30 foundational jurisprudential terms

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Below is a structured list of **foundational jurisprudential terms** that are doctrinally central in legal theory. I group them by conceptual domains (analytical, normative, interpretive, and institutional) for clarity.

I. Analytical Jurisprudence (Nature of Law)

1. **Positive Law**
   Law as enacted or recognized by a legitimate authority, regardless of moral content.
2. **Natural Law**
   The theory that law is grounded in moral principles discoverable by reason (classically associated with Thomas Aquinas).
3. **Legal Positivism**
   The view that law and morality are conceptually separate (e.g., H. L. A. Hart, John Austin).
4. **Command Theory**
   Law as the command of a sovereign backed by sanctions (Austin).
5. **Rule of Recognition**
   Hart's concept describing the ultimate rule used to identify valid legal norms within a system.
6. **Legal Realism**
   The theory that law is what courts actually do in practice (associated with Oliver Wendell Holmes Jr.).
7. **Sovereignty**
   Ultimate authority within a political-legal system.
8. **Validity**
   The status of a norm as legally binding within a system.
9. **Norm**
   A rule prescribing conduct; central in Hans Kelsen's Pure Theory of Law.

10. **Grundnorm**

    Kelsen’s “basic norm” that underpins the validity of a legal order.

II. Normative Jurisprudence (Law and Morality)

11. **Justice**

    The moral evaluation of law; distributive, corrective, or procedural.

12. **Equity**

    Fairness applied to mitigate rigid application of strict legal rules.

13. **Rights**

    Legally or morally protected interests (e.g., claim-rights, liberties).

14. **Duty / Obligation**

    A binding requirement imposed by law.

15. **Utilitarianism**

    Law justified by maximizing social welfare (e.g., Jeremy Bentham).

16. **Deontology**

    Duty-based moral reasoning, often linked to Immanuel Kant.

17. **Liberty**

    Freedom from interference; central in constitutional jurisprudence.

III. Interpretive & Doctrinal Concepts

18. **Precedent (Stare Decisis)**

    The doctrine that courts follow prior decisions.

19. **Ratio Decidendi**

    The legal reasoning essential to a judgment.

20. **Obiter Dictum**

    Incidental judicial remarks not binding as precedent.

21. **Statutory Interpretation**

    Methods of interpreting legislation (textualism, purposivism, etc.).

22. **Judicial Review**

    The power of courts to invalidate unconstitutional acts.

23. **Separation of Powers**

    Institutional division among legislative, executive, and judicial branches.

IV. Structural & Theoretical Foundations

24. **Rule of Law**

    Governance according to established legal principles rather than arbitrary power.

25. **Legal Pluralism**

    Coexistence of multiple normative orders (customary, religious, state law).

26. **Legal Personality**

    Capacity to hold rights and duties (natural or juristic persons).

27. **Sanction**

    Penalty or consequence attached to violation of a legal rule.

28. **Legitimacy**

    The moral or sociological justification of authority.

29. **Social Contract**

    Theoretical foundation of state authority (e.g., John Locke).

30. **Interpretivism**

    Law as an interpretive practice integrating morality (e.g., Ronald Dworkin).