

Das Spannungsverhältnis Zwischen Recht Und Moral Bei Gustav Radbruch - Adam Galamaga

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Nach der Erfahrung des Nationalsozialismus lässt sich im Radbruchschen Denken eine Wende erkennen. Im Jahre 1946 schreibt er den berühmtesten gewordenen Aufsatz Gesetzliches Unrecht und übergesetzliches Recht, indem er sich von seinem ursprünglichen rechtspositivistischen Ansatz distanziert. Die in der Literatur als Radbruchsche Formel bezeichnete These, derzufolge es legitim sei, das unerträglich ungerechte Gesetz zu brechen, kann im geschichtlichen Kontext interpretiert werden. Mit der Revidierung der eigenen Überzeugungen unternimmt Radbruch den Versuch, die Vergangenheit zu erklären und die Zukunft des Rechts mitzugestalten. Die Positivismus-These, die in den 30er Jahren unter anderem von Radbruch vertreten wurde, verhalf sichtbar zu einer der größten Äpfel der Geschichte innerhalb der Rechtsphilosophie. Radbruch sah sich gezwungen, auf das überpositive Recht zurückzugreifen. Die Rückkehr zum Naturrecht im Sinne einer Sammlung von Normen, deren Verbindlichkeitsansprüche postuliert und gleichzeitig unbegründet bleiben, wird als die einzige Alternative zu der in der Weimarer Republik vorherrschenden Rechtsauffassung angesehen. Studienarbeit aus dem Jahr 2009 im Fachbereich Philosophie - Philosophie des 20. Jahrhunderts / Gegenwart, Note: 1,3, Johann Wolfgang Goethe-Universität Frankfurt am Main (Institut für Philosophie), Veranstaltung: Ethik und Recht. Author: Galamaga, Adam Publisher: GRIN Verlag Illustration: N Language: GER Title: Das Spannungsverhältnis zwischen Recht und Moral bei Gustav Radbruch Pages: 00021 (Encrypted PDF) On Sale: 2009-01-01 SKU-13/ISBN: 9783640373581 Category: Philosophy : General

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