

Reconceptualizing Jurisprudential Foundations: A Critical Re-evaluation of Legal Positivism and its Implications for Contemporary Governance

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Abstract. This article explores the evolving landscape of jurisprudential thought, focusing on the critical re-evaluation of legal positivism as jurisdictions face unprecedented challenges in governance and legal interpretation. Utilizing a qualitative methodology, we analyze landmark court cases and legal frameworks that illustrate the limitations and transformations within positivist doctrine. The findings highlight a paradigm shift towards integrative legal frameworks that marry positivist understandings with substantive justice aspects, proposing a more holistic approach to legal practice. This study underscores the urgency for legal scholars and practitioners to transcend traditional paradigms and adopt frameworks that better accommodate contemporary societal complexities.

Keywords: legal positivism, jurisprudence, governance, substantive justice, contemporary legal challenges, integrative legal frameworks, legal interpretation, court cases, legal scholarship

Introduction

The twenty-first century has ushered in a myriad of challenges that necessitate a profound reassessment of established legal concepts, particularly legal positivism. Legal positivism, which champions the separation of law and morality, has dominated jurisprudential discourse for decades; however, the complexities of contemporary governance reveal its

limitations. Issues such as human rights violations, environmental crises, and the digital transformation of society compel legal scholars to reconsider the rigidity of positivism's foundational tenets. As diverse legal systems grapple with these challenges, the need for a more adaptable legal framework becomes evident. This article posits that a critical reevaluation of legal positivism is essential to forge a responsive legal paradigm that addresses the intricacies of modern governance. By analyzing significant legal cases and employing a qualitative methodology, this study elucidates the pressing realities that warrant a reconceptualization of legal principles. The findings advocate for an integrated approach that merges legal positivism with the ideals of substantive justice, suggesting that the future of jurisprudence must embrace flexibility and responsiveness. This article is structured into several sections: the first part provides a historical overview of legal positivism, followed by an examination of contemporary challenges facing legal systems. Subsequently, we will analyze key case law that illustrates the limitations of a strictly positivist approach. Finally, we will propose an alternative framework that seeks to reconcile positivist principles with the demands of modern society.

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References

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