

# JUSTIFICATION

## NOMOS XXVIII

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# Justification Nomos 28

**Geoffrey Brennan, Loren E. Lomasky**



## **Justification Nomos 28:**

**Justifying Law** Raymond Belliotti, 1994-01-25 A comprehensive assessment of traditional and contemporary legal thought Mr Belliotti's defense of critical pragmatism is a significant contribution to the literature This book takes on all the leading theories and takes them on seriously It is one of the most ambitious and satisfying efforts in print at mediating the seemingly irreconcilable tensions between law's mainstream liberal analysts and its leftist critics Anita L Allen Professor of Law Georgetown University Law Center The author brings a critical intelligence and a very impressive scholarship to traditional issues in law The strength that jumps from the page is a very well informed contemporary reading that avoids clichés and the limits of much contemporary analysis John Brigham University of Massachusetts Amherst and author of *The Cult of the Court Temple* An excellent survey and analysis of major theories in the philosophy of law The book features intelligent discussions of such diverse approaches as natural law theory legal positivism law and economics feminist jurisprudence and Critical Legal Studies *Justifying Law* is full of insight clear reasoning and common sense The wide ranging examination reveals Belliotti's substantial scholarship and keen intelligence Through his presentation and commentary on several philosophies of law and individual legal theorists Belliotti has enriched and advanced jurisprudential dialogue and inquiry *Journal of Value Inquiry*

**The New Sovereignty** Abram Chayes, Antonia Handler Chayes, 2009-07-01 States resort to regulatory agreements to address problems as disparate as nuclear proliferation international trade species destruction and intellectual property while threatening military or economic sanctions in order to deter noncompliance This book argues that this approach is misconceived and proposes a new model of treaty compliance

**Christ and the Law in Paul** Therese Martin, 2014-04-03 Preliminary Material Brice L Martin Introduction Brice L Martin The Data Brice L Martin Issues Raised by the Data Brice L Martin The Problem Sin Death Law and Flesh Brice L Martin The Solution the Death and Resurrection of Christ Brice L Martin The Synthesis Christ the End of the Law Brice L Martin Conclusion Brice L Martin Bibliography Brice L Martin Index of Authors Brice L Martin Index of References Brice L Martin Index of Selected Topics Brice L Martin

**Politics and Process** Geoffrey Brennan, Loren E. Lomasky, 1989-09-29 This book explores the strengths and weaknesses of democratic institutions

Universal Human Rights David A. Reidy, Mortimer N. S. Sellers, 2005-07-21 *Universal Human Rights* brings new clarity to the important and highly contested concept of universal human rights This collection of essays explores the foundations of universal human rights in four sections devoted to their nature application enforcement and limits concl

Legal Indeterminacy and Constitutional Interpretation J.J. Moreso, 2013-04-17 The main purpose of this book is to offer a logical analysis of legal propositions especially of constitutional propositions This analysis shows the relationship between truth conditions of legal propositions and the problem of indeterminacy Where the law is indeterminate legal propositions lack truth values The background of this approach is the philosophical debate between realism and antirealism The book deals with the notions of legal norms and legal systems and provides an analysis of the notion of legal

indeterminacy and its relation to gaps contradictions and the vagueness of legal concepts It shows also that the simple model of a legal system is not sufficient to account for the complexity of legal propositions referring to legal systems of some degree of maturity Several notions from legal dynamics are presented in order to bring to light the importance of concepts like applicability or hierarchy for the determination of the truth value of a legal proposition Thus the primacy of constitution becomes a central idea in the theoretical reconstruction of most contemporary legal systems a conceptual explanation of this idea is presented and some conclusions from that explanation are drawn Finally a particular conception of constitutional interpretation is proposed Special attention is paid to the relationship between interpretation and legal indeterminacy and more specifically to the problem of the discretion enjoyed by the organs entrusted with applying the constitution and also to the several theses that have been discussed controversially in the context of constitutional interpretation such as the relevance of the intentions for the interpretation of the constitution and for the justification of judicial review

*The Problematics of Moral and Legal Theory* Richard A. Posner, 2009-06-01 Ambitious legal thinkers have become mesmerized by moral philosophy believing that great figures in the philosophical tradition hold the keys to understanding and improving law and justice and even to resolving the most contentious issues of constitutional law They are wrong contends Richard Posner in this book Posner characterizes the current preoccupation with moral and constitutional theory as the latest form of legal mystification an evasion of the real need of American law which is for a greater understanding of the social economic and political facts out of which great legal controversies arise In pursuit of that understanding Posner advocates a rebuilding of the law on the pragmatic basis of open minded and systematic empirical inquiry and the rejection of cant and nostalgia the true professionalism foreseen by Oliver Wendell Holmes a century ago A bracing book that pulls no punches and leaves no pieties unpunctured or sacred cows unkicked *The Problematics of Moral and Legal Theory* offers a sweeping tour of the current scene in legal studies and a hopeful prospect for its future

*Dimensions of Normativity* David Plunkett, Scott J. Shapiro, Kevin Toh, 2019-01-10 Understood one way the branch of contemporary philosophical ethics that goes by the label metaethics concerns certain second order questions about ethics questions not in ethics but rather ones about our thought and talk about ethics and how the ethical facts insofar as there are any fit into reality Analogously the branch of contemporary philosophy of law that is often called general jurisprudence deals with certain second order questions about law questions not in the law but rather ones about our thought and talk about the law and how legal facts insofar as there are any fit into reality Put more roughly and using an alternative spatial metaphor metaethics concerns a range of foundational questions about ethics whereas general jurisprudence concerns analogous questions about law As these characterizations suggest the two sub disciplines have much in common and could be thought to run parallel to each other Yet the connections between the two are currently mostly ignored by philosophers or at least under scrutinized The new essays collected in this book are aimed at changing this state of affairs *Dimensions of Normativity* collects together works by metaethicists and legal

philosophers that address a number of issues that are of common interest with the goal of accomplishing a new rapprochement between the two sub disciplines

**Ethical Governance of Artificial Intelligence in the Public Sector** Liza Ireni-Saban, Maya Sherman, 2021-08-23 This book argues that ethical evaluation of AI should be an integral part of public service ethics and that an effective normative framework is needed to provide ethical principles and evaluation for decision making in the public sphere at both local and international levels It introduces how the tenets of prudential rationality ethics through critical engagement with intersectionality can contribute to a more successful negotiation of the challenges created by technological innovations in AI and afford a relational interactive flexible and fluid framework that meets the features of AI research projects so that core public and individual values are still honoured in the face of technological development This book will be of key interest to scholars students and professionals engaged in public management and ethics management AI ethics public organizations public service leadership and more broadly to public administration and policy as well as applied ethics and philosophy

Seeking Identity Raymond A. Belliotti, 1995 Outlining the unwritten but deeply ingrained system of moral codes that Italian immigrants brought to America Belliotti examines that system in relation to moral theorists who argue we owe the most to people close to us and those who contend we must attach no special weight to our own interests when determining proper moral action He also investigates philosophical historical sociological and political aspects of government authority examines conflicting images of Italian immigrant women and analyzes war and pacifism

Freedom, Power and Political Morality I. Carter, M. Ricciardi, 2001-03-13 This collection of new essays on political and legal theory concentrates on themes dealt with in the work of Felix Oppenheim including fundamental political and legal concepts and their implications for the scope of morality in politics and international relations Among the issues addressed are the relationship between empirical and normative definitions of freedom power and interests whether governments are free to act against the national interest and whether they can ever be morally obliged to do so

**Rights and Democracy** Henk Botha, Andries Johannes Van der Walt, J. C. Van der Walt, 2004-01-01 The twelve essays in this book pay tribute to senior Harvard law professor Frank Michelman whose thinking and input on Constitutional Law has made a great contribution to constitutional development in South Africa These essays are the work of some of the best practical and academic legal minds in this country and given South Africa's recent successes in this field represent an advanced position in constitutional thinking in the world

On Justifying Democracy (Routledge Library Editions: Political Science Volume 11) William Nelson, 2013-10-17 This book analyzes and assesses theories of democracy emanating from studies in a variety of disciplines and proposes answers to a wide range of questions in moral and political philosophy philosophy of law and democratic theory Taken together these answers constitute the basis for a theory that justifies political democracy

*Romans (Teach the Text Commentary Series)* C. Marvin Pate, 2013-01-15 The Teach the Text Commentary Series utilizes the best of biblical scholarship to provide the information a pastor needs to communicate the text effectively The carefully selected preaching

units and focused commentary allow pastors to quickly grasp the big idea and key themes of each passage of Scripture Each unit of the commentary includes the big idea and key themes of the passage and sections dedicated to understanding teaching and illustrating the text      **Paul's Letter to the Romans** Colin G. Kruse,2012-06-14 Paul s Letter to the Romans may well be the most influential book in Christian history In this Romans commentary Colin Kruse shows how Paul expounds the gospel against the background of God s sovereign action as creator judge and redeemer of the world Valuable additional notes on important theological themes and difficult texts such as Paul s discussion of same sex relationships the salvation of all Israel and the woman Junia who was well known among the apostles further connect Romans to contemporary issues Throughout his commentary Kruse expertly guides readers through the plethora of interpretations of Romans providing a reliable exposition of this foundational epistle      Justifying International Acts Lea Brilmayer,2019-05-15 In this challenging interdisciplinary book Lea Brilmayer seeks to alter the terms in which we discuss the ethics of international relations Traditionally such relations have been thought to concern the horizontal interactions between sovereign nation states and have been studied quite separately from the vertical relations between individuals and their national governments which are thought to be the object of mainstream political theory Arguing that this view has impoverished our thinking about international politics Brilmayer maintains that problems in international relations like those that arise in domestic political life must be considered in terms of the political theory that legitimates the domestic governments of the nations involved      *Justifying violence* Naomi Head,2017-10-03 When is the use of force for humanitarian purposes legitimate The book examines this question through one of the most controversial examples of humanitarian intervention in the post Cold War period the 1999 NATO intervention in Kosovo Justifying Violence applies a critical theoretical approach to an interrogation of the communicative practices which underpin claims to legitimacy for the use of force by actors in international politics Drawing on the theory of communicative ethics the book develops an innovative conceptual framework which contributes a critical communicative dimension to the question of legitimacy that extends beyond the moral and legal approaches so often applied to the intervention in Kosovo The empirical application of communicative ethics offers a provocative and nuanced account which contests conventional interpretations of the legitimacy of NATO s intervention      The Letter to the Romans Douglas J. Moo,2018-11-26 For more than twenty years Douglas Moo s NICNT volume on Romans has been providing pastors students and scholars with profound insight into Paul s most famous letter In this thorough revision of his commentary Moo deals with issues that have come into prominence since the first edition 1996 incorporating the latest research and rewriting the text throughout for better comprehension Exegetically astute and theologically minded Moo interacts critically with the new perspective on Paul highlights the emphasis in Romans on practical divinity and traces the theme of the gospel throughout the letter His Letter to the Romans in this second edition will inform and enlighten a new generation of serious Bible readers      Making All the Difference Martha Minow,2016-10-01 Should a court order medical treatment for a severely

disabled newborn in the face of the parents refusal to authorize it How does the law apply to a neighborhood that objects to a group home for developmentally disabled people Does equality mean treating everyone the same even if such treatment affects some people adversely Does a state requirement of employee maternity leave serve or violate the commitment to gender equality Martha Minow takes a hard look at the way our legal system functions in dealing with people on the basis of race gender age ethnicity religion and disability Minow confronts a variety of dilemmas of difference resulting from contradictory legal strategies strategies that attempt to correct inequalities by sometimes recognizing and sometimes ignoring differences Exploring the historical sources of ideas about difference she offers challenging alternative ways of conceiving of traits that legal and social institutions have come to regard as different She argues in effect for a constructed jurisprudence based on the ability to recognize and work with perceptible forms of difference Minow is passionately interested in the people different people whose lives are regularly mis shaped and mis directed by the legal system s ways of handling them Drawing on literary and feminist theories and the insights of anthropology and social history she identifies the unstated assumptions that tend to regenerate discrimination through the very reforms that are supposed to eliminate it Education for handicapped children conflicts between job and family responsibilities bilingual education Native American land claims these are among the concrete problems she discusses from a fresh angle of vision Minow firmly rejects the prevailing conception of the self that she believes underlies legal doctrine a self seen as either separate and autonomous or else disabled and incompetent in some way In contrast she regards the self as being realized through connection capable of shaping an identity only in relationship to other people She shifts the focus for problem solving from the different person to the relationships that construct that difference and she proposes an analysis that can turn difference from a basis of stigma and a rationale for unequal treatment into a point of human connection The meanings of many differences can change when people locate and revise their relationships to difference she asserts The student in a wheelchair becomes less different when the building designed without him in mind is altered to permit his access Her book evaluates contemporary legal theories and reformulates legal rights for women children persons with disabilities and others historically identified as different Here is a powerful voice for change speaking to issues that permeate our daily lives and form a central part of the work of law By illuminating the many ways in which people differ from one another this book shows how lawyers political theorist teachers parents students every one of us can make all the difference

**Normativity and Power** Rainer Forst, 2017-10-20 Humans are justificatory beings they offer demand and require justifications The rules and institutions they follow rest on justification narratives that have evolved over time and taken together constitute a dynamic and tension laden normative order In this collection of essays the first translation into English of the ground breaking *Normativität und Macht* Suhrkamp 2015 Rainer Forst presents a new approach to critical theory Each essay reflects on the basic principles that guide our normative thinking Forst s argument goes beyond ideal and realist theories and shows how closely the concepts of normativity and power are

interrelated and how power rests on the capacity to influence determine and possibly restrict the space of justifications for others By combining insights from the disciplines of philosophy history and the social sciences Forst re evaluates theories of justice as well as of power and provides the tools for a critical theory of relations of justification

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