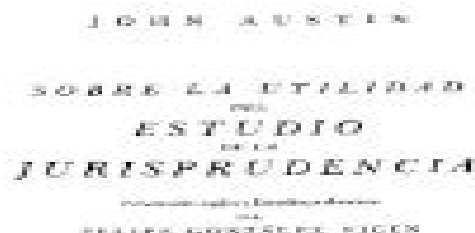


JURISPRUDENCIA ANALÍTICA

John Austin.

Sobre la utilidad del estudio de la Jurisprudencia, y traducción y estudio preliminar de Felipe Gonzalez Vicén. Madrid, Centro de Estudios Constitucionales, 1981.



CENTRO DE ESTUDIOS CONSTITUCIONALES
MADRID-1981

sorprendemos *in statu nascendi*, formulada aún de manera provisional y vacilante, una de las ideas que mayor influencia han ejercido en la teoría del Derecho contemporáneo, y que, todavía hoy, representa un elemento constitutivo de nuestra conciencia jurídica: la idea de que todo Derecho posee una estructura formal idéntica, y que esta estructura se expresa en un repertorio de «principios» o conceptos fundamentales, que se encuentran, por ello mismo, en la base de todo orden jurídico.

“El concepto del Derecho del que AUSTIN parte hunde, en efecto, sus raíces en la tradición del nominalismo ético inglés, a la que en su tiempo había dado nueva fuerza polémica la doctrina de BENTHAM. El Derecho no es, para él, un orden objetivo que se predica de la naturaleza humana y que el discurso especulativo puede por eso, descubrir, sino un orden de conducta vinculado a una comunidad y sometido a variaciones según factores de hecho. Lo peculiar de la doctrina de AUSTIN, y en general del benthamismo, es, empero, que este carácter esencial de la positividad del

“Dos años después de la muerte del autor, en 1861, su esposa hizo reimprimir esta obra, publicando con ella, bajo el título común de *Lectures on Jurisprudence*, los manuscritos de las restantes lecciones del curso y las notas y ensayos inéditos dejados por AUSTIN. Entre estos últimos figuraba también el que, traducido al castellano, se publica en las páginas siguientes. Se trata de una refundición de la lección inaugural pronunciada por AUSTIN las dos veces que intentó la docencia jurídica: en 1828, en la Universidad londinense, y, en 1834, en el Inner Temple.

Con la traducción del famoso ensayo de Austin *On the Uses of the Study of Jurisprudence*, ve la luz en castellano uno de los documentos más instructivos y singulares de la moderna ciencia del Derecho. En sus páginas

4 Anos De Jurisprudencia Analitica Dominicana

R Bogdan



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