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Josef Kohler's View on Philosophy of Law and Culture

Charles B. Berebon*, Dinebari D. Vareba
Rivers State University, Port Harcourt, Rivers State, Nigeria
* Correspondent Author: charles.barebon@ust.edu.ng

ABSTRACT

Joseph Kohler, a German philosopher, authored a vast number of works in the fields of private and commercial law and the philosophy of law. His conception of evolution starts with the Hegelian school and concludes with the Neo-Hegelian theory. Kohler provided a corpus of systematic philosophical philosophy that connects to evolution and seeks to settle the basic issues of knowledge, law, art, and the universal ideals of science. Kohler disputes the concept of natural law, which emerges in every individual at every age. The renowned book "Philosophy of Law" by Kohler provides an introduction to the philosophy of law, the cultural development process, the relationship between law and culture, the legal order and peaceful management of law, etc. According to him, the law is the most basic moral phenomenon. In addition, he addresses the law in a constructive manner to achieve justice. This work's objective is to review the contribution of Josef Kohler to the philosophy of law and culture. This contains the primary tenets of Kohler's legal theory. This work also addresses the philosophy of law and its relevance in culture, the cultural development process, the relationship between law and culture, the primary method of law, and the philosophical version of civil and criminal law. Lastly, using Joseph Kohler as a case study, this essay explains how human culture can be used to show that the philosophy of law is the main branch of philosophy that focuses on the meaning of human life and actions.

Keywords: Joseph Kohler; Philosophy of Law; Legal Order; Peaceful Regulation.

1. INTRODUCTION

In the previous two decades, philosophical analysis of the phenomena of law has not been especially active, at least in Germany (Herget, 1996). The philosophers, who were initially suited for such activity, have had other responsibilities. They have been preoccupied with ideas of the validity of knowledge and empirical psychology, attempting to decipher Kant's true intent. The philosophy of law is especially significant for legal research inasmuch as each juristic construction permits most firmly, in certain instances, the relationship between its growth and philosophical underpinnings.

*The Philosophy of Law (*1914), which is one of Kohler's best-known works, is an introductory book that follows the novel form of a juristic overview and includes many attractive ideas. In his other notable books, he gave himself the mission of providing a panoramic picture of the whole science of law, a job that could only be accomplished with the assistance of philosophy.

Kohler is an exceptional thinker, philosopher, and writer. His constructive universalism is elucidated by the science of law, which is a wellequipped driving force. Ultimately, for him, the law is the central phenomenon in the moral universe. It stands simultaneously in the middle of the natural order of things. Consequently, the law, by virtue of its inherent character and significance, is ideally equipped to serve as the beginning point and operational foundation for the broadest entry into the most diverse realms of intellectual endeavor.

Kohler's systematic approach is founded on German idealism; he seeks the dominance of ideas, which as a formative force provide an internal meaning to the impulses and efforts, ideas and goals of man's actions, and direct them toward a goal. The prerequisites for the existence and evolution of law that he observes stem from societal demands. He outlines the implications of the internal principle of reason and its logical ramifications. In his conception of justice, he also offers a norm for the evaluation of positive law. He did not fail to emphasise the fact that ethical values reveal themselves effectively in the law. In contrast to the internal character of social relationships, however, the need for external order—the requirement of having precise bounds of greater or lesser outward significance—necessitates external order.

This work is, in a sense, the intended culmination and crowning achievement of the Kohlers' enormous efforts as regards the philosophy of law.

2. THE PHILOSOPHY OF LAW AND ITS FUNCTIONS

Philosophy of law is a subfield of philosophy concerned with the importance of human life and human conduct (Hage 2014). Human culture is one of the most important components of social and legal need; hence, every human action is founded on its own cultural activity. Man's duty is to produce and cultivate culture in order to achieve lasting cultural values, establishing an abundance of forms that will constitute a second creation in contrast to divine creation (Fukuyama 1996). The philosophy of law explicates the underlying importance of cultural production, which is also the responsibility of metaphysical science (Kohler, 2011). Examining it in more detail is a crucial endeavour that would take us beyond the boundaries of the philosophy of culture and man and into the realm of global culture. All we can do here is take it as a given that promoting culture is one of the jobs, or more accurately, the mission, of mankind.

According to Kohler (2011), the philosophy of law must be derived from the global realm of world philosophy: culture is continuously evolving, and humanity must continue to protect current cultural values and establish new ones. The culture must progress. Its evolution progresses in such a way that the seeds of the new are already there in the old, and while

one develops and the other declines, new values are continually formed from the old. Thus, the law has its place in the development of culture. Human civilization is only feasible if there is a structure among humans that gives each man his position and responsibility and ensures the preservation of current values and the development of new ones. The philosophy of law cannot stay unchanged; it must adapt to an ever-evolving culture and be developed in such a way that, in accordance with shifting cultural needs, it encourages rather than stifles it. From the above, this implies that a law that is appropriate for one time may not be appropriate for another; we can only endeavour to offer each culture a system of law that corresponds to it. In another form, it implies that what is beneficial for one would be disastrous for another.

Prior to a century ago, people spoke about the law of nature and thought that there was a definite, permanent rule that was fit for all eras but had not always been observed (Pound 1997). The contribution of Josef Kohler to the philosophy of law also affected this viewpoint. Kohler's idea is related to the belief that the culture of mankind, which God created, is irrevocably complete, so that only minor modifications are required and the law should be fashioned to conform to divine precepts. But this natural rule has a long history, and it didn't become popular during the "law of nature" era. Instead, it became popular during the time of Scholasticism, when it joined forces with Aristotle, who had fallen into obscurity and was later rediscovered (Ekelund Jr. & Hébert, 2013).

The origins of natural law may be traced back to Aristotle, especially the seventh chapter of his famous "Nicomachean Ethics" (Kainz 2004). Aristotle was accurate in his assessment that the common inner nerve of the many systems of law is geared toward adapting the law to the current civilization, therefore contributing to the advancement of culture and the well-being of people. Albertus Magnus and Thomas Aquinas further argued that law depended on eternal principles and that departure in certain directions was not permitted, despite the fact that the nature of these directions remained unclear (Brock, 2020). But the Franciscans disagreed with this. They thought that the will is not the servant of the intellect, but rather its master, and that God is more willing than smart because it is God's will (Newman, 2016).

Initially, protection against arbitrary authority was accorded the highest priority by natural law, but its relevance rapidly diminished, at least in Germany and France. Instead, there was absolutism, which attempted to uphold natural law by forcing it to be good, just, and joyful. The theory of the contractual origin of the state (Staatsvertrag), too, as if the state had been formed by agreement of the individual members—a theory that had become a dogma since Hugo Grotius—was fashioned by the great Hobbes as a shield and defence of the princely aristocracy of the Stuarts until the revolutionary minds in France broke loose and Rousseau with his theory of the central social raised the red banner of rebellion. This puts us at the threshold of contemporary legal thought (Cavallar 2012).

Savigny's historical school of law had dismantled the strict Natural Law, and Hegel had introduced the concept of evolution. Hegel's philosophy of law has been resurrected as NeoHegelianism, which discarded what was obsolete and, in direct contact with the historical school of law, developed a new concept: the idea of development. Kohler expands upon the conceptual and theoretical aspects of legal philosophy and outlines the primary operational domains of law (Hofmann, 2016). According to Kohler, the philosophy of law is divided into two sections: introductory and technical. The introduction discusses many views on the origins of cultural and legal change. The technical sections focus on the application of law and culture. It starts with a full review of substantive and procedural laws, such as individual laws, family law, property law, the law of duties, the law of the state, international law, and peaceful rules, among others.

3. THE TECHNICAL PARTS OF THE PHILOSOPHY OF LAW

The method of the law is just a component of the philosophy of the law inasmuch as it must be designed to meet the goals of the philosophy. Any legal

strategy that fails to achieve the cultural influence demanded by legal theory is unsuccessful (d'Entreves & Nederman, 2017). Legal theory must be formulated in such a way that the so-called legal subject may possess rights (Kelsen 2017). It is the holder of the right, whose interests are protected by law, who is given the opportunity to use the object of his right as he sees fit to impact the cultural environment. Legal technology has evolved in two areas in order to meet cultural demands:

The core of the law's commands and prohibitions is not the preservation of the rights of the person but rather the promotion of the original cultural interests. Numerous rules pertaining to the general promotion of morals and the maintenance of a certain condition of the environment fall under this area (the preservation of rivers, the conservation of forests, etc.). Numerous other pieces of legislation pertaining to education, social and economic situations, etc. also fall under this category. This is the area of cultural growth via policing and punishment. The formation of so-called juristic individuals is another technological option. The law can imbue a group of individuals or an association of interests organised for the purpose of achieving a certain objective with legal subjectivity and give them the capacity to have rights and responsibilities as well as perform legal actions.

The issue of whether the juristic person is real or fictitious should never have been raised with seriousness. It is a legal fact, just like every other legal reality. When a person goes between being alive and not being alive, or when the interests of a future person need to be protected in the present, a constructive legal subject is needed so that it is possible to have rights and hold possessions that help achieve this goal, and so that property can take part in the daily and hourly expressions of life that are essential to its growth.

4. LEGAL ORDER AND PEACEFUL REGULATION

According to Kohler, (1911), legal order and harmonious regulation are essential. It is another technical interpretation of legal philosophy. It leans mostly on a religious foundation and is hence reliant on the dominant religion in society. This peaceful management is a requirement based on the unusual nature of our species and, in particular, on two characteristics: our blind desire and our limited understanding. If it were always possible to look clearly and unambiguously into the present status of the law, it would be easier for individuals to seek and offer their own law. However, the faults and ignorance of the masses, as well as the difficulties of resolving many legal matters, make it impossible to leave the practise of law to the individual on a permanent basis (Reich, 1964).

Since legal perspectives and interpretations are widely different, a collision of irreconcilable conflicts would ensue. And instead of a settlement, there should be only oppression—the triumph of the stronger—with neither side required to recognise the other as legally victorious. The blind passion of mankind often causes the efforts of justice to be obscured by injustice and encourages them to attempt to gain an advantage, i.e., to satisfy their animosities without regard for the law.

Thus according to Kohler (1969), even in circumstances where the law is crystal clear, its administration is often difficult, and sometimes the debtor rejects it with the utmost obstinacy. Occasionally, individuals assert their entitlement to legal recourse without any basis. In such instances, legal procedures become violent actions, and injustice is perpetrated under the guise of justice; the administration of justice becomes a ruse disguising the most heinous acts of violence. The requirement for peaceful resolution has spawned two institutions: first, possession in relation to the institutions essential for the protection of the individual and his interests; and second, the means of implementing the law and resolving conflicts, i.e., the legal system.

5. OBJECTS OF RIGHTS

Legal rights need a subject and an object. Legal objects can be either things or people. They may also be connected to things that are controlled by separate entities, such as electricity. They can also consist of immaterial things, such as ideas of all kinds, from which benefit can be derived in a particular way and which therefore become economic objects; thus, we

speak of rights in immaterial things. Again, rights in persons can include rights in one's own body as well as rights in other people. Both are characterised by the fact that rights can only be extended to the extent that the person remains a person, i.e., is simultaneously recognised and protected as a legal subject. The entirety of things to which a person is entitled is referred to as "property"; therefore, property may consist of material things, immaterial things, and even persons insofar as creditors' rights affect them (Radin, 1982). This whole, however, is not to be considered a new proprietary whole, as if everything were a single object, thereby creating a new legal entity.

It would be contrary to the rules of legal mechanics and a source of great uncertainty if treated in this manner. If, for instance, an object that does not belong to me is treated as if it were part of my property, this could lead to the most inconsequential outcomes and the most challenging conflicts. In the life of nations, limited rights of a highly personal nature are common; they grant an individual certain powers during his lifetime, and in particular, they permit him to use a thing in order to provide him with certain advantages and the means to live comfortably for as long as he lives. These rights have the same economic function as annuities, except that they grant the benefit directly to the individual and not through the law of obligations. This may be accomplished in one of two ways: either by the usufructuary drawing the emoluments directly from the object or by a third party administering the object and delivering the net proceeds to the usufructuary.

6. PERSONALITY AND THE ACTIVITY OF THE PERSON

Rights in one's own person, or rights of personality, must be the starting point of every legal system; for every right requires a legal subject and whoever is a legal subject must, as a personality, have the protection of the law. This "applies to both physical and juristic persons. Hence, whoever seeks to hinder the activity of personality in the sphere allowed by law infringes the right of personality, and must be restrained" (Kohler 1916, p. 157). This right of personality is most evident in the person's behaviour both within and outside of the law.

According to Kohler, personality must be enabled to be active, that is, to exert its will and show its importance to the world, since culture can only flourish if individuals are able to express themselves and put all their innate abilities under their control. We say that a person has the capacity to perform legal acts and make wills, but also that he has the capacity to walk, ride a horse, and produce immaterial values; however, these are not special rights; they are personal powers, and whoever, without the consent of the law, seeks to impede their exercise, violates the right of personality. Consideration may also be given to the manifestation of the person as against the state, whether in legal procedure, administration, or in his capacity as an organ of government; all of these capacities derive from the right to personality and exist so long as the principle allows personality to develop. In this regard, in particular, the acts of the person in public law are supported by the right to personality; they represent the expansion of the capabilities included in that right, and that right is their source. It is erroneous and antithetical to the basic legal concept of the unity of personality with all its independent capacities, comprising a cultural entity that may exert itself in the most diverse ways to separate them and divide them into separate single rights. This consolidation into a single right of personality of all of a person's actions, particularly those pertaining to public law and political life, is central to the whole idea of political rights.

The activity of the individual may consist of legal, criminal, or neutral conduct. As a servant of the legal system, it is vital for a person to seek to alter the status quo while engaging in legal activities.

7. FAMILY LAW

Obviously, the propagation of humanity is a prerequisite for the development of human culture; propagation, in a greater proportion, needs the assistance of all forces. And the enormous abilities that come from the masses can only originate from a large population (Richerson & Boyd, 2008). This is why

nature has provided us with the strongest and most seductive impulse of all our instincts: the drive for reproduction. The legal structures that govern human reproduction in order to maintain the continuance of the human race are consequently of the utmost significance; in fact, they may be referred to as humanity's most valuable assets. In this sense, the legal institutions surrounding reproduction may have a regulating and calming effect, as well as a stimulating effect on culture and the intellect, as well as a vitalizing and advancing effect.

Nature has bestowed at least the women with a natural love for her offspring, who appear to her like a part of herself, and in whose growth she rediscovers the early beginnings of her psychological existence and long-forgotten memories of her own childhood, dating back to the time before man became man. Marriage entails not just joys and pleasures but also arduous obligations and responsibilities that a person must accept despite the fact that they seem like a burden. Especially if one spouse gets sick and needs assistance, it is one of the most important responsibilities of the other to provide assistance, comfort, and relief from pain. In these instances, simply dissolving the marriage would be a heartless act of barbarism and a direct violation of the highest duties of humanity, because it is only when men learn to alleviate the suffering of life that they are able to fully develop their powers and gifts.

Suffering natures, in particular, are frequently people of profound and extraordinary mental capacity. Marriage should thus be dissolved only for the gravest of reasons. The persistent worry and anxiety that a person would feel if they were exposed daily and hourly to a unilateral decision of separation spoken by a spouse, would result in mental anguish that would be a significant impediment to culture. The procedures of the marriage contract and the terms under which it might be dissolved are governed by each nation's unique legal system.

8. REALIZATION OF CRIMINAL LAW AND CRIMINAL PROCEDURE

Criminal procedure has for a long time preserved the same structure as civil procedure. Thus, gradually, the notion arose that, in circumstances where the whole community looked to be impacted to some degree, any individual had the right to prosecute and be prosecuted. However, the legal system has some benefits as well as some significant drawbacks, notably the fact that not always the offenders are punished. It is so understandable that a second, the inquisitorial procedure, evolved in opposition to the more democratic idea of public prosecution. This concept arose from the notion that a public report must be treated as if it were an accuser so that no accuser is required. The underlying reason, however, is that the judge will view the accuser as the representative of the public interest and will deem him competent to act whenever he believes that state interests are being compromised.

As a result of constructing a procedure without a complainant, the party process had to be abandoned entirely, and legal procedure was so transformed that the state, i.e., the judge, advanced everything deemed necessary to reach correct conclusions. Consequently, it is understandable that the inquisitorial process may be of good or poor form and that it may also degenerate. This occurred during the Germanic Middle Ages as a result of the torture system. As far as the accused was concerned, the examining judge was permitted to use any means necessary to obtain the truth. The accused was denied all rights as a person and treated as a thing without rights that could be used for any state purpose. The theory of human rights had not yet been formulated, and the legal sense was insufficiently developed for it to be possible to comprehend how severely all members of the state were harmed by such practises and how their personal dignity was diminished

(Donnelly, 2013).

The abolition of the above system and the transformation of the inquisitorial process were contemporary tasks, as were the abolition of torture and the establishment of the principle that no one can be

compelled to incriminate or testify against him or herself. On the other hand, the state had to do thorough investigations of crimes to find out what was going on and gather the evidence it needed (Beitz, 2001). Consequently, criminology and criminological procedures have progressed to evergreater perfection in tandem with the criminal process, and this is where we are today (Stoller and Wolpe 2007).

9. JOSEF KOHLER'S CONTRIBUTION TOWARDS CULTURE AND LAW

"Kohler's conception of culture is the same that prevailed at the end of the nineteenth century: the embodiment of the best of mankind's spiritual heritage" (sellgman, p. 588). Kohler maintained that the highest calling of mankind is to promote and develop culture in this sense, i.e., the accomplishment of higher spiritual achievements, and that the purpose of law is to aid in the fulfilment of this human calling. For Kohler, the law may perform this job by conserving human values that are deserving of preservation, by establishing continuity and stability via institutions for cooperative action, and by enabling individuals to overcome random and unforeseen occurrences in their lives (e.g., by means of insurance). However, Kohler saw the law as an ever-changing, dynamic medium. He was aware that if the legislation promoted culture, it may hinder the culture's growth. Therefore, a central function of law, according to Kohler, is to strike a balance between preservation and stability on the one hand and flexibility, openness to change, and further development on the other (Elison, 1961).

Obviously, history demonstrates that there have always been cycles of legal progress and that these cycles have frequently been accompanied by and guided by philosophies. According to Kohler, the philosophy of law is a branch of the philosophy that deals with man and culture (Carrino, 2016). According to his interpretation of the *Philosophy of Law*, the essence of culture consists of the greatest possible development of human knowledge and the greatest possible development of human control over nature. According to Kohler, "culture is the development of man's inherent powers into a form that expresses man's destiny" (Hocking, 1926, p. 32).

He asserts that the sum total of human accomplishments is known as "culture," and that it is the responsibility of the law to promote and revitalise this culture. He employs the German meaning of the term "culture." In this regard, "culture is the scientific and artistic management of nature" (Hocking, 1926, p. 34). The law is not only the goal of this culture but also its means. His model is the great German philosopher Hegel.

In his treatment of the law, Kohler transforms Hegel's reason into culture. We tend to concur with one of his reviewers that his "theory of law is more developed than his philosophical system" (Raz, 1998, p. 84). According to Raz (1998), evolution is the controlling factor in the law.

Consequently, there is no such thing as an eternal law. The legislation that is appropriate for one time is inappropriate for another. He advises us to endeavour to provide every culture with a legal system that corresponds to it, since there is no universally applicable, permanent law. He is vehemently opposed to the concept of natural law. With him, every rule is beneficial, manifesting itself in every culture and era. His major philosophy is evolution and culture, or "cultural advancement," as stated by another. No matter how strongly one may disagree with his claim that there is no such thing as natural justice or law, the same in all eras and among all people, one cannot deny the force of his argument that history demonstrates that law is influenced not only by the thought or spirit of the age, what Kohler calls "psychic life," but also by external circumstances; that its character in a country where people live on the plains may differ in many particulars from a country where people live in the mountains (Archibugi et al., 1998).

Köhler's examination of the law's aim in neutralising the effects of accident or chance is one of the most satisfying aspects of the book. Despite the fact that we cannot eliminate chance from the world, he contends that we can make it less destructive. He argues that chance is an alien factor in evolution, and

we should remove it wherever it tries to hurt us. According to Köhler (1916), the foundation of barter is the equalisation of value, and one of the most important methods of removing chance was the introduction of money so that everyone would have a standard of worth for barter and trade.

Worth reading is his discussion of the rights and responsibilities of the individual and society under the heading "Collectivism and Individualization." He argues that there must be a development of the individual with the highest possible training of the mental powers, but that humanity can only function collectively and that there must be a constant alternation between collectivism and individualism to make the highest possible (McGee Jr, 1970). The philosophical significance of the individual's right to make a will, according to him, lies in the increased importance of the individual relative to that of the family. How undiplomatic, he exclaims, are all laws based solely on prohibitions? We must combat human nature with human nature. In recent years, it has been believed that it is possible to enforce criminal law in such a way as to abandon all notions of justice; that this theory is supported by the argument that the offender is merely a creature of nature and is compelled to act according to his natural instincts; therefore, punishment is absurd, mediaeval, and antithetical to the spirit of modern times; and that the individual is the product of his or her environment. Kohler has little tolerance for this perspective on criminal law and criminal justice.

He states that the progression of criminal law should be guided by the following principles: (1) to distinguish and separate righteous punishment from all other consequences of the wrongdoing; and (2) to ensure that the wrongdoing is expiated by the appropriate punishment and that other corrective measures are also employed. According to him, punishment must adapt to humanity's demand for punishment. The legal process as a means of achieving justice has both benefits and drawbacks, the most significant negative being the inevitable delay in getting justice, which is sometimes comparable to its rejection (Palmer, 1990). Kohler is a pioneer among contemporary philosophers who are seeking to implement Hegel's principles. His studies on comparative legal history and philosophy are groundbreaking. He emphasises that the norms in the law should be ethical rather than material. In the last statement of the prologue to this book, he summarises this doctrine: "Materialism is dead; the philosophy of spirit is still alive" (Beiser, 2014).

According to this philosophy, nothing is ever resolved until it is settled properly. The major issues of all statesmanship cannot be resolved unless the efforts of the man of affairs and the man of ideas are unified toward a single goal. The law must help in cultivating seeds of culture and suppressing antithetical forces. However, it must be kept in mind that it often reaches its destination by a circuitous route and that it often must go through a lengthy, uncultured time. However, even such an era needs a legal structure. It will naturally want a code that is as similar as possible to its own state of not being cultured. A higher understanding of the law, on the other hand, tries to organise things so that periods that are against culture are shortened as much as possible, hostile tendencies are weakened, and normal progress happens more quickly.

The requirements of the law are prompted by the material and intellectual necessities of culture. The law should regulate and encourage both.

Simultaneously, material and intellectual culture must not be clearly divided but must exist in close proximity. The purpose of the legal order is the fulfilment of legal requirements. The components of culture arise in our collective unconsciousness, but initially they do not appear at all since they are engulfed in the whole mass of cultural tendencies, including law, conventions, manners, and religion.

The law is the norm of behaviour that comes from the total and is imposed on the individual as a result of the inner instinct that compels mankind toward a rational way of life. It is differentiated from morality, conventions, and religion as soon as obligatory criteria are separated from those involving just social amenity and not the possibility of being

unchallenged in society. The function of legal order is to ensure and promote the advancement of culture by shaping the rights and universal cultural values it defends in a manner that eliminates impediments and reinforces upward tendencies. And speculation is a combination of transactions undertaken with the intention of generating a profit from the entire process. For example, if one buys items and then resells them, he wants to sell them for a greater price than he paid for them. When he does both of these things, he is speculating. This is how he makes the rest of the money from the purchase after he has sold it again.

10. CULTURE AND LAW ITS PHILOSOPHICAL SPECULATIONS

The requirements of the legislation are the cultural requirements. The legislation must be structured such that it conforms to culture to the maximum extent possible. The law must be a tool for cultivating seeds of culture and suppressing antithetical forces. To understand culture, we only need to recall the practise of human sacrifice, the persecution of witches, and the ritual of duelling, which is still viewed by some as essential. These are the times when the law rises above the people and is particularly required to contend with the common mentality and prevent erroneous endeavours. The requirements of the law are prompted by the material and intellectual necessities of culture. The law is supposed to regulate and encourage both.

Simultaneously, material and intellectual culture must not be clearly divided but must exist in close proximity. Material culture must not go down pathways where the intellect cannot follow, where it would become irrational and infringe upon the moral norms of life in particular, for the absence of morality is the absence of reason. Recognizing the correct needs of the law and the skill of achieving these criteria with new legal constructions and reforms are required while contemplating these moments. The purpose of the legal order is the fulfilment of legal requirements.

All the elements of culture appear in our unconsciousness; in fact, originally, they did not appear at all, being engulfed in the whole mass of cultural tendencies: law, customs, manners, and religion, all of which form one unity that arises from the comprehensive activity of the many who, sometimes adhering to a standard, sometimes deviating from it, in countless details realise the impulse to fulfil the inner requirements of the law. The law is the norm of behaviour that comes from the total and is imposed on the individual as a result of the inner instinct that compels persons toward a reasonable form of existence. It is differentiated from morality, conventions, and religion as soon as obligatory criteria are distinguished from those involving just social amenity and not the possibility of staying unchallenged in society. In the course of evolution, the legal order emerges more and more as an order of rights, that is, a distribution of the benefits of life among humankind, and one of the essential responsibilities of the legal order is to safeguard these rights. But this is not its only function. It is also the guardian of cultural values that are not equally distributed among humanity but must be maintained for all of humanity, or at least the whole country, in order to ensure successful growth and encourage cultural endeavours.

It is the responsibility of the legal system to ensure and promote the advancement of culture by shaping the rights and universal cultural values that it safeguards in a way that removes impediments and strengthens upward tendencies. This is largely due to the method by which personality acquires modes of expression. The cultural forms of expression that are produced via the standards of law are referred to as "actions in the law," and a vast number of legal standards are liberty and power standards. The goal of laws is to make sure that material goods are shared in a way that helps and benefits people the most.

Consequently, such actions constitute a civilising influence, and their backing tends to develop culture. It is true that we cannot expect anyone involved in monetary transactions to assist mankind in this manner. These altruistic intentions would likewise be insufficient to motivate human action. Egoism, one of humanity’s main driving forces, is also necessary. Egoism in action does wonders. It boosts human intelligence and compels men to pursue new resources

ceaselessly. Thus, the legal order could not be more foolish than if it attempted to eradicate or even combat egoism, and it is therefore understandable that laws relating to human activity, particularly commercial law, are based on this egoism, as one of the most essential processes in history is the use of individual instincts to form the culture of the whole. The aim to assist society may be present as a tertiary motivation, but its significance is negligible. Objectively, however, external life must be changed such that it serves the objectives of culture; that is, it must simultaneously enhance the amount and utility of the world's products. If business is done any other way, it won't work and might even be harmful or corrupt.

In his metaphysical research, Josef Kholer describes the logical nature of an entire universe of reality. According to Kholer, the human mind is capable of understanding its perceptual abilities and how they function while receiving external sensations. The outcomes of our thought processes correspond with the external environment. Thus, Kohler created his theory of law as an explanation of the substantive substance conceivable in his theory of culture, as it contains many modern scientific ambitions. The Kohler system is one of these initiatives, and it is the most intriguing because of the numerous foundations on which it is based, including positivistic, historical, Hegelian, and teleological features. Kohler's opposes the concept of natural law without reservation. To him, there is no law other than the positive law that manifests itself in every culture and time period. Kohler takes the place of the dialectic process with two ideas that were popular at the time: evolution and culture, or more specifically, cultural development.

In Kholer's classic work, "Introduction to the Science of Law," he provides a panoramic picture of the whole field of law, which may be accomplished with the assistance of philosophy. The law and the controlling forces of culture are seen as effective forces of nature that surround us on all sides. The complete movements of contemporary philosophy of law examined in the context of one of its most prominent elements represent a merger of the concepts of domain and time in the eighteenth and nineteenth centuries. In this same book, there is a section that is basically an introduction to the philosophy of law, cultural development, the relationship between law and culture, legal order, and legal technique.

Law is the basic phenomenon of the moral universe, according to Kohler. In his conception of justice, he also offers a norm for the evaluation of positive law. The legislation must be structured such that it conforms to culture to the maximum extent possible. It must help in the development of cultural seeds and the suppression of anti-cultural components. However, it must be kept in mind that it often reaches its destination by a circuitous route and that it often must go through a lengthy, uncultured time. However, even such an era needs a legal structure. It will naturally desire a code that is as congruent as possible with its own uncultured state, while a higher understanding of the law aims to order matters in such a way that periods opposed to culture are shortened as much as possible, antagonistic tendencies are weakened, and the normal condition of progress is re-established more quickly. The requirements of the law are prompted by the material and intellectual necessities of culture. The law should regulate and encourage both. "At the same time, material and intellectual culture must not be sharply separated but must stand in close relation to each other." The fulfilment of legal necessities is the mission of the legal system.

The components of culture emerge in nave unconsciousness, although initially they do not exist at all, being encased in the whole mass of cultural impulses, including law, conventions, manners, and religion. The law is the norm of behaviour that comes from the total and is imposed on the individual as a result of the inner instinct that compels mankind toward a rational way of life. It is different from morality, social norms, and religion once obligatory criteria are separated from those that only involve social comfort and don't give people the chance to go through life without being challenged.

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