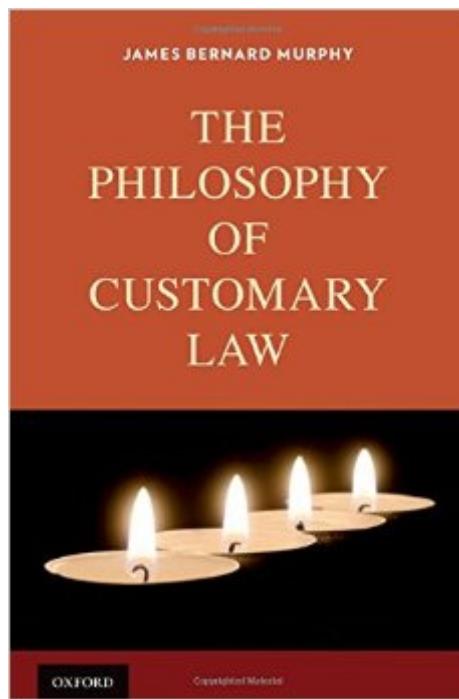


The book was found

# The Philosophy Of Customary Law



## Synopsis

Although many modern philosophers of law describe custom as merely a minor source of law, formal law is actually only one source of the legal customs that govern us. Many laws grow out of custom, and one measure of a law's success is by its creation of an enduring legal custom. Yet custom and customary law have long been neglected topics in unsettled jurisprudential debate. Smaller concerns, such as whether customs can be legitimized by practice or by stipulation, stipulated by an authority or by general consent, or dictated by law or vice versa, lead to broader questions of law and custom as alternative or mutually exclusive modes of social regulation, and whether rational reflection in general ought to replace sub-rational prejudice. Can legal rules function without customary usage, and does custom even matter in society? The Philosophy of Customary Law brings greater theoretical clarity to the often murky topic of custom by showing that custom must be analyzed into two more logically basic concepts: convention and habit. James Bernard Murphy explores the nature and significance of custom and customary law, and how conventions relate to habits in the four classic theories of Aristotle, Francisco Suarez, Jeremy Bentham, and James C. Carter. He establishes that customs are conventional habits and habitual conventions, and allows us to better grasp the many roles that custom plays in a legal system by offering a new foundation of understanding for these concepts.

## Book Information

Hardcover: 160 pages

Publisher: Oxford University Press; 1 edition (April 17, 2014)

Language: English

ISBN-10: 0199370621

ISBN-13: 978-0199370627

Product Dimensions: 9.4 x 1 x 6.4 inches

Shipping Weight: 13.4 ounces (View shipping rates and policies)

Average Customer Review: Be the first to review this item

Best Sellers Rank: #3,431,629 in Books (See Top 100 in Books) #30 in Books > Law > Legal Theory & Systems > Customary #1709 in Books > Law > Philosophy #3144 in Books > Law > Legal Theory & Systems > Non-US Legal Systems

[Download to continue reading...](#)

Customary Law Ascertained Volume 3. The Customary Law of the Nama, Ovaherero, Ovambanderu, and San Communities of Namibia Customary Laws In Southern Sudan: Customary

Laws Of Dinka And Nuer The Philosophy of Customary Law Customary Law and Economics (Economic Approaches to Law series, #42) The End of Comparative Philosophy and the Task of Comparative Thinking: Heidegger, Derrida, and Daoism (SUNY Series in Chinese Philosophy and Culture) ... Chinese Philosophy and Culture (Paperback) Racial Subordination in Latin America: The Role of the State, Customary Law, and the New Civil Rights Response Customary International Humanitarian Law: Volume 1, Rules A Study of the Impact of Tibetan Buddhism on Tibetan Customary Law (A Tibetan-Chinese version) (Chinese Edition) Customary International Law: A New Theory with Practical Applications (ASIL Studies in International Legal Theory) The Future of African Customary Law The nature of African customary law, The Nature of Customary Law: Legal, Historical and Philosophical Perspectives Customary International Law (ASIL Studies in International Legal Theory) Customary Law in the Modern World: The Crossfire of Sudan's War of Identities (Kegan Paul Africa Library) Restatement of Customary Law of Nigeria African Customary Law: An Introduction The Social Organisation and Customary Law of the Toba-Batak of Northern Sumatra, (Koninklijk Instituut voor Taal-, Landen Volkenkunde. Translation Series, 7) Tribal Ethnography, Customary Law and Change Philosophy Of Law: An Introduction To Jurisprudence (Dimensions of Philosophy Series) Information, Freedom and Property: The Philosophy of Law Meets the Philosophy of Technology

[Dmca](#)