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To General Theory of Legal Norms

The humanities study not actual human behavior, but normative behavior corresponding to deontological modalities. Thus, the notion of norm is the base of any humanitarian knowledge, in particular, philosophy of law. In the report semiotics approach to definition of norms is discussed. Using results of investigations of norms by P. Pagin (1), R. Wedgwood (2), and A. Wikforss (3) I define a norm as definite way of presentation of referent (subject meaning), or meaning (or sense) of sign (according to Gottlob Frege). Norm is fix link between designating and designated. That definition of norm allow to describe norms in different spheres of human being such as thought, sensuality and behavior.

Offered approach allows to solve a problem of construction of the synthetic or integrative theory of law (Petrazhitsky L., Berman J., Hall J., etc.). I prove the thesis that synthesis of various legal concepts demands an exit out of limits of competence of legal beliefs. In this regard I offer the general concept of norms which would allow to describe norms in three fundamental law concepts such as natural, normative and sociological one.

The semiotics theory of norms allows to give the original classification of norms based on different relations of a subject to itself, to Another as an object, and to Another as a subject. These norms, respectively, are designated as norms "for itself", norms "for Another" and norms "with Another". Accordingly different kinds of norms are connected with different types of human activity. Creativity is a process of birth of a subject of knowledge as a unity of existing and due. In the process of creativity a person generates norms "for itself", and one generates itself as normative being. Here a norm is characterized by coincidence, identity of designating and designated (that is peculiar to a symbol). Human rights are such kind of norms. In situations when a person attitudes to Another as to an object of management, regulations, it generates norms "for Another». In this kind of norms a designating determines a designated. Austin's command theory of law has bear in mind just this kind of norms. Finally in communicative acts their agents are independent individuals who in communicative activity on the basis of processes of an equivalent exchange by services give rise to common norms "with Another". In this type of norms a designated determines a designating. Offered classification of norms allows to show ontological independence of three fundamental concepts of law - natural, positivistic and sociological one. These concepts are "coordinates" of modern law. And the semiotics concept of norms allows to see common features of process of formation of various norms and to prove idea about existence of uniform generative structure of a human normativity.

References

1. Pagin P. Ideas for a Theory of Rules. Stockholm, 1987.
2. Wedgwood R. The Nature of Normativity. Oxford, 2007.
3. Wikforss Å. Semantic Normativity // Philosophical Studies. January 2001. N 102. P. 203-226.