

A thorough study of the essence and value of law from the perspective of the philosophy of law

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Abstract: As the cornerstone of social order, the essence and value of law have always been the core topics of legal philosophy exploration. From the perspective of legal philosophy, this article aims to deeply analyze the essence of law and explore its intrinsic value. By sorting out the ideological framework of Chinese and Western legal philosophy, combined with the contemporary social background, this article will reveal that law is not only the condensation of social consensus and moral values. At the same time, this article will emphasize the important value of law in maintaining social order, safeguarding human rights, and promoting fairness and justice, providing a new perspective for a deeper understanding of the essence and value of law.

1. Introduction

Law, as a product of human social development, has carried the important mission of maintaining social order and ensuring fairness and justice since its inception. However, thinkers from different historical periods and cultural backgrounds have different understandings and interpretations of the essence and value of law. Legal philosophy^[1], as a discipline that explores the essence and value of law, provides us with a perspective for in-depth analysis of legal phenomena. This article will conduct in-depth research on the essence and value of law from the perspective of legal philosophy, in order to provide theoretical support for us to better understand and apply law^[2].

2. Analysis of the essence of law from the perspective of legal philosophy

Early philosophers had different understandings of the origin of all things in the world. The Milesian school took "water" or "air" as the origin, the Pythagorean school took "number" as the origin, and Heraclitus believed that "fire" was the origin of all things. The Xenophanes of the Arian school vaguely distinguished between essence and phenomenon, while Parmenides explicitly proposed the distinction between essence and phenomenon, truth and opinion. Democritus unified essence and phenomena through the concepts of "atoms" and "void"^[3]. After Socrates, essence was seen as abstract and related to 'definition'. Plato proposed the concept of "idea" as the essence of things, relative to the perceptible real world. Aristotle extensively explored essence and phenomena, opposed Plato's independent existence of essence, emphasized the inseparability of essence and

things, defined reflecting the fundamental attributes of things as essence, and explored essence from the perspectives of material and form. He believed that understanding the essence is the key to understanding things, and was hailed as the founder of essentialist philosophy^[4]. In the Middle Ages, influenced by Christianity, essence and phenomena were linked to the opposition between heaven and earth, and God was regarded as the absolute essence of all things. The debate between nominalism and realism within scholastic philosophy also involves issues of essence and phenomena, which have had a certain impact on the development of these categories.

The development process of the categories of essence and phenomenon in the history of Western philosophy: firstly, the mainstream view acknowledges the existence of a fixed and unchanging essence behind phenomena, namely the "essentialism". Although the skepticism of "essentialism" and "agnosticism with or without essence" has never disappeared, it has not dominated in history. Marxist philosophy also inherits this tradition, believing that law, as a historical phenomenon of human society, naturally has its essential existence. Secondly, in the theory of essence, it can be divided into two schools from an epistemological perspective. One school of thought believes that we can understand the essence behind phenomena, but different schools of thought in history have different views on this essence, such as the Milesian school's theory of water and gas, and the Pythagorean school's theory of numbers. Another school of thought believes that although it is possible to determine the existence of essence, we cannot know it, such as Locke's "essential reality" and Kant's "thing in itself". For agnostics, it can be learned from experience that the grasp of determining essence varies from person to person, and understanding gradually progresses. However, whether this progress should stop at some point is a debatable issue. Starting from Hegel's dialectics, the pursuit of essence never stops, and Marx inherited Hegel's ideas at this point. For agnostics, they see that agnostics attribute essence to something or something different without a unified conclusion, and therefore believe that essence exists but cannot be recognized. They proposed to 'suspend' the essence and approach it with a faith attitude. However, despite the significant differences in conclusions between Kant, Hegel, and Marx on the issue of "essence and phenomenon", these differences are fundamentally only differences in their approaches to "essence". The conclusions of the two essential epistemologies are clearly different, but there is a certain degree of overlap in the practical effects they have in guiding people's understanding of essence. For example, does the idea that the essence is known but infinite also imply an "unknowable" factor? Therefore, the apparent differences in understanding conclusions are actually only in the methods used to deal with the essence. Whether it is "suspension" or "fixed, peeled layer by layer, but can never stop somewhere", they are different ways of dealing with essence^[5].

At this point, it seems that we can provide an explanation of what the essence of law actually refers to, and also roughly reflect the author's own position and approach to examining this issue. We believe that the essence of law refers to the decisive core behind the phenomenon of law. Like other phenomena, there exists a profound core expressed by phenomena behind the law, which determines that the law is the law. Conversely, if this core is removed, the law will not be the law. This core is not the main or important feature of law. Features can express essence, but not essence itself. In the process of examining the essence of law, our position and method should be as follows: either we believe it is known, or we believe it is unknowable (these two views are theoretically equal and can be attributed to the realm of faith). The belief that the essence of the unknowable self belongs to the realm of "things in themselves" as Kant did, while the belief that the knowable should also adopt a tolerant attitude to recognize the diversity of the understanding of the essence of law (this diversity is reflected in the non exhaustibility), regardless of whether this diversity is caused by different understandings of people in the same era or by different thinking of people in different historical processes. Based on the above position and method of referring to and

examining the essence of law, we will see that the three conclusions about the essence of law in the first part are flawed. This deficiency is first of all content, that is, both class essentialists and social essentialists are flawed. Not using 'essence' in its natural sense The term 'non essentialist' refers to the important functional features of law as the general essence of law. Secondly, although the thinking of non essentialists is more profound from an epistemological perspective, this thinking based on language philosophy and postmodern philosophy makes people lose their grasp of any certainty, and humans themselves can no longer find the highest and ultimate reliance. The fate of people who lose all ultimate reliance is unimaginable. Philosophers advocate that the result of 'God is dead' is not to save humanity, on the contrary, humanity has been thrown onto the wilderness since then. Therefore, a philosophy that subverts all certainty but is not constructive is not suitable for discussing the essence of law. Because 'the essence of law' is originally based on a belief in a certain, ontological 'essence'.

3. Value analysis of law from the perspective of legal philosophy

3.1 Order value of the law

Order, as the fundamental cornerstone for the stable existence and sustainable development of society, its importance is self-evident. The law is the core element that builds this cornerstone, and its primary and crucial value lies in firmly maintaining a stable and harmonious atmosphere in society. By carefully formulating and strictly enforcing legal provisions, the state has established clear norms and standards for the behavior of all members of society, effectively curbing the emergence of chaotic situations and reducing unnecessary conflicts and oppositions. The value of legal order is not only reflected in severe sanctions for illegal and disorderly behavior. Its deeper significance lies in continuously improving the public's legal awareness and literacy through extensive and in-depth legal education and active publicity, and cultivating a good atmosphere of conscious respect and compliance with the law throughout society^[6].

3.2 Fair value of the law

Fairness is the core value of this law, and its importance lies in providing a solid moral foundation for the normal operation of society. The law carefully establishes equal rights and obligations, ensuring that every member of society is not affected by any discrimination or bias when enjoying basic rights and fulfilling corresponding obligations. In judicial practice, the law strictly requires judges to uphold a fair and impartial attitude in handling cases, resolutely eliminate any favoritism, and ensure the fairness and reasonableness of judgments. The fair value of the law is not only reflected in the careful protection of individual rights, but also in the clever balance of the overall interests of society, laying a solid foundation for social harmony and sustained progress.

3.3 The just value of the law

Justice, this noble concept, is the ultimate goal that the law steadfastly pursues. The law ensures that justice is manifested in society through a series of powerful measures, such as sanctioning illegal activities, protecting legitimate rights and interests, and upholding social justice. In judicial practice, the law imposes strict requirements on judges, that is, they must uphold the concept of justice, ensure that every judgment conforms to the mainstream values and moral standards of society, and thus win the trust and respect of the public. The value of justice in law is not only reflected in the fair handling of specific cases, but also in continuously promoting the improvement and development of the legal system, contributing an indispensable force to the realization and

progress of social justice as a whole^[7].

3.4 The human rights value of the law

Human rights are one of the indispensable values of the law. The law ensures that members of society can enjoy a life of dignity and freedom by establishing and protecting the fundamental rights and freedoms of citizens. In legislative and judicial practice, the law requires the state to respect and safeguard human rights, and shall not infringe upon the basic rights and freedoms of citizens. The human rights value of the law is not only reflected in the protection of individual rights, but also in promoting the development of human rights and advancing social civilization and progress.

From the perspective of legal philosophy, the value of law is a complex and diverse concept. It includes universal values such as order, fairness, and justice, as well as the protection of individual rights such as human rights and freedoms. These values are intertwined and influence each other, together forming the inner soul of the legal system. Through in-depth analysis of the value of law, we can better understand the essence and purpose of law, and provide theoretical support for the improvement and development of the legal system.

4. Conclusion

In summary, from the perspective of legal philosophy, an in-depth study has been conducted on the essence and value of law. The essence of law lies in the decisive core behind it, which determines why law is law. In the process of examining the essence of law, a tolerant attitude should be maintained, acknowledging the diversity and incompleteness of the understanding of the essence of law. At the same time, the value of law is reflected in various aspects such as maintaining social order, safeguarding human rights, and promoting fairness and justice. These values are intertwined and influence each other, together forming the inner soul of the legal system. Through a deep understanding of the essence and value of law, we can better grasp the spiritual essence of law and provide theoretical support and practical guidance for the improvement and development of the legal system.

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