
Laws Quandary Smith Steven D

book notes: laws quandary, by steven d. smith - book notes laws quandary. by steven d. smith. cambridge, mass.: harvard university press, 2004. pp. xiv + 179. notes, index. \$45.00 hardcover. by jo-anna brimmer in law's quandary, steven smith explores the dilemma facing the legal profession-whether legal discourse is just words. modern legal **review of steven d. smith's law's quandary** - steven smith takes us on a lively, thought-provoking romp through the philosophy of law. like most romps, it has no destination, but the experience is worth it. although smith protests at the outset of law's quandary that he is "a law professor, not a metaphysician (or even a philosopher)," he cannot **law, natural law, and human intelligence: living the ...** - steven smith is led to wonder whether we are capable of law anymore. law's quandary occupies a place in that small circle of works in jurisprudence that could actually matter to our living. i consider the gravamen of law's quandary to be, first, that many of the terms, operative presuppositions, and practices by which we act in the **law and economics: is there a higher law?** - law and economics: is there a higher law? kenneth g. elzinga* in his book, law's quandary, steven d. smith describes how difficult it would be to explain to a visitor from another planet what "the law" is like.' there is no simple person or document to point to and say, "this is the law," **higher law questions: a prelude to the symposium** - higher law questions: a prelude to the symposium steven d. smith* this conference asks us to consider two questions that are unusual for an academic conference in our time. they might have seemed like unusual questions in earlier times as well-but for a different reason: the answers **montesquieu's mistakes and the true meaning of separation** - nicholas quinn rosenkranz, steven smith, and participants in a colloquium at the university of illinois college of law. 2 charles de secondat, baron de montesquieu, the spirit of the laws (nugent translation), rev'd ed., 1873 (first published 1748), bk xi, ch. vi, 174. montesquieu's mistakes and the true meaning of separation **north carolina law review** - 5. steven smith, law's quandary 62 (2004). 6. id. 7. the reference to the metaphysics of retroactivity is intended as a paean to a recent book that is both important and charming, law's quandary, by harvard law professor steven smith. the "quandary" is the tension between, on the one hand, the near- **legal commitments and religious commitments** - [vol. 44: 69, 2007] legal commitments and religious commitments san diego law review "formalist," but smith's is a twenty-first-century realism open to the full range of human experience. it is an enormous contribution to self reflection in law that he accurately and vividly describes as stymied for **natural law originalism for the twenty-first century - a ...** - see smith, supra note 2, at 54 (discussing idea of "judge-made law"). justice story, writing for the court in swift v. tyson, 41 u.s. 1, 18 (1842), rejected the idea that decisions by the courts constituted laws: in the ordinary use of language, it will hardly be contended, that the decisions of courts constitute laws. **perelman's theory of argumentation and natural law** - smith contends that there is "at least a strong prima facie case that modern legal discourse is operating in a sort of 'ontological gap' that di vi des our expl ici t or owned ont ol ogi cal com mi tment s (whi ch prec lude us from recogn izi ng the real ity of 'the law' [that perelman's theory of argumentation and natural law **the first amendment implications of sexting at public ...** - pornography laws (provided the photos are of students under eighteen). in some cases, the students are branded as sex offenders-a stigma they will likely carry for most of their lives. in essence, the zero tolerance approach to teenage sexuality as expressed through sexting has had dreadful consequences for

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