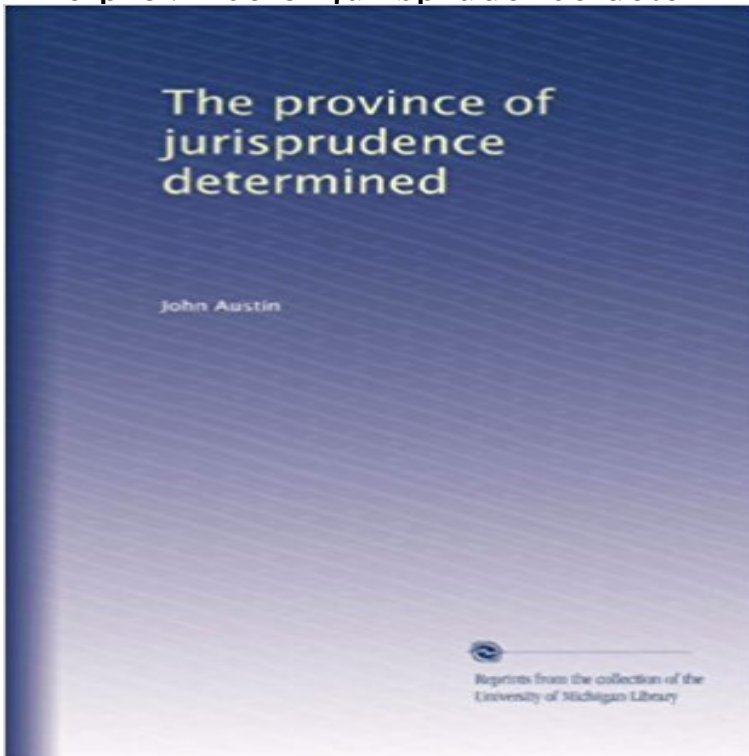


The province of jurisprudence determined



This historic book may have numerous typos, missing text, images, or index. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. 1832. Not illustrated. Excerpt: ... Positive laws, the appropriate matter of jurisprudence, are related in the way of resemblance, or by the use of a close or remote analogy, to the following objects. The first of those capital classes is styled by writers on jurisprudence positive law. This application of the expression positive law was manifestly made for the purpose of obviating confusion: confusion of human law of the first of those capital classes with that Divine law which is the measure or test of human. And, in order to obviate similar confusion, I apply the expression positive morality to human law of the second capital class. For the name morality, when standing unqualified or alone, may signify the law set by God, or human law of that second capital class. If you say that an act or omission violates morality, you speak ambiguously. You may mean that it violates the law which I style positive morality, or that it violates the Divine law which is the measure or test of the former. Again: The human laws or rules which I style positive morality, I mark with that expression for the following additional reason. I have said that the name morality, when standing unqualified or alone, may signify positive morality, or may signify the law of God. But the name morality, when standing unqualified or alone, is perplexed with a further ambiguity. It may import indifferently either of the two following senses.--1. The name morality, when standing unqualified or alone, may signify positive morality which is good or worthy of approbation, or positive morality as it would be if it were good or worthy of approbation. In other words, the name morality, when standing unqualified or alone, may signify positive

morality which agrees with its measure or test, o...

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