

The Limits of Legitimacy

Dissenting Opinions,
Media Coverage, and Public Responses
to Supreme Court Decisions



Michael A. Zilis

Limits Of Legitimacy

Gopal Sreenivasan



Limits Of Legitimacy:

The Limits of Public Choice Lars Udehn,2002-09-11 Public choice has been one of the most important developments in the social sciences in the last twenty years However there are many people who are frustrated by the uncritical importing of ideas from economics into political science Public Choice uses both empirical evidence and theoretical analysis to argue that the economic theory of politics is limited in scope and fertility In order to arrive at a more comprehensive understanding of political life political scientists must learn from both economists and sociologists

Law and the Technologies of the Twenty-First Century Roger Brownsword,Morag Goodwin,2012-06-14 A clear and comprehensive introduction for students studying key regulatory challenges posed by technologies in the twenty first century Co authored by a leading scholar in the field with a new scholar to the area it combines comprehensive knowledge with a fresh perspective Essential reading for students of law and technology

The Limits of Legitimacy Alan Wolfe,1980

EU Executive Discretion and the Limits of Law Joana Mendes,2019 This edited collection analyses how the law governs and should govern the exercise of discretion by the EU s executive powers in light of post 2010 developments which have expanded such powers

Setting Limits Fairly Norman Daniels,James E. Sabin,2008 In its first edition *Setting Limits Fairly* stimulated considerable work on setting priorities in health care both here and abroad The second edition adds new material to the book including a new chapter on the international response to accountability for reasonableness and two new chapters on applications of the approach in developing countries and in human rights approaches to health

BOOK JACKET

The Limits of Judicial Independence Tom S. Clark,2010-11-22 This book investigates the causes and consequences of congressional attacks on the US Supreme Court arguing that the extent of public support for judicial independence constitutes the practical limit of judicial independence First the book presents a historical overview of Court curbing proposals in Congress Then building on interviews with Supreme Court justices members of Congress and judicial and legislative staffers the book theorizes that congressional attacks are driven by public discontent with the Court From this theoretical model predictions are derived about the decision to engage in Court curbing and judicial responsiveness to Court curbing activity in Congress The Limits of Judicial Independence draws on illustrative archival evidence systematic analysis of an original dataset of Court curbing proposals introduced in Congress from 1877 onward and judicial decisions

Righting Health Policy D. Robert MacDougall,2022-02-23 In *Righting Health Policy* D Robert MacDougall argues that bioethics needs but does not have adequate tools for justifying law and policy Bioethics tools are mostly theories about what we owe each other But justifying laws and policies requires more at a minimum it requires tools for explaining the legitimacy of actions intended to control or influence others It consequently requires political rather than moral philosophy After showing how bioethicists have consistently failed to use tools suitable for achieving their political aims MacDougall develops an interpretation of Kant s political philosophy On this account the legitimacy of health laws does not derive from the morality of the behaviors they

require but derives instead from their role in securing our equal freedom from each other MacDougall uses this Kantian account to show the importance of political philosophy for bioethics First he shows how evaluating kidney markets in terms of the legitimacy of prohibiting sales rather than the morality of selling kidneys reverses the widely accepted view that Kantian philosophy supports legally prohibiting markets Second MacDougall argues that an account of political authority is necessary for settling longstanding bioethics debates about the legal and even moral standards that should govern informed consent

International Encyclopedia of Human Geography ,2009-07-16 The International Encyclopedia of Human Geography provides an authoritative and comprehensive source of information on the discipline of human geography and its constituent and related subject areas The encyclopedia includes over 1 000 detailed entries on philosophy and theory key concepts methods and practices biographies of notable geographers and geographical thought and praxis in different parts of the world This groundbreaking project covers every field of human geography and the discipline s relationships to other disciplines and is global in scope involving an international set of contributors Given its broad inclusive scope and unique online accessibility it is anticipated that the International Encyclopedia of Human Geography will become the major reference work for the discipline over the coming decades The Encyclopedia will be available in both limited edition print and online via ScienceDirect featuring extensive browsing searching and internal cross referencing between articles in the work plus dynamic linking to journal articles and abstract databases making navigation flexible and easy For more information pricing options and availability visit http://info.sciencedirect.com/content/books/ref_works coming Available online on ScienceDirect and in limited edition print format Broad interdisciplinary coverage across human geography Philosophy Methods People Social Cultural Political Economic Development Health Cartography Urban Historical Regional Comprehensive and unique the first of its kind in human geography

The Outer Limits of European Union Law Catherine Barnard,Okeoghene Odudu,2009-03-05 A commonly expressed view is that the citizens and the Member States are destined to be overcome by the European Union There is a sense that the Union of today is not what was intended to be created or acceded to by the Member States or its citizens The Outer Limits of European Union Law brings together a diverse group of legal scholars to consider aspects of EU substantive constitutional and procedural law in a manner highlighting the many senses in which the European Union is or can be limited and so demonstrating that the fear of being overcome is largely a false fear By exploring the mechanisms and devices used to limit the European Union the contributors also reveal not only the strengths of the various limits but also and more crucially the weakness of the limits thereby demonstrating that the prospect of being overcome may be a genuine risk to be guarded against By considering general themes eg legitimacy and core subject areas eg policing free movement of goods remedies the book reveals the various techniques used by the Court of Justice Community institutions and Member States to define and modify the outer limits of the European Union and European Union Law

Copyright, Limitations, and the Three-step Test Martin Senftleben,2004-01-01 The book includes viable

restatements of the rationales of copyright protection for the emerging IP environment new insights into the relationship between copyright protection and copyright limitations in depth explanation of the structure and functioning of the three step test detailed interpretations of each criterion of the test discussion of the two WTO panel reports dealing with the test a proposal for the further improvement of the copyright system and the international rules governing copyright law detailed information about international conference material concerning the test and discussion of potential future trends in copyright law The author provides many examples that demonstrate the test s impact on different types of limitations such as private use privileges and the U S fair use doctrine He explains the test s role in the European Copyright Directive

The Boundaries of the Criminal Law R.A. Duff,2010-11-11 This is the first book of a series on criminalization examining the principles and goals that should guide what kinds of conduct are to be criminalized and the forms that criminalization should take The first volume studies the scope and boundaries of the criminal law asking what principled limits might be placed on criminalizing behaviour

The Limits of Legitimacy Michael Zilis,2015-09-22 An exploration of how sensationalist reporting which emphasizes dissenting opinions and dramatizes complex legal issues fosters public controversy and influences citizens reactions to Supreme Court decisions

The Routledge Handbook of Criminal Justice Ethics Jonathan Jacobs,Jonathan Jackson,2016-07-01 The enormous financial cost of criminal justice has motivated increased scrutiny and recognition of the need for constructive change but what of the ethical costs of current practices and policies Moreover if we seriously value the principles of liberal democracy then there is no question that the ethics of criminal justice are everybody s business concerns for the entire society The Routledge Handbook of Criminal Justice Ethics brings together international scholars to explore the most significant ethical issues throughout their many areas of expertise anchoring their discussions in the empirical realities of the issues faced rather than applying moral theory at a distance Contributions from philosophers legal scholars criminologists and psychologists bring a fresh and interdisciplinary approach to the field The Handbook is divided into three parts Part I addresses the core issues concerning criminal sanction the moral and political aspects of the justification of punishment and the relationship between law and morality Part II examines criminalization and criminal liability and the assumptions and attitudes shaping those aspects of contemporary criminal justice Part III evaluates current policies and practices of criminal procedure exploring the roles of police prosecutors judges and juries and suggesting directions for revising how criminal justice is achieved Throughout scholars seek pathways for change and suggest new solutions to address the central concerns of criminal justice ethics This book is an ideal resource for upper undergraduate and postgraduate students taking courses in criminal justice ethics criminology and criminal justice theory and also for students of philosophy interested in punishment law and society and law and ethics

Critical Issues in Social Theory John K. Rhoads,1991 Critical Issues in Social Theory is an analytical survey of persistent controversies that have shaped the field of sociology It defines clarifies and proposes solutions to these critical issues through commentary on the writings of such

influential social theorists as Hobbes Marx Durkheim Weber Mead Merton Parsons and Schutz Instead of being just another history or another classification of theories Rhoads s four part model allows him to focus attention on issues that remain at the core of sociological theory today First Rhoads analyzes the controversy over positivism as the proper methodological model for the study of human society Is there one science of which sociology is a branch or do the peculiarities of sociology s subject matter require a modification of the scientific method borrowed from the natural sciences Rhoads next considers the relationship of individuals to society and its structures Does society have a mode of existence distinct from its members or is it merely an abstraction derived from the characteristics of individuals Third a discussion of social order raises the question of whether social order is the consequence of rules and their underlying moral values or the product of continuous construction based on self interest Finally the relative importance of consensus and conflict in social relationships is addressed Is society better understood as a community united by beliefs values and rules or is the social dynamic of continual conflict over beliefs values and rules more fundamental In coming to grips with these issues the author in some instances takes sides and in others arrives at a synthesis of diverse perspectives In the final chapter he points to the limitations on the possibility of rational action that come to light in the clashes over these basic issues

The Limits of Lockean Rights in Property Gopal Sreenivasan,1995 In this book Gopal Sreenivasan provides a comprehensive interpretation of Locke s theory of property and offers a critical assessment of that theory Locke argued that the appropriation of things as private property does not violate the rights of others provided that everyone still has access to the materials needed to produce their subsistence Given that the actual appropriation of particular things is legitimated by one s labor Holding Locke s theory to the logic of its own argument Sreenivasan examines the extent to which it is really serviceable as a defense of private property He contends that a purified version of this theory one that adheres consistently to the logic of Locke s argument while excluding considerations extraneous to it does in fact legitimate a form of private property This purified theory is defensible in contemporary secular terms since nothing to which Locke gives an ineliminable theological foundation belongs to the logical structure of his argument The resulting regime of private property is both substantially egalitarian and significantly different from the traditional liberal institution of private property

Pathological Counterinsurgency Samuel R. Greene,2018-06-29 Pathological Counterinsurgency critically examines the relationship between elections and counterinsurgency success in third party campaigns supported by the United States From Vietnam to El Salvador to Iraq and Afghanistan many policymakers and academics believed that democratization would drive increased legitimacy and improved performance in governments waging a counterinsurgency campaign Elections were expected to help overcome existing deficiencies thus allowing governments supported by the United States to win the hearts and minds of its populace undermining the appeal of insurgency However in each of these cases campaigning in and winning elections did not increase the legitimacy of the counterinsurgent government or alter conditions of entrenched rent seeking and weak institutions that

made states allied to the United States vulnerable to insurgency Ultimately elections played a limited role in creating the conditions needed for counterinsurgency success Instead decisions of key actors in government and elites to prioritize either short term personal and political advantage or respect for political institutions held a central role in counterinsurgency success or failure In each of the four cases in this study elected governments pursued policies that benefited members of the government and elites at the expense of boarder legitimacy and improved performance Expectations that democratization could serve as a key instrument of change led to unwarranted optimism about the likely of success and ultimately to flawed strategy The United States continued to support regimes that continued to lack the legitimacy and government performance needed for victory in counterinsurgency

An Introduction to Religion and Politics Jonathan Fox,2013-05-07 An Introduction to Religion and Politics offers a comprehensive overview of the many theories of religion and politics and provides students with an accessible but in depth account of the most significant debates issues and methodologies Fox examines the ways in which religion influences politics analyses the current key issues and provides a state of the art account of religion and politics highlighting the diversity in state religion policies around the world Topics covered include Secularism and secularization Religious identity Religious worldviews beliefs doctrines and theologies Religious legitimacy Religious institutions and mobilization Rational and functional religion Religious fundamentalism Conflict violence and terror This work combines theoretical analysis with data on the religion policies of 177 governments showing that while most of the world s government support religion and many restrict it true neutrality on the issue of religion is extremely rare Religion is becoming an inescapable issue in politics This work will be essential reading for all students of religion and politics and will also be of great interest to those studying related subjects such as comparative politics international relations and war and conflict studies

The Social Contract Rediscovered Wenwei Guan,2025-06-30 The Social Contract Rediscovered conducts a critical analysis of the historical evolution of legitimacy tracing its development from natural law to positive law and finally to post modern critiques It fills a scholarly gap by addressing the overlooked aspect of the consent process The book begins with a recap of the historical development of social contract theory It draws from a broad base of jurisprudential and social theories to think through how social contract s rise and fall forms an integral part of legitimacy s modernization process from the Enlightenment driven Industrial Revolution s global proliferation to the end of the 20th century It then integrates discussion of consensus construction at three levels private contract legitimacy national development consensus and global modern exchange mechanism in the late 20th century Rather than ask how state legitimacy is constructed in social contract theory the book asks what role an individual plays in the process of consensual legitimacy construction This individual oriented perspective calls for a jurisprudential construction of process legitimacy and consensual legitimacy s onto epistemological integrity Providing a new perspective on the social contract this book will interest scholars of private law international trade and development law

A Text-book on Practical Obstetrics Egbert Henry Grandin,George Wallace

Jarman,1900 **Failed Statebuilding** Oliver Richmond,2014-01-01 Western struggles and failures to create functioning states in countries such as Iraq or Afghanistan have inspired questions about whether statebuilding projects are at all viable or whether they make the lives of their intended beneficiaries better or worse In this groundbreaking book Oliver Richmond asks why statebuilding has been so hard to achieve and argues that a large part of the problem has been Westerners failure to understand or engage with what local peoples actually want and need He interrogates the liberal peacebuilding industry asking what it assumes what it is getting wrong and how it could be more effective

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