

Roscoe pound on social engineering

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With his aims the sociological jurist must be in thorough accord. Stammer considered the universal element in every rule to be the adjustment between the individual purposes and the unitary purposes of society. Since the latter are ideal purposes, it is impossible to apply the conception of harmonize them to any particular time and place. ' Thus, he deduces them a priori from a harmonious void of empirical content and impossible of application to concrete problems. These ideological constructs are the ultimate basis for discriminating just law from unjust law.

Stammer posits his community as an ideal abstract one, which he terms a special community," one where this harmonize of conflicting purposes could ideally take place according to principles drawn from pure reason. Thus the " Principles of Just Law," free of all empirical content, are in direct contrast to the juror postulates of Rose Pound. ' Joseph Osler's great postulate was that law is relative to the civilization of the time and place. He denied any universal body of legal rules or institutions but insisted on the universal idea of civilization.

The mission of law is the advancement of civilization through the forcible ordering of society. Law is relating to civilization. Changing with changed conditions, it is a means to and a product of civilization, which means the social development of human powers to their highest unfolding. Koehler believed that the idea of civilization pervades an aggregate of individuals as a deterministically active force for its advancement. Thus the evolution of civilization toward a higher state is inevitable.