

Samuel I. Shuman

Legal Positivism
Its Scope and
Limitations

Legal Positivism Its Scope And Limitations

Sam Stuart



Legal Positivism Its Scope And Limitations:

Legal Positivism Samuel I. Shuman, 1963 **ABA Journal**, 1964-03 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association

Kazimierz Opalek Selected Papers in Legal Philosophy Jan Wolenski, 2013-06-29 Philosophical aspects of law and jurisprudence are investigated from various points of view This collection represents the analytic approach to legal philosophy However this approach is not extreme in the sense that it is limited exclusively to linguistic matters The concept of norm as a directive of conduct is the central category analyzed in particular essays The structure of directives as well as their semantic and pragmatic roles are studied Pragmatic functions of directives are linked with their functioning as speech acts Moreover existence and validity of norms are analyzed The author also touches on general methodological problems of legal theory and philosophy particularly their relations to social sciences The collection covers material interesting for philosophers lawyers and social scientists

A Sociological Theory of Law Niklas Luhmann, 2013-10-30 Niklas Luhmann is recognised as a major social theorist and his treatise on the sociology of law is a classic text For Luhmann law provides the framework of the state lawyers are the main human resource for the state and legal theory provides the most suitable base from which to theorize on the nature of society He explores the concept of law in the light of a general theory of social systems showing the important part law plays in resolving fundamental problems a society may face He then goes on to discuss in detail how modern positive as opposed to natural law comes to fulfil this function The work as a whole is not only a contribution to legal sociology but a major work in social theory With a revised translation and a new introduction by Martin Albrow

Mr. Justice Black and His Critics Tinsley E. Yarbrough, 1988 Many jurists give lip service to the idea that judicial interpretation of constitutional provisions should be based on the intent of the framers Few if any have been as faithful to that conception as Hugo Black a U S Senator from Alabama Once on the court he played a leading role in establishing freedom of speech and other guarantees the interpretation he and others believed were warranted by the language and intent of the framers Late in his career however Black s commitment to literalism and intent led him to assume apparently conservative positions in civil liberties cases The author analyzes Black s judicial and constitutional philosophy as well as his approach to specific cases through the eyes of Black s critics and through an assessment of scholarly opinion of his jurisprudence from book jacket

The Concept of Ideals in Legal Theory Sanne Taekema, 2002-12-31 Talk about law often includes reference to ideals of justice equality or freedom But what do we refer to when we speak about ideals in the context of law This book explores the concept of ideals by combining an investigation of different theories of ideals with a discussion of the role of ideals in law A comparison of the theories of Gustav Radbruch and Philip Selznick leads up to a pragmatist theory of legal ideals which provides an interesting new position in the debate about values in law between legal positivists and natural law thinkers Attention for law s central ideals enables us to understand law s autonomous character

while at the same time tracing its connection to societal values Essential reading for anyone interested in the role of values or ideals in law *Minobe Tatsukichi* Frank O. Miller,2023-04-28 This title is part of UC Press s Voices Revived program which commemorates University of California Press s mission to seek out and cultivate the brightest minds and give them voice reach and impact Drawing on a backlist dating to 1893 Voices Revived makes high quality peer reviewed scholarship accessible once again using print on demand technology This title was originally published in 1965 *History of International Law · Foundations and Principles of International Law · Sources of International Law · Law of Treaties* Sam Stuart,2014-05-12 History of International Law Foundations and Principles of International Law Sources of International Law Law of Treaties Truyol y Serra's Doctrines of International Law Robert Kolb, Inspired by Antonio Truyol y Serra s classic work *Doctrines sur le fondement du Droit des gens* this book offers a fully revised and updated examination and discussion of the various doctrines forming the foundations of international law It offers an accessible insight into the theoretical background of the various legal constructions that characterize the relationship between both international and national legal orders **Legal Positivism** Samuel I. Shuman,2014-03 This is a reproduction of a book published before 1923 This book may have occasional imperfections such as missing or blurred pages poor pictures errant marks etc that were either part of the original artifact or were introduced by the scanning process We believe this work is culturally important and despite the imperfections have elected to bring it back into print as part of our continuing commitment to the preservation of printed works worldwide We appreciate your understanding of the imperfections in the preservation process and hope you enjoy this valuable book *Status of Law in International Society* Richard A. Falk,2015-03-08 Professor Falk gives special attention to the political setting that shapes international law and to the creation of those intellectual perspectives which would strengthen world order Originally published in 1970 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905 **One Hundred Twentieth-Century Philosophers** Stuart Brown,Diane Collinson,Dr Robert Wilkinson,Robert Wilkinson,2008-02-20 One Hundred Twentieth Century Philosophers offers biographical information and critical analysis of the life work and impact of some of the most significant figures in philosophy this century Taken from the acclaimed Biographical Dictionary of Twentieth Century Philosophers the 100 entries are alphabetically organised from Adorno to Zhang Binglin and cover individuals from both continental and analytic philosophy The entries have an identical four part structure making it easy to compare and contrast information comprising biographical details a bibliography of major works a listing of relevant secondary and critical literature an appraisal of the philosopher s thoughts and achievements A separate glossary provides

an introduction to the origins development and main features of major philosophical schools and movements and offers select bibliographies to guide the reader to further research

Moral Perspectives Kim Chong Chong,1992 While interdisciplinary work on morality has largely been confined to a dialogue between psychologists and philosophers on the one hand and economists and philosophers on the other this volume brings together papers from a wider field than is usual in looking at the nature of morality Three of these are about moral education three others discuss the relation between morality on the one hand and law economics and psychiatry on the other two more are concerned with relativism and the role of the personal in morality Those with an academic interest in the subject of morality as well as lawyers psychologists educationalists and other general readers should find the contents of this book interesting and thought provoking

The Philosophy of Law in Historical Perspective Carl Joachim Friedrich,1963 Michigan Law Review ,1964-03

Philosophy of Law John Finnis,2011-04-07 This volume of John Finnis s collected essays shows the full range and power of his contributions to the philosophy of law The volume collects over 20 papers on the foundations of law s authority major theories and theorists of law legal reasoning revolutions rights and law and much more

The Positivist Science of Law Keekok Lee,1989

Facing the Limits of the Law Erik Claes,Wouter Devroe,Bert Keirsbilck,2009-04-21 Many legal experts no longer share an unbounded trust in the potential of law to govern society efficiently and responsibly They often experience the limits of the law as they are confronted with striking inadequacies in their legal toolbox with inner inconsistencies of the law with problems of enforcement and obedience and with undesired side effects and so on The contributors to this book engage in the challenging task of making sense of this experience Against the background of broader cultural transformations such as globalisation new technologies individualism and cultural diversity they revisit a wide range of areas of the law and map different types of limits in relation to some basic functions and characteristics of the law Additionally they offer a set of strategies to manage justifiably law s limits such as dedramatising law s limits conceptual refinement constructivism striking the right balance between different functions of the law seeking for complementarity between law and other social practices

Rights and Private Law Donal Nolan,Andrew Robertson,2011-12-02 In recent years a strand of thinking has developed in private law scholarship which has come to be known as rights or rights based analysis Rights analysis seeks to develop an understanding of private law obligations that is driven primarily or exclusively by the recognition of the rights we have against each other rather than by other influences on private law such as the pursuit of community welfare goals Notions of rights are also assuming greater importance in private law in other respects Human rights instruments are having an increasing influence on private law doctrines And in the law of unjust enrichment an important debate has recently begun on the relationship between restitution of rights and restitution of value This collection is a significant contribution to debate about the role of rights in private law It includes essays by leading private law scholars addressing fundamental questions about the role of rights in private law as a whole and within particular areas of private law

The collection includes contributions by advocates and critics of rights based approaches and provides a thorough and balanced analysis of the relationship between rights and private law

Conceptual Jurisprudence Jorge Luis Fabra-Zamora, Gonzalo Villa Rosas, 2021-09-01 This book brings together leading legal theorists to present original philosophical work on the concept of law the central question of jurisprudence It covers five broad topics firstly it addresses debates concerning the methodology of jurisprudence In Part II it focuses on the notion of a legal system and its coercive nature while Part III explores the relationships between law and morality the traditional point of contention between positivist and non positivist theories of law Part IV then examines questions regarding law s normative character and relationships with practical reason Lastly the final part introduces two novel theoretical approaches to conceptual jurisprudence

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