

The Logic of Liberal Rights

A Study in the Formal Analysis of Legal Principles

Eric Heinze

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Logic Of Liberal Rights

Matthew Festenstein



Logic Of Liberal Rights:

The Logic of Liberal Rights Eric Heinze, 2004-02-24 The Logic of Liberal Rights uses basic logic to develop a model of argument presupposed in all disputes about civil rights and liberties No prior training in logic is required as each step is explained This analysis does not merely apply general logic to legal arguments but is also specifically tailored to the issues of civil rights and liberties It shows that all arguments about civil rights and liberties presuppose one fixed structure and that there can be no original argument in rights disputes except within the confines of that structure Concepts arising in disputes about rights like liberal or democratic are not mere abstractions but have a fixed and precise character This book integrates themes in legal theory political science and moral philosophy as well as the philosophy of logic and language For the advanced scholar the book provides a model presupposed by leading theoretical schools liberal and critical positivist and naturalist For the student it provides a systematic theory of civil rights and liberties Examples are drawn from the European Convention in Human Rights but no special knowledge of the Convention is assumed as the issues analysed arise throughout the world Such issues include problems of free speech religious freedom privacy torture unlawful detention and private property

The Logic of Constitutional Rights Eric Heinze, 2017-09-08 Individual rights raise endless conflicts and spawn intricate standards and policies Increasing involvement by courts has added still greater complexity It would seem that few meaningful principles can unite an area of law plagued by such uncertainty In this book the author argues that a fixed structure underlies that complexity determining the kinds of arguments that can be made about individual rights Examples are drawn from the world's oldest and most intricate body of law on civil rights and liberties the case law of the United States Supreme Court Yet the model is designed to account for any legal system that recognizes civil rights and liberties The author applies techniques of logical analysis although no prior knowledge of logic is required to identify a deeper discursive structure He shows how simple concepts of harm and consent which do not ordinarily appear to be relevant in all cases provide unity within and across regimes of individual rights

Civil Society and Political Theory Jean L. Cohen, Andrew Arato, 1994-03-29 In this first serious work on the theory of civil society to appear in many years Jean Cohen and Andrew Arato contend that the concept of civil society articulates a contested terrain in the West that could become the primary locus for the expansion of democracy and rights In this major contribution to contemporary political theory Jean Cohen and Andrew Arato argue that the concept of civil society articulates a contested terrain in the West that could become a primary locus for the expansion of democracy and rights

A Critique of Adjudication [fin de Siècle] Duncan Kennedy, 2009-06-01 A major statement from one of the foremost legal theorists of our day this book offers a penetrating look into the political nature of legal and especially judicial decision making It is also the first sustained attempt to integrate the American approach to law an uneasy balance of deep commitment and intense skepticism with the Continental tradition in social theory philosophy and psychology At the center of this work is the question of how politics

affects judicial activity and how in turn lawmaking by judges affects American politics Duncan Kennedy considers opposing views about whether law is political in character and if so how He puts forward an original distinctive and remarkably lucid theory of adjudication that includes accounts of both judicial rhetoric and the experience of judging With an eye to the current state of theory legal or otherwise he also includes a provocative discussion of postmodernism Ultimately concerned with the practical consequences of ideas about the law *A Critique of Adjudication* explores the aspects and implications of adjudication as few books have in this century As a comprehensive and powerfully argued statement of a critical position in modern American legal thought it will be essential to any balanced picture of the legal political and cultural life of our nation

Universal Human Rights in Theory and Practice Jack Donnelly, 2003 4 Choice of Means **The Logic of Equality** Eric Heinze, 2018-05-08 This title was first published in 2003 *The Logic of Equality* proposes a formal logical method for examining the indeterminacy of legal discourse using the example of the non discrimination norm It shows that the indeterminacy of a legal concept does not mean that it is completely chaotic the indeterminacy of the non discrimination norm arises out of and presupposes a determinate formal structure which remains fixed and constant both within and across jurisdictions regardless of institutional or doctrinal differences To illustrate the argument cases are presented from a variety of jurisdictions including the United States Supreme Court the European Court of Human Rights the European Court of Justice and the German Constitutional Court The book is aimed at theorists who are interested in the analysis of legal discourse including comparative legal scholars and those who specialise in human rights and or discrimination law

Philosophy and the Politics of Animal Liberation Paola Cavalieri, 2016-09-13 This edited collection testifies to the fact that the animal liberation movement is now entering its political phase after a period dominated by ethical approaches that undermined the paradigm of human supremacy and demanded justice for nonhuman beings The contributors of this book collectively confront and take on questions of social transformation guided by the idea that philosophy has an important role to play even at such a new level They start from such diverse perspectives as critical theory left liberalism and biopolitical thought The result is an articulated picture in which beyond any principled divergence it is possible to detect the emergence of a relevant set of shared political preoccupations This exploration of those offers fresh theoretical insights and suggestions for praxis *Political Theory* Eddy Asirvatham | KK Misra, 1995 This text is a classic in Indian political literature as the original author belongs to the Idealist school of great political thinkers such as T H Green and Bosanquet It is a comprehensive treatise on basic structure of established political theories be it Bosanquet s idealistic theory of the State to liberal and anti idealist view as expressed by L T Hobhouse to the Marxian theory of the State The textbook follows an ideological approach where it rejects the attitude of those behaviouralists who place undue emphasis on methods techniques and skills rather than on first principles and value judgements it is developed for the undergraduate students of Political Science Pass and honours courses Aspirants of various competitive examinations such as Civil Services Examination and

state public service commission examinations will also find the book extremely useful Recognition, Work, Politics
Jean-Philippe Deranty, Danielle Petherbridge, John Rundell, 2007 Recognition Work Politics includes a range of essays in contemporary French critical theory around politics recognition and work and their philosophical articulations These issues are addressed from directions that include post structuralism the paradigm of the gift recognition theory and post marxism

Theory and Structure in International Political Economy Charles Lipson, Benjamin J. Cohen, 1999 The first of two anthologies on international political economy drawn from articles published in the journal International Organization

Political Theory In Transition Noel O'Sullivan, 2013-07-04 During the past two decades there has been increasing dissatisfaction with established political categories on the grounds that they no longer fit many of the facts of contemporary life or adequately express many contemporary political ideals Political Theory in Transition explores the principal reasons for this dissatisfaction and outlines some of the most influential responses to it Key features of this textbook covers many of the important areas in political theory including Communitarianism Identity Feminism Liberalism Citizenship Democracy Power Authority Legitimacy Nationalism Globalization and the Environment includes chapters written by some of the foremost authorities in the field of political theory divided into four useful sections beginning with the concept of the individual and progressing to beyond the nation state *Logics of War* Therese Feiler, 2019-12-12 The modern ethics of war is a field of

disparate competing voices based on often unexplored theological and metaphysical assumptions Therese Feiler approaches them from the borderline area between systematics philosophical theology and religious studies With reference to G W F Hegel s and like minded thinkers theo logic that negotiates Christ s mediation and immanent dialectics Feiler identifies the logic and problem of mediation as the core concern of political ethics Feiler unites five representative authors from now disparate strands of contemporary just war ethics testing whether they offer a meaningful possibility of mediation and subsequent reconciliation a sovereign realist and a cosmopolitan idealist a rationalist individualist an idealist Christian ethicist and finally an evangelical theologian Opening the just war debate for comparative critical engagement Feiler creates a fascinating study that locates a dynamic point at which faithful free political action can be wrestled from irony tragedy and melancholic inertia in the face of totalitarian suffocation **Post-Islamist Political Theory** Meysam Badamchi, 2017-06-22

This book deals with the concept of post Islamism from a mainly philosophical perspective using political liberalism as elaborated by John Rawls as the key interpretive tool What distinguishes this book from most scholarship in Iranian studies is that it primarily deals with the projects of Iranian intellectuals from a normative perspective as the concept is understood by analytical philosophers The volume includes analyses of the strengths and weakness of the arguments underlying each thinker s ideas rather than looking for their historical and sociological origins genealogy etc Each chapter develops a particular conjectural argument for the possibility of an overlapping consensus between Islam and political liberalism though the arguments presented draw upon different Islamic particularly Shia resources Thus while Shabestari and Soroush

primarily reason from a modernist theological or kalami perspective M H Tabatabai and Mehdi Haeri Yazdi s arguments are mainly based on traditional Islamic philosophy and Quranic exegesis While Kadivar An Naim and Fanaei are post Islamist in the exact sense of the term Malekian goes beyond typical post Islamism by proposing a theory for spirituality that constrains religion within the boundaries of enlightenment thought Throughout the book specific attention is given to Ferrara and March s readings of political liberalism Although the book s chapters constitute a whole they can also be read independently if the reader is only curious about particular intellectuals whose political theories are discussed

Cultural Studies and Political Theory Jodi Dean,2018-10-18 This ambitious collection of work at the intersection of cultural studies and contemporary political theory brings together leading thinkers from both traditions Challenging the terms that have shaped the last 20 years of culture wars the essays in Cultural Studies and Political Theory reject the accusations of the right that everything is political and of the left that politics is everything They respond with an alternative with an exploration of processes of politicization and culturalization that asks what does it mean for something to be political In affirming that there are different answers to this question the contributors to Cultural Studies and Political Theory expand definitions of politics in light of transformations in globally networked consumer driven mediated technoculture Comprehending the production of the political is crucial at a time when the political and the cultural can no longer be decoupled and when we cannot know in advance who we are By gathering the work of theorists who are redefining approaches to politics and culture Jodi Dean establishes a set of directives for theoretical work at a new crossroads

The Right to Exclude Justin Desautels-Stein,2023 This book will provide an accessible introduction to the important role of race and racism in international law explain the racialization of today s border controls and question the conventional history that celebrates the success of antidiscrimination in the international human rights regime

Encyclopedia of Communication Theory Stephen W. Littlejohn,Karen A. Foss,2009-08-18 The Encyclopedia of Communication Theory provides students and researchers with a comprehensive two volume overview of contemporary communication theory Reference librarians report that students frequently approach them seeking a source that will provide them with a quick overview of a particular theory or theorist just enough to help them grasp the general concept or theory and its relation to the discipline as a whole Communication scholars and teachers also occasionally need a quick reference for theories Edited by the co authors of the best selling textbook on communication theory and drawing on the expertise of an advisory board of 10 international scholars and nearly 200 contributors from 10 countries this work finally provides such a resource More than 300 entries address topics related not only to paradigms traditions and schools but also metatheory methodology inquiry and applications and contexts Entries cover several orientations including psycho cognitive social interactional cybernetic and systems cultural critical feminist philosophical rhetorical semiotic linguistic and discursive and non Western Concepts relate to interpersonal communication groups and organizations and media and mass communication In sum this encyclopedia offers the student of

communication a sense of the history development and current status of the discipline with an emphasis on the theories that comprise it *International Political Theory* Kimberly Hutchings, 1999-11-03 A lucid comprehensive analysis of normative approaches to international relations and an original contribution to critical theory Andrew Linklater University of Keele Hutchings combines a valuable account of the current state of the art with a lucid exposition of her own highly distinctive position This will be required reading for students in international political theory and indeed anyone interested in normative issues in international relations Chris Brown London School of Economics and Political Science Providing an invaluable overview of the competing schools of thought in traditional and contemporary international theory this book seeks to path the way forward for new ways of thinking about international political morality First the role and place of normative theory in the study of international politics is explained before a discussion of mainstream approaches within international relations and applied ethics Here the student is introduced to the central debates between realists and idealists and cosmopolitans and communitarians Second the conceptual challenges of contemporary approaches in critical theory postmodernism and feminism are outlined and then used as a platform to develop the author s own Hegelian Foucauldian approach for doing normative international theory Third the insights drawn from each approach are applied to the study of two key topics in contemporary theoretical debate the right to self determination and the idea of cosmopolitan democracy and conclusions drawn for transcending the theoretical deadlock in international relations Accessibly written and wide ranging this text will quickly become essential reading for all students and academics of politics and international relations seeking a deeper understanding of the underlying tensions and future potential of international theory today Pragmatism and Political Theory

Matthew Festenstein, 1997-12-22 Pragmatism has enjoyed a considerable revival in the latter part of the twentieth century but what precisely constitutes pragmatism remains a matter of dispute In reconstructing the pragmatic tradition in political philosophy Matthew Festenstein rejects the idea that it is a single cohesive doctrine His incisive analysis brings out the commonalities and shared concerns among contemporary pragmatists while making clear their differences in how they would resolve those concerns His study begins with the work of John Dewey and the moral and psychological conceptions that shaped his philosophy Here Festenstein lays out the major philosophic issues with which first Dewey and then his heirs would grapple The book s second part traces how Dewey s approach has been differently developed especially in the work of three contemporary pragmatic thinkers Richard Rorty Jurgen Habermas and Hilary Putnam This first full length critical study of the relationship between the pragmatist tradition and political philosophy fills a significant gap in contemporary thought

The Political Theory of John Gray John Horton, Glen Newey, 2013-10-28 John Gray is one of today s most brilliant bestselling and controversial political thinkers This new collection examines him from a variety of stimulating angles This new volume comprising original contributions from a number of distinguished political theorists in addition to a reply by Gray himself is the first book to systematically review the general significance of his work He is much cited and discussed within

political and social theory but he also has a much wider audience being one of those quite rare creatures in British academic life a public intellectual writing regularly for the quality press and appearing on both radio and TV His books sell in large numbers *Straw Dogs* reached the top five in The Sunday Times bestseller list and was very widely reviewed in broadsheets and weeklies It was extravagantly praised by Will Self and chosen by novelist Monica Ali as her book of the year This book was previously published as a special issue of the leading *Critical Review of International Social and Political Philosophy*

Handbook of Political Theory Gerald F Gaus, Chandran Kukathas, 2004-07-15 This volume combines remarkable coverage and distinguished contributors The inclusion of thematic conceptual and historical chapters will make it a valuable resource for scholars as well as students Professor George Klosko Department of Politics University of Virginia This major new Handbook provides a definitive state of the art review to political theory past and present It offers a complete guide to all the main areas and fields of political and philosophical inquiry today by the world's leading theorists The Handbook is divided into five parts which together serve to illustrate the diversity of political theorizing the substantive theories that provide an overarching analysis of the nature or justification of the state and political life the political theories that have been either formulated or resurgent in recent years the current state of the central debates within contemporary political theory the history of western political thought and its interpretations traditions in political thought outside a western perspective The Handbook of Political Theory marks a benchmark publication at the cutting edge of its field It is essential reading for all students and academics of political theory and political philosophy around the world

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