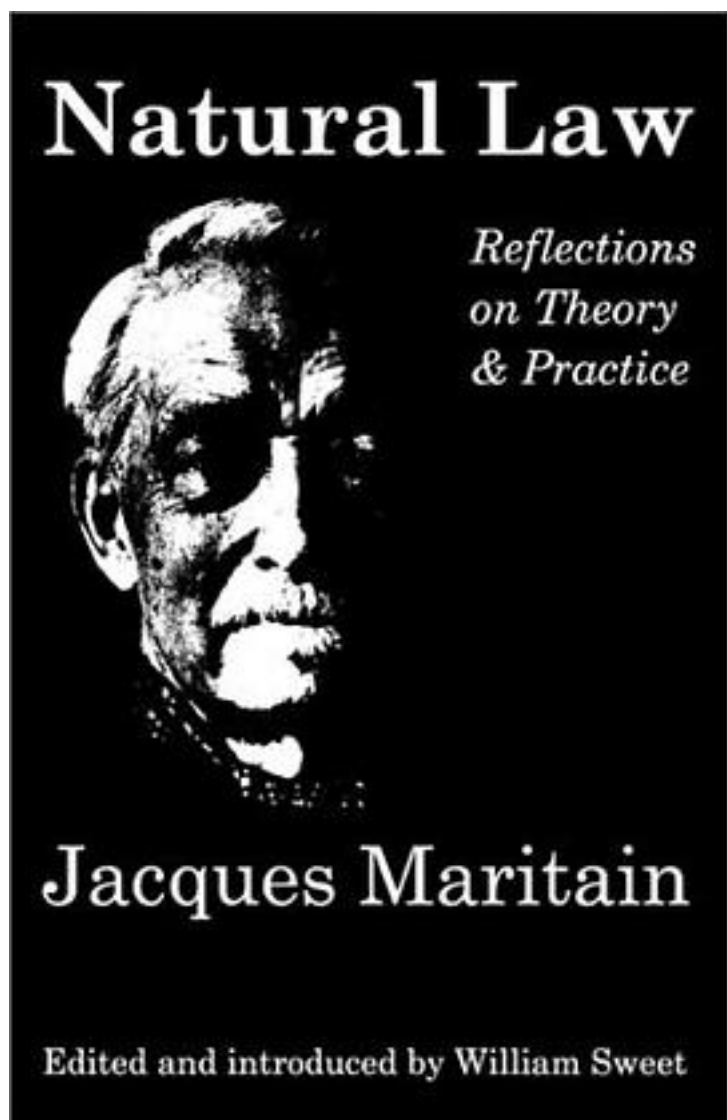


Natural Law



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著者:G., W.F. Hegel

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One of the central problems in the history of moral and political philosophy since antiquity has been to explain how human society and its civil institutions came into being. In attempting to solve this problem philosophers developed the idea of natural law, which for many centuries was used to describe the system of fundamental, rational principles presumed universally to govern human behavior in society. By the eighteenth century the doctrine of natural law had engendered the related doctrine of natural rights, which gained reinforcement most famously in the American and French revolutions. According to this view, human society arose through the association of individuals who might have chosen to live alone in scattered isolation and who, in coming together, were regarded as entering into a social contract. In this important early essay, first published in English in this definitive translation in 1975 and now returned to print, Hegel utterly rejects the notion that society is purposely formed by voluntary association. Indeed, he goes further than this, asserting in effect that the laws brought about in various countries in response to force, accident, and deliberation are far more fundamental than any law of nature supposed to be valid always and everywhere. In expounding his view Hegel not only dispenses with the empiricist explanations of Hobbes, Hume, and others but also, at the heart of this work, offers an extended critique of the so-called formalist positions of Kant and Fichte.

作者介绍:

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标签

黑格尔

哲学

hegel

自然法

思想史

评论

黑格尔区分了自然法的两种形态：一种是以霍布斯为代表的经验主义；另一种是以康德为代表的形式主义。前者基于经验模拟出一种抽象的社会关系，并以此作为法哲学建构的科学基础；而后者是从理性自律的无条件性出发，继而确立规范的哲学基础。因此黑格尔将经验主义视为“诸关系以及经验的直观与普遍物的混合”，在另一方面，形式主义则立足于“绝对的对立和绝对的普遍性”。

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书评

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