

**THE INVISIBLE ORIGINS OF LEGAL POSITIVISM: A
RE-READING OF A TRADITION (LAW AND
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Pauline Merk

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The due process Clauses of the Fifth and Fourteenth Amendments incorporate this positivist value by mandating that all persons receive notice of any pending legal actions against them so that they can prepare an adequate defense. In a legal system run in strict accordance with positivist tenets, litigants would never be unfairly surprised or burdened by the government imposition of an unwritten legal obligation that was previously unknown and nonexistent.

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The Determinative Sense of Natural Laws. Violence and the Constitution of the Institutions. It is a conception that deserves serious consideration as the positivist model and the practices of actual librarians and users begin to lose touch with each .

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