

Justifying Law

The Debate over Foundations, Goals, and Methods

Raymond A. Belliotti

Justifying Law The Debate Over Foundations Goals And Methods

Jeffrey C. Alexander



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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*

Justifying Judgment Vincent Joseph Samar, 1998 Samar philosophy Loyola U seeks to develop a metatheory of law that judges could use to decide very hard cases in which the law offers no firm precedents or it is not clear whether the applicable law is just He discusses theories of political philosophy that set a foundation for the duty to obey law presents a natural law justification for a legal system containing morally just laws uses his metatheory to resolve five historically significant constitutional cases and offers suggestions for legal education Annotation copyrighted by Book News Inc Portland OR

Arguing and Justifying Robert F. Barsky, 2017-07-05 Addressing the crucial issue of why people choose to make Convention refugee claims this original book also explores the perceptions claimants have of possible host countries and investigates the view that refugees move on the basis of generally extreme levels of persecution

Reconciling Law and Morality in Human Rights Discourse Willy Moka-Mubelo, 2016-12-13 In this book I argue for an approach that conceives human rights as both moral and legal rights The merit of such an approach is its capacity to understand human rights more in terms of the kind of world free and reasonable beings would like to live in rather than simply in terms of what each individual is legally entitled to While I acknowledge that every human being has the moral entitlement to be granted living conditions that are conducive to a dignified life I maintain at the same time that the moral and legal aspects of human rights are complementary and should be given equal weight The legal aspect compensates for the limitations of moral human rights the observance of which depends on the conscience of the individual and the moral aspect tempers the mechanical and inhumane application of the law Unlike the traditional or orthodox approach which conceives human rights as rights that individuals have by virtue of their humanity and the political or practical approach which

understands human rights as legal rights that are meant to limit the sovereignty of the state the moral legal approach reconciles law and morality in human rights discourse and underlines the importance of a legal framework that compensates for the deficiencies in the implementation of moral human rights It not only challenges the exclusively negative approach to fundamental liberties but also emphasizes the necessity of an enforcement mechanism that helps those who are not morally motivated to refrain from violating the rights of others Without the legal mechanism of enforcement the understanding of human rights would be reduced to simply framing moral claims against injustices From the moral legal approach the protection of human rights is understood as a common and shared responsibility Such a responsibility goes beyond the boundaries of nation states and requires the establishment of a cosmopolitan human rights regime based on the conviction that all human beings are members of a community of fate and that they share common values which transcend the limits of their individual states In a cosmopolitan human rights regime people are protected as persons and not as citizens of a particular state

Law and Society Steven Vago, 2015-07-14 For one semester undergraduate courses in Law and Society Sociology of Law Introduction to Law and a variety of criminal justice courses offered in departments of Sociology Criminal Justice and Political Science Examines the interplay between law and society Law and Society 10e provides an informative balanced and comprehensive analysis of the interplay between law and society This text presents an overview of the most advanced interdisciplinary and international research theoretical advances ongoing debates and controversies It raises new levels of awareness on the structure and functions of law and legal systems and the principal players in the legal arena and their impact on our lives In addition it looks at the legal system in the context of race class and gender and considers multicultural and cross cultural issues in a contemporary and interdisciplinary context

Contextualising Legal Research Sanne Taekema, Wibren van der Burg, 2024-06-05 Providing a clear and concise guide to the practicalities of legal research this informative book presents a methodological framework for law in context research design It argues that legal scholarship relies on the interpretive and argumentative methods of the humanities but also requires empirical input due to its focus on social reality

21st Century Sociology: A Reference Handbook Clifton D. Bryant, Dennis L. Peck, 2007 Publisher Description

Jesus or Nietzsche Raymond Angelo Belliotti, 2013 This book reconstructs the cornerstones of Jesus's moral teachings about how to lead a good even exemplary human life It does so in a way that is compatible with the most prominent competing versions of the historical Jesus The work also contrast Jesus understanding of the best way to lead our lives with that of Friedrich Nietzsche Both Jesus and Nietzsche were self consciously moral revolutionaries Jesus refashioned the imperatives of Jewish law to conform to what he was firmly convinced was the divine will Nietzsche aspired to transvalue the dominant values of his time which themselves were influenced greatly by Christianity in service of what he took to be a higher vision The interplay of these radical versions of the good human life seasoned with critical commentary emerging from modern findings in the sciences and humanities opens possibilities and lines of inquiry that can inform our choices in

answering that enduring paramount question How should we live our lives **The Civil Sphere** Jeffrey C.

Alexander,2006-08-03 How do real individuals live together in real societies in the real world Jeffrey Alexander s masterful work The Civil Sphere addresses this central paradox of modern life Feelings for others the solidarity that is ignored or underplayed by theories of power or self interest are at the heart of this novel inquiry into the meeting place between normative theories of what we think we should do and empirical studies of who we actually are A grand and sweeping statement The Civil Sphere is a major contribution to our thinking about the real but ideal world in which we all reside

Between Facts and Norms Jürgen Habermas,2018-03-12 This is Habermas s long awaited work on law democracy and the modern constitutional state in which he develops his own account of the nature of law and democracy **Power** Raymond

Angelo Belliotti,2016-03-14 Frequently understood in simplistic and often highly negative terms the concept of power has proven to be both uncommonly intriguing and maddeningly elusive In Power Raymond Angelo Belliotti begins by fashioning a general definition of power that is refined enough to capture the numerous types of power in all their multifaceted complexity He then proceeds in a series of discrete yet thematically connected meditations to explore the meaning of power in ancient modern and contemporary thought In grappling with the critical questions surrounding the accumulation distribution and exercise of personal and social power this work allows us to confront fundamental questions of who we are and how we might live better lives **Heroism and Wisdom, Italian Style** Raymond Angelo Belliotti,2022-09-08 This is an

interdisciplinary work that philosophically analyzes concepts such as heroism practical wisdom honor Nietzsche s notions of will to power the overman and the three metamorphoses Plato s understanding of love creating meaning in life the issue of morally dirty hands in political administration the relationship between political means and ends the proper role of positive duties in society the aspirations of grand strivers and the linkages between biological biographical and autobiographical lives all in the context of explaining and evaluating the lives and works of fourteen historically significant Italian Gaius Julius Caesar Brunetto Latini Dante Alighieri Caterina Sforza Niccol Machiavelli Giuseppe Mazzini Giuseppe Garibaldi Francesca Cabrini Gabriele D Annunzio Antonio Gramsci Salvatore Giuliano Oriana Fallaci Giovanni Falcone and Paolo Borsellino By dissecting the lives and philosophies of the figures discussed in this work by extracting moral political and existential lessons from their aspirations and enterprises by reflecting on their ideals from the vantage point of our divergent social context by evaluating their virtues and vices from a wider perspective and by confronting the conceptual puzzles and social impediments hampering the exercise of practical wisdom and heroism we may confront the people that we are and reimagine the people we might become **Nietzsche's Will to Power** Raymond Angelo Belliotti,2016-12-14 This book represents a

unique contribution to Nietzschean scholarship in its analysis of the concept of power as preliminary to addressing Nietzsche s psychological version of will to power It advances a fresh interpretation of will to power that connects it explicitly to the meaning of human life and in so doing the author addresses major questions such as What does will to power designate What

does it presuppose What effects does it engender What is its status epistemologically and metaphysically How is will to power to be evaluated How persuasive is will to power as an explanation of fundamental human instincts and as the lynchpin of a way of life The volume argues that Nietzsche's psychological notion of will to power cannot plausibly be understood as merely a first order drive to attain and exert power Moreover despite some of the philosopher's extravagant rhetoric will to power is not an inherent instinct to oppress other people or things Instead will to power understood generically is a second order desire to have pursue and attain first order desires it bears a relationship to confronting and overcoming resistances and obstacles and is related to the pursuit of excellence and personal transformation as well as to experiences of feeling power As according to Nietzsche's account all human beings embody will to power the book concludes that we should distinguish at least three varieties robust moderate and attenuated will to power Only by doing this can we understand and evaluate will to power concretely

Why Philosophy Matters Raymond Angelo Belliotti, 2015-09-18 This book demonstrates that philosophy matters to everyday living and that people who ignore the enduring fundamental questions of life thereby unwittingly relinquish part of their humanity The question How should I live my life along with cosmological inquiries about the nature of the world animated Western philosophy during its earliest recorded years Given that belief in the Greek and Roman gods failed to provide substantive guidelines for everyday living philosophy arose in large measure as practical instruction in the art of living the good human life Throughout history philosophers have provided vastly different answers to the question of what constitutes such a life By analyzing carefully their disparate definitions recipes and accounts of the good human life we can understand better who we are and who we might be This work examines the answers provided by over thirty philosophers to aspects of building character forging personal relations promoting sound political strategies living meaningfully and dying gracefully In so doing over twenty lessons for living a worthy life emerge

Kelsen in the "Grenada Court" Simeon C. R. McIntosh, 2008 Historically revolution has been one of the principal means of founding a new state But can this new state have any moral legitimacy born as it is out of violence That is the critical question for legal theorists The late Hans Kelsen arguably one of the leading legal theorists and philosophers of the twentieth century in his Pure Theory of Law articulated this theory of revolutionary legality as a part of his general theory of law Kelsen in the Grenada Court Essays on Revolutionary Legality examines revolutionary legality in the context of the Grenada coup d'etat of March 1979 which brought the People's Revolutionary Government PRG to power The 1973 Constitution was suspended the executive authority of the country changed parliament was reconstituted and a new Supreme Court established The governing principles of political life in Grenada were transformed The PRG had established a new legality The courts however were confronted with questions of their validity and jurisdictional competence Called upon to judge the validity of the PRG regime the issue of the validity of the courts was also called into question Following the demise of the PRG regime in sensational fashion culminating in the invasion of Grenada by the US army in 1983 the validity of the court was again

challenged This collection of clear readily understood essays shows that the Court determined its own validity as a matter of necessity Using examples from around the Commonwealth the case of Bernard Coard while addressing Kelsen s theory of continuity and discontinuity of law and the doctrine of necessity Rutgers Law Journal ,1998 Italian Rebels Raymond Angelo Belliotti,2022-12-13 This interdisciplinary work philosophically analyzes the role of positive duties in moral theory the efficacy of theocratic republicanism viable strategies for political revolutions the implications of an enduring Sicilian ethos and the profits and perils of the individual community continuum in service of distinctive interpretations of the lives and ideologies of Giuseppe Mazzini Antonio Gramsci and Salvatore Giuliano Il Risorgimento Italiano the national unification movement refers to the period from 1821 the initial unsuccessful Milanese and Piedmontese insurrections against Austria to 1870 the annexing of Rome into the Kingdom of Italy which itself was established in 1861 The movement and its aftermath hovered over the lives of the Genoese republican prophet of Italian liberation and unification the Sardinian communist political theorist imprisoned by The Black Shirts and the Sicilian separatist murdering and fighting for his life and the honor of his island By dissecting the lives and philosophies of Mazzini Gramsci and Giuliano by extracting moral political and existential lessons from their aspirations and enterprises by reflecting on their ideals from our divergent social context by evaluating their virtues and vices from a wider perspective we may confront the people that we are and reimagine the people we might become *La esfera civil* Jeffrey C. Alexander,2018-05-31 Qu es lo que une a las sociedades y c mo los rdenes sociales pueden ser estructurados de una manera justa La obra maestra de Jeffrey C Alexander La esfera civil aborda esta paradoja central de la vida moderna Los sentimientos hacia los dem s la solidaridad que es ignorada o subestimada por las teor as de poder o de inter s personal est n en el coraz n de esta nueva obra de investigaci n en el lugar de encuentro entre las teor as normativas de lo que creemos que debemos hacer y los estudios emp ricos de lo que realmente somos Alexander demuestra que la solidaridad crea estructuras sociales inclusivas y exclusivas y muestra c mo pueden repararse No es perfecta no es absoluta y los horrores que ocurren en sus lapsos se han visto con demasiada frecuencia en las formas de discriminaci n genocidio y guerra A pesar de sus defectos y contradicciones sin embargo la solidaridad y el proyecto de la sociedad civil siguen siendo nuestra mejor esperanza el ant doto para cada instituci n divisiva cada distribuci n injusta cada jerarqu a dominante y abusiva Esta gran afirmaci n radical e investigaci n rigurosamente emp rica es una contribuci n importante a nuestra manera de pensar sobre el mundo real pero ideal en el que todos residimos Feminist Studies ,1993 *Current Publications in Legal and Related Fields* ,1991

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