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Conceptual Article

Affirmation of Gustav Radbruch's Teachings on Law and Justice as a Cultural Products of Society (Philosophical Perspective)

FX. Adji Samekto[1*], Aditya Yuli Sulistyawan[1], Misako Shimotsuji[2]
[1]Faculty of Law, Universitas Diponegoro, Indonesia
[2]The Japan Foundation, Kuala Lumpur, Malaysia
[*]samektoadjifx@gmail.com

ABSTRACT

Gustav Radbruch's thought was profoundly influenced by various Neo-Kantian movements that flourished in Germany between 1900 and 1925, movements that sought to transcend the irreconcilable antitheses found within the teachings of Immanuel Kant. This paper aims to address the question of whether the construction of Gustav Radbruch's legal theory is rooted in Immanuel Kant's doctrine of the categorical imperative. The analysis concludes that Radbruch, as a Neo-Kantian, emphasized justice as the fundamental concept of law, positing that the essence of justice lies in equality among human beings.. Consequently, law can be understood as a set of rules aimed at realizing justice and legal certainty for the benefit of society. While justice as a legal ideal is universal, its manifestation in regulations and law enforcement must be contextual, as it requires consideration of the specific time and place in which the law is enacted and applied.These differing values influence societal culture, which in turn impacts the laws established by that society. Ultimately, this article concludes that, for Gustav Radbruch, culture constituted the patterns of behavior that serve as the source in the law formation within a society.

Keywords: Culture; Gustav Radburch; Justice; law; Philosophical Perspective.

A. INTRODUCTION

Gustav Radbruch (1878–1949) was born on November 21, 1878, in Lübeck, Germany, and died on November 23, 1949. He lived through an era in which Germany underwent two major convulsions: its participation in and defeat in the First World War (1914–1918), and its shift into a totalitarian state under Adolf Hitler beginning in 1933—a development that ultimately resulted in Germany's surrender to the Allied Powers in the Second World War (1939–1945). Gustav Radbruch is one of the influential legal philosophers in the development of *the Legal Positivism school of thought*, alongside John Austin (1790-1859) and Hans Kelsen (1881-1973). The teachings of these three legal philosophers influenced the development of teaching in the Legal Positivism school of thought, as in Indonesia, and countries that base their legal teaching and practice on Legal Positivism (Chroust, 1944; Radbruch et al., 2006). The teachings of Gustav Radbruch, as presented in Rechtsphilosophie, arise from a combination of three of his fundamental ideas. First, they draw on the philosophical school of Immanuel Kant. As an intellectual, Gustav Radbruch followed Immanuel

Kant's philosophy, known as Neo-Kantianism. Kant's teachings were developed steadily across works that captured his exceptional thinking especially *Critik der reinen Vernunft* (written in 1781), which was translated into English as Critique of Pure Reason. Gustav Radbruch's thinking was greatly influenced by the efforts of various neo-Kantian movements that developed in Germany in the early 1900s to 1925, which transcended the seemingly irreconcilable antithesis of Immanuel Kant's teachings, between *das sein* and *das sollen*; Second, it is impossible to strictly separate *das sein* (facts) from *das sollen* (should be) (Alexy, 2021). This is because, according to Gustav Radbruch, no human endeavor can be understood without reference to the ideas it seeks to realize (Vinx, 2025) Third, law as *a cultural phenomenon is value-related* (Friedman, 1960). Not many people discuss Gustav Radbruch's teachings as a proponent of Legal Positivism, that law and justice are products of culture (Hayvon, 2024; Luoma, 2025).

Several previous studies have examined the thought of Gustav Radbruch; for instance, an article by Matos discusses Radbruch's legal hermeneutics, which focuses more on the aspect of legal interpretation, particularly objective meaning (de Matos, 2016). It also differs from Borowski's article, which emphasizes legal obligations as reviewed from Radbruch's perspective, particularly in relation to *intolerable law* (Borowski, 2019; Sijilmassi et al., 2024). This article also differs from Bisogni's writing, which emphasizes the relationship between law, morality, and the social context of the law's enforcement (Bisogni, 2022). It also differs substantially from Zajadło's article, which concentrates on the axiological dimensions of Radbruch's views (Zajadło, 2023). All of the above articles differ greatly from the focus of this article, which is on the development of Gustav Radbruch's concepts in the Legal Positivism school of thought and the relationship between Gustav Radbruch's views and Immanuel Kant's teachings in *his* work *Critique of Pure Reason.* This article also examines the significance of culture for the development of law, as emphasized by Gustav Radbruch. This paper is in the realm of Legal Positivism studies, with a normative-philosophical approach, with the aim of affirming Gustav Radbruch's teachings that law and justice are manifestations of culture in society (Laurence, 2023).

This article aims to answer that, the construction of Gustav Radbruch's legal teachings is based on Immanuel Kant's teachings on *Imperative-categories*. An *imperative-categories* is a concept grasped by human reason as a command that must be acted upon because its truth is accepted.

Put differently, the basis of this conviction is located at the point where being and what ought to be come together: namely, the intersection of *das Sein* (reality) and *das Sollen* (normative imperatives). For Gustav Radbruch, reality and normative imperatives represent two domains that

cannot be rigidly separated. Radbruch argues that the convergence of reality and normative imperatives generates what is referred to as culture. In Radbruch's account, culture is an essential component in the development of law. The concept of law as a manifestation of culture serves as the foundation of his theory—developed from 1932 onwards and articulated in his work *Rechtsphilosophie* (Legal Philosophy).The discussion of Gustav Radbruch's ideas in this article is clearly very different from various other articles.

B. DISCUSSION

1. Categorical Imperative as the Highest Source of Law

As an intellectual, Gustav Radbruch was a follower of Immanuel Kant's philosophy, known as Neo-Kantianism (Adachi, 2023) Gustav Radbruch's thinking was greatly influenced by the Neo-Kantian movement that developed in Germany in the early 1900s to 1925, which transcended the seemingly irreconcilable antithesis of Immanuel Kant's teachings between *das sein* and *das sollen.*

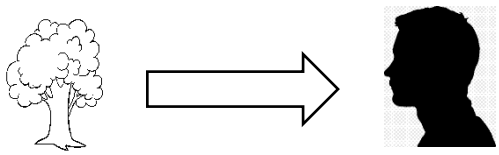
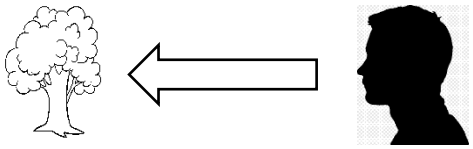
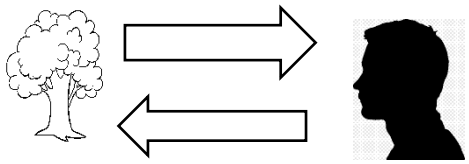
The Neo-Kantian school of thought originated from the teachings of Immanuel Kant (1724-1804), a German philosopher who lived during the transition from the Age of Enlightenment (17th century) to the Modern Era (post-French Revolution 1789) The space and time of that transition influenced his thinking, which was based on an appreciation of the position of humans as beings who are (not merely describing the world) but beings who are "able to change the world" with their sensory experiences and reason (Atkinson, 2013; Law, 2007; Weeks, 2014; Huijbers, 1982; Viktorahadi, 2024; Rolf, 2010; Ezedike, 2020; Barman, 2025)

Kant states that what happens in a society that exists in *a state* of *nature* is the pursuit of one's own desires by each individual. For Immanuel Kant, this state of nature can give rise to anarchy or chaos, since there is a conflict of desires among individuals and disagreements cannot be settled peacefully. At the same time, given (as Immanuel Kant argues) that human beings possess a character as social beings, people also tend to avoid conflict. For this reason, humans tend to leave the "*state of nature*" which has the potential to cause anarchy, and voluntarily submit themselves to something coercive, as long as that coercion is exercised by a *legitimate* authority. In this case, Immanuel Kant follows the teachings of philosopher John Locke on the idea of a social contract, that people (society) make a social contract with the state, whereby society based on its free will agree to surrender some of its freedom to the state in exchange for the state's protection of society (Atkinson, 2013; Petkova, 2019; Hamad & Mahdi, 2022; Borgohain, 2019)

In his teachings, Immanuel Kant explains that human knowledge of the universe is always the result of a synthesis between *a posteriori* and *a priori* elements, and that it can transcend the limits of the sensory realm. In Immanuel Kant's teachings, human knowledge that develops

internally consistently involves two components: sensibility, which is formed through sensory experience, and understanding, which is derived from reason. Thus, there is no knowledge that does not go through sensory experience and reason. Furthermore, Immanuel Kant states that the experiences obtained by humans are organized in the human mind based on categories, forming what Immanuel Kant calls *noumena* and *phenomena*.

Figure 1. Basic Construction of Human (Subject) Recognition of the Universe & Humans Based on Free Will

	**Empiricism** Knowledge comes from our sensory experience of objects. The source of truth comes from objects (Our knowledge comes from our experience of objects in the world, rather than our reason).
	**Rationalism** Knowledge originates from human reason regarding objects. The source of truth comes from human reason or the subject (Reason, not the senses, is where knowledge originates. The use of reason, rather than experience, leads to knowledge of objects in the world).
	**Transcendental Idealism** Reason and experience are essential for humans to understand and change the world (Both reason and experience were necessary to understand the world)

Source: Author's compilation

Based on this basic construct, we can understand Immanuel Kant's teachings on the categories of human knowledge of the universe, which culminate in the proposition of rational praxis known as *imperative categories.* To grasp the meaning of imperative categories, consider the following description: hypothetical imperatives indicate what humans should do when they wish to attain a particular goal. For instance, a hypothetical imperative states: "If you want people

to trust you, then don't lie." By contrast, imperative categories say: Do not lie! According to Immanuel Kant, the moral principle within humans already includes a category of morality that commands us not to lie (referred to as the moral imperative). So it is imperative-categorical thinking that actually commands humans about what they should or should not do.

Figure 2. Immanuel Kant's Teachings on Human Recognition of Nature Semester & Humans Based on Their Free Will

				Propositions of Practical Reason
			Theoretical Reason Proposition	Imperative Categories
		A Priori Propositions	Understanding categories:	
	Aposteriori propositions	Understanding categories:		
Sensory propositions	Understanding categories:			
Sensibility categories;				
The source of knowledge lies in empirical objects without involving interpretation by the human mind; Humans recognize reality outside themselves based on the	The source of knowledge lies in the human mind, which interprets empirical reality; Humans form relationships between empirical data, then make decisions; Phenomena: The realities or appearances that	Humans, based on their free will, form conclusions from their understanding in their minds (reason); Example: 8 + 8 = 16; All mice are rodents	Humans, based on their free will, interpret empirical reality based on cause-and-effect relationships; Humans do not merely understand, but begin to form conclusions based on cause-and-effect relationships from their previous	Humans, based on their free will, accept an obligation that binds them because they believe that obligation to be true; Example: That God exists and therefore humans must

senses (empirical);	are interpreted from our mind; Example: A person is seen laughing, so he must be happy;		understanding ( ); This forms the basis for the development of science; Example: Due to a reduction in water absorption, flooding occurs.	respect His existence; That humans must be placed in an equal position; That laws must be made based on agreement and must be obeyed for the sake of the continuity of life; That laws must be able to create justice;

Source: Author's compilation

According to Kant, we can determine our moral obligations by testing our principles against one basic categorical imperative: "Act only according to principles that you would also want to become universal laws" (practiced by everyone universally). In other words, for an action to be considered moral, the basic principle underlying that action must be universalizable. This principle must be one that can be embraced by everyone. Based on *Transcendental Idealist* dialectics, practical reason is the stage of human recognition of the universe that is imperative-categorical, where based on their free will, humans accept an obligation that they accept as truth.

2. Universality of Law: Justice

Immanuel Kant's teachings on the stages of human understanding of the universe, culminating in practical *reason*, became the source of Gustav Radbruch's legal teachings. Transcendental Idealist Dialectics, transformed in Gustav Radbruch's legal teachings, bases the idea of law on the belief in the categorical imperative stage, which is universal, that: (a) humans must be treated equally with other humans; (b) justice is the main idea of law, and therefore the law must be able to realize justice. In *Rechtsphilosophie,* Gustav Radbruch states that the core of the idea of law is justice (*the idea of law may only be justice*), and this idea refers to the concept of distributive justice (Tan, 2021; Sajó, 2024). For Gustav Radbruch, *the essence of* justice *is equality* (Serediuk & Dudar, 2024). Therefore, Radbruch asserts that justice is an essential element in legal teachings that must be realized in a society based on equality (Grishin, 2024). Justice as the idea behind law is universal

in nature. This means that wherever the idea behind law is to create justice (Li & Leidner, 2023).

Even though justice is the main idea behind law, the concept of law is juxtaposed with the values of certainty and usefulness. When explaining the concept of law, Gustav Radbruch argues that law must satisfy certain values to secure a life grounded in equality: namely, justice, purposiveness, and legal certainty. Therefore, for Gustav Radbruch, law is "*a complex of general precepts for the living-together of human beings, whose ultimate idea is oriented toward justice or equality*." (Leawoods, 2000; Bix, 2011; Tan, 2021; Spaak, 2008).

Based on an understanding of this philosophical background, within the framework of Gustav Radbruch's teachings, law is a set of rules intended to realize justice and legal certainty that benefits society (Verma, 2024). The implications are: *first*, to realize the value of justice, laws must be made based on the principle of equality, through a democratic process, and uphold the principle *of equality before* the law. Second, in order to achieve legal certainty and predictability, a legal regulation must be drafted in a coherent and clear way, must not permit any other interpretations, and must be formulated as a rule that is binding on everyone. This means that people will consider whether or not to do something, because they are able to anticipate the consequences of acting or not acting. This is the meaning of legal certainty that guarantees predictability. *Third*, the law must contain values of benefit, in other words, the content of a legal regulation is drafted to be enforced in such a way that it benefits the life of society as a whole, based on equality (Nnajiofor & Ifeakor, 2016; Arifin, 2022; Bloomfield, 2024).

3. Law and Justice as cultural products of a society

In his teachings, Immanuel Kant clearly distinguished between *das sein* and *das sollen*. However, for Gustav Radbruch, *das sein and das* sollen are two areas that cannot be clearly separated (Friedman, 1960; Rajpoot, 2023). In simple terms, *das sein* and *das sollen* cannot be separated in black and white, because for Gustav Radbruch, "*no* human *endeavor can be understood without relation to the idea it seeks to realize*." (Rajpoot, 2023). In line with Gustav Radbruch's teachings, an idea shapes the ways, approaches, and methods used to realize it. As Gustav Radbruch argues, the concept of law is justice within a society grounded in equality. Still, achieving justice can involve employing different ways, approaches, and methods. Justice as the idea behind law is universal in nature (meaning that wherever the idea behind law is, it is to create justice), but its realization is highly dependent on the spatial and temporal dimensions and the values embraced by a community (Swenson, 2018). Realizing justice in a society based on the rule of natural law, such as in Greek society or medieval society, is certainly different from the methods and procedures used in a society based on the rule of modern law. Realizing justice in a

society based on a liberal-individualistic social order is certainly different from the methods and procedures used in a society based on a communal social order. For Radbruch, justice is not simply an abstract legal doctrine; rather, it reflects the moral and ethical ideals of a community (Pinheiro & Bueno, 2023).

Based on this, culture (as a manifestation of the encounter between *das sollen* and *das sein*) is an important foundation in the formation of law in certain societies. In Gustav Radbruch's teachings, it arises from an *imperative-categorical* consciousness. The teaching that law is a manifestation of culture became the foundation of Gustav Radbruch's legal teachings, which he developed in 1932 and outlined in *Rechtsphilosophie.* Culture itself is never homogeneous, because culture is the subjectivity of a society that grows out of inner experiences and facts, and those experiences shape the values of a society. Legal culture aims to link legal matters to legal concepts, instead of treating them as separate or merging them. “The concept of law is a value; law is a reality tied to values, a cultural phenomenon” (Friedman, 1960). Radbruch’s view maintained that laws must align with the cultural values and ethical norms of their societies, thereby rejecting a strictly positivist reading of law. This claim highlights the intricate relationship between law and culture, since laws must not only govern, but also embody and help preserve the moral fabric of society (Alexy, 2015; Gegenava, 2022).

In Torben Spaak’s account, the relativism attributed to Radbruch is meta-ethical relativism. For him, morality is relative because it is always related to the space that surrounds it, beliefs, and even diverse human desires (Spaak, 2008). This means that there is no single view of morality. Laws or rules that are not based on moral values are considered flawed laws. The morality referred to by Radbruch in his discussion of law is justice. It is also stated that regulations will lose their essence as law if they are not based on the value of justice as *the idea of law*.

Dietmar Von De Pfordten stated that the *idea of law* written by Radbruch in his book *Rechtsphilosphie* refers to the *idea of law* put forward by Rudolf Stammler, who was the most influential legal philosopher in Germany before 1914 (Von Der Pfordten, 2008). This is evident in his definition of law, *namely, the reality the meaning of which is to serve the legal value, the idea of law, namely justice*. *For law, including positive law, cannot be otherwise defined than as a system and an institution whose very meaning is to serve justice* (Spaak, 2008; Tamanaha, 2021). The above definition of law shows that the purpose of law is to create justice as *the idea of law*. This value of justice should underpin all law enforcement systems and institutions that enforce the law, including legislation.

Radbruch argues that legislation ought to be grounded in the value of justice, since unjust laws will ultimately be carried out within society. Radbruch's statement also shows that, for

Radbruch, law should always be associated with moral , including justice (Saliger, 2004). In line with this statement, Heather Leawoods states that morality (justice) is the source of the binding force of a law (Leawoods, 2000) This shows that Radbruch considers morality, namely justice, as axiology, to be the basis for creating a legal rule.

This statement indicates that all formulation and application of legislation should be based on justice. Radbruch's understanding, which always links legislation and morality, shows that Radbruch was not a proponent of *the separation thesis* or the separation of law and morality (Paulson, 2011). Erik Wolf refers to this as Radbruch's rejection of a closed legal philosophy system or one that places law as a separate entity without being influenced by other things (Wolf, 1958) There are several very important points in Irma Shioshvilli's statement, namely: *first,* justice is related to culture. Radbruch states that *the idea of law,* namely justice, is a value, but law is a reality related to values, a cultural phenomenon (Leawoods, 2000).

Dietmar Von Der Pfordten states that *law in Radbruch's view is one decisive element of this mediating, value-relating sphere of culture and meaning* (Von Der Pfordten, 2008). This means that law, including justice, is related to culture and the meaning of society. Radbruch states that *empirical facts* are complex, or what he calls *natur der sasche*. This shows that reality cannot be viewed in a singular manner, so there is no universal law because every reality is complex and every society has its own characteristics.

Gustav Radbruch's view strongly emphasizes the relationship between *the normative system, culture, and social reality because culture is the meeting point between das sollen and das sein. In this case, the law embodies certain values for the sake of justice and social order.* Law exists not only to regulate human behavior but also to pay attention to the aspirations (ideas) that exist in society to achieve justice so that the legitimacy of law is formed by its cultural and ethical foundations. This is also what causes the existence of positive law to be in harmony with the values of society so that there is a relationship between the cultural conditions of that society and the law (Mertens, 2003). This is likewise evident in Brian Z Tamanaha's view that sound law must embody the customs, morality, rationality, and consent of the society in question.It is even said that the effectiveness of law is largely determined by its ability to reflect these four things (Tamanaha, 2018). Radbruch insisted that law cannot be fully divorced from the cultural context that produces it. He argued that laws should mirror the ethical standards common in society, thereby strengthening the claim that justice must align with the collective cultural awareness. His critique clarifies the constraints of legal positivism, showing that legal systems developed without regard for societal values are likely to produce injustice.

The connection between law and culture is not only reflective but also reciprocal. This corresponds to Radbruch's position that the idea of law arises from the cultural practices of society. Here, law grows in order to satisfy the social requirements of the relevant society. Within this reciprocal relationship, law is not static but dynamic, because it constantly changes in line with the conditions of the society concerned. Aparico also notes that law is a crucial element in cultural transformation. Dotsenko stresses that it is essential to understand law as an expression of shared human values for comprehending law as a cultural phenomenon. The ability of law to respond to cultural developments within society also shows that law is *context dependent.* At this point, it can be understood that justice is a universal value as stated by Immanuel Kant, but understanding and interpreting justice is highly dependent on the cultural conditions of the society concerned. Radbruch's understanding of law calls for attention to cultural and social values while not relinquishing the objective standards laid down by ethics, in line with a Kantian ideal. By combining universal ethical principles with culturally specific elements, this approach yields a legal framework that upholds both individual rights and collective values. Radbruch also highlights the cultural setting in which justice is embedded, indicating that legal ideas of justice develop as societal values and norms change. This aspect finds resonance in Kant's belief that ethical principles are grounded in shared human experience, allowing Radbruch to assert that law must be both just and reflective of societal aspirations (Isman, 2020; Firdaus, 2025)

For Radbruch, law is not merely a prescriptive rule because, according to him, law is closely related to the value of justice. In this context, in Radbruch's view, law does not derive its validity from the process of enactment by an authorized institution but from its harmony or conformity with morality, primarily justice as the highest morality. This is very evident in Gustav Radbruch's phenomenal work entitled *Statutory Law and Statutory Lawlessness*, which states that laws or rules such as those that existed during the Nazi era cannot be categorized as laws because they are extremely unjust or what he calls intolerable justice. Radbruch's famous assertion that an unjust law is not a law (lex injusta non est lex) encapsulates his argument against positivists. Gustav Radbruch recognized the limitations of positive law, arguing that law must be in harmony with the value of justice and also reflect the culture of the society in question. This principle reflects Kantian ethics by claiming that legality cannot exist alongside the absence of a corresponding moral basis. Radbruch's argument that laws should further justice aligns with Kant's conception of the moral law as an indispensable guide for human beings (Tkacz, 2020).

Gustav Radbruch's criticism of the Nazis clearly shows that law must also pay attention to human rights as something fundamental to human life. That is why Radbruch's criticism of the

Nazis is so important, because authoritarian governments that do not respect human rights will not be able to achieve justice. Radbruch's critiques highlight the necessity of contextualizing justice within historical frameworks. He argued against abstractions in legal theory that ignore the historical injustices societies have faced, thereby extracting law from its cultural roots (Renngur, 2026). This standpoint aligns with his overall philosophy that it is imperative to understand legal systems through the scope of cultural narratives and ethical considerations that evolve with time. Radbruch's experience during and after World War II illuminated the dangers of absolute legal positivism where the law could uphold heinous acts under the guise of legality. Here, he criticizes legal positivism for overlooking the ethical dimensions of legislation, extending Kant's demand that moral reasoning be integrated.

Justice and the cultural conditions of society are two things that are closely related in Gustav Radbruch's view because in the formation of law and the enforcement of fair law, the socio-cultural conditions of the society concerned must be taken into account. The Radbruch Formula sets out standards that an act must meet in order to be regarded as legally valid. If laws infringe the basic requirements of justice to an intolerable extent, they forfeit their legislative authority. This outlines a practical application of philosophical ethics in law, reinforcing the notion that law must serve as a vehicle for justice in alignment with the ethical fabric of society (Izzo, 2024; Al'anam, 2025) Radbruch's formulation encourages judges and legal practitioners to evaluate laws not just as static directives but as evolving constructs that must align with cultural understandings of justice. This outlook supports a dynamic approach to legal practice in which the application of contemporary legal standards must not overlook historical injustices and cultural contexts that continue to influence the legal difficulties of the present day. Drawing on the Kantian idea that legal actors (laws, judges, lawmakers) have moral responsibilities, Radbruch argued that legal systems must be evaluated with s based on their adherence to justice. Thus, he emphasized that laws lacking moral legitimacy should not be accepted. This brings to the author's attention Ronald Dworkin's position that, for justice to be achieved, two considerations are required: political preference and personal preference. Political preference denotes the capacity of the law to distribute resources fairly while also accounting for the interests of the disadvantaged. *Personal preference* is Dworkin's view that in order to achieve justice, the socio-cultural conditions of the society concerned must be taken into account. Gustav Radbruch's understanding of justice as a cultural phenomenon provides a profound perspective on the relationship between law and social values. By viewing justice as an expression of cultural values, shaped by morality, historical circumstances, and societal aspirations, he underscored the importance of a legal framework that adapts to and accurately reflects

the forces at work in contemporary society. This view remains significant in current debates about law, as legal systems around the world confront questions of justice, equality, and cultural identity in an increasingly globalized environment.

C. CONCLUSION

Gustav Radbruch's thinking was indeed influenced by the Neo-Kantian school of thought that developed in *Germany*, but his thinking went beyond the antithesis of Immanuel Kant's teachings. Based on this, he understood law as a reality that aims to realize *the idea of law* (justice). For him, all formulations and applications of law must be directed towards achieving this goal. For him, a legal analysis should consider the axiological dimension, the complexity of society, formal elements, and morality (Skuczyński, 2016).

Gustav Radbruch adopted Immanuel Kant's teachings on *imperative categories* as the highest stage of human understanding of the universe and humanity. *Imperative categories* are human thoughts that grow and are believed to be true by a person, and are binding on that person. Thus, imperative categories are subjective and exist in each individual. According to Immanuel Kant, it is this category of thought that will shape *values* in each individual. For Immanuel Kant, these values can be derived from basic principles if they can be universalized. However, for Gustav Radbruch, values cannot always be universalized because *they* grow within societies that are not always homogeneous. The values of a society that follows Thomas Hobbes' homo homini lupus doctrine may vary from those of a society that follows Adam Smith's homo homini socius doctrine. The values of a society that consistently incorporates religiosity into its social life will differ from those of a society that depends largely on rationality. These value differences shape a society's culture, which in turn affects the laws that society establishes.

The essence of law is justice in a society based on equality. Justice is universal in nature, but its realization depends heavily on *the values* of the local community. *Values* are the result of *transcendental idealistic* experiences, as an encounter between *das sollen* and *das sein*. Gustav Radbruch does not strictly separate *das sollen* from *das sein*, because no human endeavor can be understood without reference to the idea it seeks to realize. The culture of society (as a manifestation of the encounter between *das sollen* and *das sein*) is thus an important foundation in the formation of law.

Considering that justice is the main idea of law, for Gustav Radbruch, law must be built on the basis of values and morality in a particular social system.

Thus, the notion of rights and duties in law is not absolute, but instead depends strongly on the dimensions of space and time. From this perspective, culture shown through patterns of behavior is not simply an expression of how people understand legal rules and put them into

practice; rather, it reflects people's commitment to values that are taken to have the character of what are so-called imperative categories.

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