

LEGAL NATURALISM



A Marxist
Theory of Law

OLÚFÉMI TÁÍWÒ

Legal Naturalism A Marxist Theory Of Law

Ngoc Son Bui



Legal Naturalism A Marxist Theory Of Law:

Legal Naturalism Olufemi Taiwo,1996-01-18 Olufemi Taiwo argues that embedded in the corpus of Marxist writing is a plausible adequate and coherent legal theory In this sophisticated well written book he describes Marx s general concept of law which he calls legal naturalism For Marxism natural law isn t a permanent verity it refers to the basic law of a given epoch or social formation which is an essential aspect of its mode of production *Legal Naturalism* Olufemi Taiwo,2015-11-12 Legal Naturalism advances a clear and convincing case that Marx s theory of law is a form of natural law jurisprudence It explicates both Marx s writings and the idea of natural law and makes a forceful contribution to current debates on the foundations of law Olufemi Taiwo argues that embedded in the corpus of Marxist writing is a plausible adequate and coherent legal theory He describes Marx s general concept of law which he calls legal naturalism For Marxism natural law isn t a permanent verity it refers to the basic law of a given epoch or social formation which is an essential aspect of its mode of production Capitalist law is thus natural law in a capitalist society and is politically and morally progressive relative to the laws of preceding social formations Taiwo emphasizes that these formations are dialectical or dynamic not merely static so that the law which is naturally appropriate to a capitalist economy will embody tensions and contradictions that replicate the underlying conflicts of that economy In addition he discusses the enactment and reform of positive law law established by government institutions in a Marxian framework [Finnish Yearbook of International Law, Volume 21, 2010](#) Jan Klabbbers,2012-12-05 The Finnish Yearbook of International Law aspires to honour and strengthen the Finnish tradition in international legal scholarship Open to contributions from all over the world and from all persuasions the Finnish Yearbook stands out as a forum for theoretically informed high quality publications on all aspects of public international law including the international relations law of the European Union The Finnish Yearbook publishes in depth articles and shorter notes commentaries on current developments book reviews and relevant overviews of Finland s state practice While firmly grounded in traditional legal scholarship it is open for new approaches to international law and for work of an interdisciplinary nature The Finnish Yearbook is published for the Ius Gentium Association the Finnish Society of International Law by Hart Publishing Earlier volumes may be obtained from Martinus Nijhoff an imprint of Brill Publishers Further information may be found at www.fybil.org INDIVIDUAL CHAPTERS Please click on the link below to purchase individual chapters from Volume 21 through www.ingentaconnect.com SUBSCRIPTION TO SERIES To place an annual online subscription or a print standing order through Hart Publishing please click on the link below Please note that any customers who have a standing order for the printed volumes will now be entitled to free online access www.hartjournals.co.uk/fyil/subs *Formalism, Decisionism and Conservatism in Russian Law* Mikhail Antonov,2020-11-09 This volume examines the elements of formalism and decisionism in Russian legal thinking and also the impact of conservatism on the interplay of these elements The actual conservative narratives about the distinctiveness of Russian law reveal certain

features of the intellectual culture that is transmitted in legal education scholarship and practice These narratives are based on the idea of sovereignty understood as legal omnipotence of the state References to sovereignty justify the requirement of legality in the sense of fidelity to the letter of the law They also often serve as a rationale for crafting exceptions to constitutional non discrimination principles as they are applied to political religious sexual and other minorities

Legal Reform in the Contemporary Socialist World Ngoc Son Bui, 2024-08-12 *Legal Reform in the Contemporary Socialist World* explores four decades of legal reform in the socialist countries of China Vietnam Laos North Korea and Cuba from a comparative perspective Spanning the late 1970s to the present it examines various projects methods strategies contents driving forces and limitations of legislative reform administrative reform judicial reform and reform of the legal profession Legal reform in these countries is the project of the political elite to improve the legal system while retaining its core socialist principles It is carried out through legislative enactments amendments and replacements which the political elite adopt using incremental strategies to reform the legal system sporadically or systematically Socialist legal reform is animated by the political aspiration to create the rule of law the impact of social economic change and the influence of transnational and comparative law Despite significant reforms the socialist principles of the legal systems in these countries largely remain intact This legal reform however varies considerably by country *Legal Reform in the Contemporary Socialist World* offers a holistic view of understudied jurisdictions in comparative law essential for anyone studying or working in these areas in law politics or policy

Revisiting Marx's Critique of Liberalism Igor Shoikhet, 2019-12-26 *Revisiting Marx's Critique of Liberalism* offers a theoretical reconstruction of Karl Marx's new materialist understanding of justice legality and rights through the vantage point of his widely invoked but generally misunderstood critique of liberalism The book begins by reconstructing Marx's conception of justice and rights through close textual interpretation and extrapolation The central thesis of the book is firstly that Marx regards justice as an essential feature of any society including the emancipated society of the future and secondly that standards of justice and right undergo transformation throughout history The book then tracks the enduring legacy of Marx's critique of liberal justice by examining how leading contemporary political theorists such as John Rawls Jürgen Habermas Axel Honneth and Nancy Fraser have responded to Marx's critique of liberalism in the face of global financial capitalism and the hollowing out of democratically enacted law The Marx that emerges from this book is therefore a thoroughly modern thinker whose insights shed valuable light on some of the most pressing challenges confronting liberal democracies today

Critical Realism and Marxism Andrew Brown, Steve Fleetwood, John Michael Roberts, 2003-09-02 This book examines the relationship between critical realism and Marxism The authors argue that critical realism and Marxism have much to gain from each other This is the first book to address the controversial debates between critical realism and Marxism and it does so from a wide range of disciplines The authors argue that whilst one book cannot answer all the questions about the relationship between critical realism and Marxism this book does provide some

significant answers In doing so Critical Realism and Marxism reveals a potentially fruitful relationship deepens our understanding of the social world and makes an important contribution towards eliminating the barbarism that accompanies contemporary capitalism

The Oxford Handbook of World Philosophy Jay L. Garfield, William Edelglass, 2011-05-23

The Oxford Handbook of World Philosophy provides the advanced student or scholar a set of introductions to each of the world's major non-European philosophical traditions It offers the non-specialist a way in to unfamiliar philosophical texts and methods and the opportunity to explore non-European philosophical terrain and to connect her work in one tradition to philosophical ideas or texts from another Sections on Chinese Philosophy Indian Philosophy Buddhist Philosophy East Asian Philosophy African Philosophy and Recent Trends in Global Philosophy are each edited by an expert in the field Each section includes a general introduction and a set of authoritative articles written by leading scholars designed to provide the non-specialist a broad overview of a major topic or figure This volume is an invaluable aid to those who would like to pursue philosophy in a global context and to those who are committed to moving beyond Eurocentrism in academic philosophy

A Companion to African Philosophy Kwasi Wiredu, 2008-04-15 This volume of newly commissioned essays provides comprehensive coverage of African philosophy ranging across disciplines and throughout the ages Offers a distinctive historical treatment of African philosophy Covers all the main branches of philosophy as addressed in the African tradition Includes accounts of pre-colonial African philosophy and contemporary political thought

Marx on Capitalism James Furner, 2018-09-24 In Marx on Capitalism James Furner offers a new answer to the fundamental question of Marxism can a thesis connecting capital the state and classes with the desirability of socialism be developed from an analysis of the commodity The Interaction Recognition Antinomy Thesis is anchored in a systematic retranslation of Marx's writings It provides an antinomy-based strategy for grounding the value of social humanity in working class agency facilitates a dialectical derivation of political representation and condemns capitalism as unjust without appeal to rights

An Introduction to African Legal Philosophy John Murungi, 2013-04-11 A book on legal philosophy necessarily focuses attention on law In addition to this focus An Introduction to an African Legal Philosophy focuses attention on philosophy The link between law and philosophy is brought into relief which is done through an African context An attempt is made to spell out what is African about legal philosophy without being cut off of African legal philosophy from non-African legal philosophy The book draws attention to the view that a basic component of African legal philosophy consists of an investigation of what it is to be an African and because an African is a human being among other human beings the investigation is about what it is to be a human being Ubuntuism is an African derived word that captures this mode of being human Moreover because human beings are cultural beings African cultural context guides the investigation Inescapably it is claimed that every legal philosophy is embedded in a culture African legal philosophy is not an exception It is deeply rooted in African culture a culture that is today shaped in part by a European colonialist culture One feature that will strike one as one reads the book is

that the book approaches African legal philosophy as a means of decolonization of African culture African legal philosophy can accomplish this intelligently and effectively if it is itself decolonized In doing this it contrasts sharply with mainstream Western legal philosophy *Against the Law* David Renton,2022-07-12 One of Britain's leading barristers argues for a world in which the law should play a smaller part in all our lives Understanding the main political projects of our times and their plans to expand or shrink the law is the first step towards achieving greater equality and averting climate disaster Since 2016 Britain has been ruled by populists who promise to expand democracy and shrink the law by taking back power from the European Union Yet what these populists have actually done in power is institute a vast increase in new laws made by ministers and not Parliament regulating every aspect of our lives This move of promising less law while actually expanding it has been characteristic of our lives for forty years ever since the neoliberal counter revolution Every year new criminal offences are created new regulations are introduced Renton's book dares us to imagine a world in which workers are winning and ecocide treated with the urgency that it deserves These changes can only come about he argues if the movements of the oppressed choose to disengage from the law **Distinguishing the Righteous from the Roguish** J.W. Looney,2016-08-01 During the period from 1836 to 1874 the legal system in the new state of Arkansas developed amid huge social change While the legislature could and did determine what issues were considered of importance to the populace the Arkansas Supreme Court determined the efficacy of legislation in cases involving land titles banks transportation slavery family law property debt contract criminal law and procedure Distinguishing the Righteous from the Roguish examines the court's decisions in this era and shows how Arkansas as a rural slave holding state did not follow the transformational patterns typical of some other states during the nineteenth century Rather than using the law to promote broad economic growth and encourage social change the Arkansas court attempted to accommodate the interests of the elite class by preserving the institution of slavery The ideology of paternalism is reflected in the decisions of the court and Looney shows how social and political stability an emphasis on preserving the status quo of the so called righteous came at the expense of broader economic development **Regulation Theory and Australian Capitalism** Brett Heino,2017-11-22 The end of the post World War II long boom in the mid 1970s proved the beginning of a process of political economic change that has fundamentally transformed labour law both in Australia and across the developed world more generally This is a phenomenon with deep ramifications for social justice The dissolution of productive industry the fragmentation of employment categories the rise of profound employment precarity and an increasingly hostile legal environment for trade unionism have been of immense significance for key social justice issues including income inequality the rise of a new working underclass and the marginalization of organised labour By combining the concepts of the Parisian Regulation Approach with an explicitly Marxist jurisprudence this study offers a theoretically rigorous yet empirically sensitive account of legal transition with key case studies in the metal food processing and retail sectors Given the similar development logic of post World War II

capitalism in Western societies this theory although operationalised in the Australian context can be used in the effort to explain labour law change more broadly The Aesthetics of Free Speech J. Roberts, 2003-12-09 The Aesthetics of Free Speech Rethinking the Public Sphere is one of the first books to theoretically explore the relationship between free speech and the public sphere By drawing upon Marxist theory the author John Michael Roberts demonstrates how liberal theorists frequently construct an abstract aesthetic of rational cultivated and competent discussion which then serves as a norm through which certain utterances can be humiliated and excluded from participating fully within the public sphere However the author also shows how excluded utterances develop their own aesthetic of free speech and how this aesthetic then comes back to haunt the bourgeois public sphere **A Short History of African Philosophy, Second Edition** Barry

Hallen, 2009-09-03 A Short History of African Philosophy discusses major ideas figures and schools of thought in philosophy in the African context While drawing out critical issues in the formation of African philosophy Barry Hallen focuses on recent scholarship and relevant debates that have made African philosophy critical to understanding the rich and complex cultural heritage of the continent This revised edition expands the historical perspective takes account of recent discoveries and new canonical figures highlights new discussions about gender as a cultural and philosophical phenomenon clarifies issues regarding indigenous cultures and human rights and builds on the notion that African philosophy shares methods and concerns of philosophy worldwide This short reference is an essential resource for students scholars and general readers

Socialism: The Only Practical Alternative to Contemporary Capitalism Tatah Mentan, 2012 Since the end of World War II global capitalism spearheaded by US financial interests and backed by the most lethal military force that has ever been assembled has consolidated its power over the world economy In the past decades especially transnational corporations have tightened their control over national governments and international institutions The imposition of free trade policies and the increasing privatization of social services have facilitated the accumulation of fabulous wealth for the owners of capital at the expense of working people and the environment worldwide Contemporary capitalism now dominates every major sector of the world economy The social and environmental costs of contemporary capitalism are prohibitive The global megatrends of rising inequality and absolute poverty political instability and global climate change all compounded and accelerated by this predatory mode of production are adversely affecting the lives and threatening the future of every inhabitant of nations and the entire world In view of these megatrends and the current global economic crisis the conclusion that contemporary capitalism does not serve the interests of the vast majority of the people on the planet and is both economically and environmentally unsustainable is self evident History offers harsh lessons The political violence of the 20th century which resulted in an estimated 200 million deaths and untold economic and environmental destruction cautions us to work for socialism in the 21st century with every means at our disposal except violence Facing the awful power and willingness of capitalism to coerce and corrupt we must find ways to make soft power prevail Clearly a revolution is in order it is time to

place the socialist alternative on the national and world agenda

The Holy Roman Empire and the Ottomans Mehmet Sinan Birdal, 2011-07-30 Charles V's Holy Roman Empire and Suleyman I's Ottoman Empire were the most significant empires of the early modern era. Both rulers exercised global power as the leaders of the universal *res publica Christiana* and *dar es Islam* respectively, both subject to exploits of lavishness, extravagance, and self-indulgence with respect to their demonstrations of power and world dominance. The most obvious example of this was Charles V's crowning as the Holy Roman Emperor by Pope Clement V, which included a procession of 20 cardinals, 400 papal guards, and 300 knights, as well as a commemorative painting by Parmigianino that depicted Charles being handed the globe by the infant Hercules while being crowned with laurel by Fame. The modality of power reflective of aristocratic society and exhibited by both Charles V and Suleyman I is one of many different styles of leadership, and Mehmet Sinan Birdal here explores how these power modalities determine the performance of a state in foreign politics and the emergence of the dominant unit in the state system. This book examines the Habsburgs and Ottomans' transformation from medieval empires with claims of global domination to absolutist nations that recognized the sovereignty of others. In fact, the Austro-Hungarian Empire and Austria's Enlightened Despotism developed from the Holy Roman Empire, while the Ottoman Empire, through modernization and reform, became the present-day Republic of Turkey. Drawing upon the teachings of Habermas and the Frankfurt School, as well as original historical sources, Birdal uses the doctrine of legitimation as the theoretical basis for political authority in *The Holy Roman Empire and the Ottomans*, creating a revisionist work that is an invaluable read for historians, international relations specialists, and political scientists alike.

Does the U.S. Need a Truth and Reconciliation Commission? Olufemi Táíwò, 2023-05-31 Written from the perspective of a philosopher and African immigrant, this book makes a forceful moral argument for the need for a Truth and Reconciliation Commission (TRC) in the United States to address the long history of injustice to African Americans. It shows that a TRC similar to those established in South Africa and Chile would rescue the ideals embodied in the U.S. Constitution while expanding their promise. Rejecting more recent views of the country's founding as an embodiment of incorrigible racial oppression, Olufemi Táíwò sees in the U.S. Constitution and the original utopia that was at its foundation the best available means for achieving liberty and justice. But he simultaneously shows how only a TRC can successfully open the path to moving the U.S. past its long legacy of anti-black racism, in particular racial oppression generally towards a more perfect union. Written with an immigrant's love of his new homeland but a clear-eyed view of its major shortcomings, the book rejects the idea of American exceptionalism in prescribing a solution that has worked elsewhere.

Key Features A clear view of the wide chasm between the ideals established at the U.S.'s founding and the subsequent society that developed. Combines first-person experiences of the author with close readings of modern political philosophy. Weaves Du Bois, Martin Luther King Jr., Derrick Bell, and others. Traces the link between the denial of citizenship to Blacks, both historically and today, and anti-Black violence. Shows how an obsession with the law and legal reform will never adequately

address the fundamental problem of anti Black oppression Shows philosophically the necessity of establishing a consensual view of the truth and how it must precede any effective reconciliation **The New Hegelians** Douglas Moggach, 2006-03-27

The period leading up to the Revolutions of 1848 was a seminal moment in the history of political thought demarcating the ideological currents and defining the problems of freedom and social cohesion which are among the key issues of modern politics This 2006 anthology offers research on Hegel's followers in the 1830s and 1840s With essays by philosophers political scientists and historians from Europe and North America it pays special attention to questions of state power the economy poverty and labour as well as to ideas on freedom The book examines the political and social thought of Eduard Gans Ludwig Feuerbach Max Stirner Bruno and Edgar Bauer the young Engels and Marx It places them in the context of Hegel's philosophy the Enlightenment Kant the French Revolution industrialization and urban poverty It also views Marx and Engels in relation to their contemporaries and interlocutors in the Hegelian school

Reviewing **Legal Naturalism A Marxist Theory Of Law**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Legal Naturalism A Marxist Theory Of Law**," an enthralling opus penned by a highly acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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