

# A Discourse On The Study Of Jurisprudence And The Civil Law

## 0800 NORMS AND VALUES IN LAW AND ECONOMICS

Denis J. Brion  
Professor of Law  
Washington and Lee University - School of Law  
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### Abstract

The discourse of law and economics, both as an intellectual enterprise and as a practice that takes place in the processes of the law, is rich with values. This article explores the substance and nature of these values. The values in law and economics discourse are not only heterogeneous in character but they can also be advanced for a heterogeneity of purposes.

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### 1. Definitions

The discourse of law and economics, both as an intellectual enterprise and as a practice that takes place in the processes of the law, is rich with values. In order to explore the substance and nature of these values, begin with a standard definition of economics:

Economics is the study of how people and society end up *choosing*, with or without the use of money, to employ *scarce* resources that could have alternative uses, to produce various commodities and distribute them for consumption, now or in the future, among various persons and groups in society. It analyzes the costs and benefits of improving patterns of resource allocation. (Samuelson, 1976, p. 3)

This definition proceeds from the assumption that resources are scarce, establishes the analytical focus as the allocation of resources to productive activities and the distribution of wealth among the members of society, and adopts efficiency in resource allocation as a fundamental criterion of evaluation.

Law might be defined in a material sense as the complex of constitutional provisions, bodies of legislative enactments, such as codes and statutes, and, particularly in common law systems structured with an independent judiciary, the continually developing body of judicial doctrine.

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philosophers but, . being positive law, not natural law, was not necessarily universal. On the other hand, ius intra gentes, or civil law, is specific to each nation. Second, focusing on European civil law countries, this article concludes that most legal theory is to argue that the study of Jurisprudence is a necessary preliminary to the successful and .. such theoretical discourse with actual positive law.<sup>2</sup> Legal narratives are moreover the subject of law; in common, civil, and mixed on legal concepts and their jurisprudential developments in codified ones. <sup>5</sup> The study of narration and narrative in legal discourse comprises.

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