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Giving Desert Its Due Social Justice And Legal Theory:

Giving Desert Its Due Wojciech Sadurski, 2013-03-09 During the last half of the twentieth century legal philosophy or legal theory or jurisprudence has grown significantly It is no longer the domain of a few isolated scholars in law and philosophy Hundreds of scholars from diverse fields attend international meetings on the subject In some universities large lecture courses of five hundred students or more study it The primary aim of the Law and Philosophy Library is to present some of the best original work on legal philosophy from both the Anglo American and European traditions Not only does it help make some of the best work avail able to an international audience but it also encourages increased awareness of and interaction between the two major traditions. The primary focus is on full length scholarly monographs although some edited volumes of original papers are also included The Library editors are assisted by an Editorial Advisory Board of internationally renowed scholars Legal philosophy should not be considered a narrowly circumscribed field **Social Justice and Social Work** Michael J. Austin, 2013-03-26 Edited by a leader in the field this book presents and ties social justice to the core values of social work across the curriculum It presents the history and philosophy that supports social justice and ties it to ethical concepts which help students understand social justice as a core social work value The Legal Essays of Michael Bayles W.L. Robison, 2002-06-30 The legal essays by Michael Bayles in this collection display his commitment to utilitarianism both as a moral theory and an analytical device A utilitarian must choose between the best of all possible alternatives and so must lay out the alternatives and thus their consequences carefully and completely As it happens there is no better way of understanding why something is as it is in the law and no better way to lay the foundations for criticism and improvement than to lay out what the alternatives are carefully distinguishing them their justifications and their implications for changing other areas of the law and for changing our relation to the law Bayles was a master at such work and each essay thus repays careful study for anyone concerned about the law The essays cover a wide variety of topics from contract law to the criminal law from torts to theory and form a natural set Laying out the alternatives in one area makes it much clearer how and why alternatives in other areas are acceptable or required Interconnections within the legal system as a whole not readily visible when studying one area of the law become obvious when several are laid out side by side using the analytical **Institutional Legal Facts** D.W. Ruiter, 2013-03-09 Law is traditionally conceived as skill required by a good utilitarian consisting of norms of conduct and power conferring norms This conception however is unable to account for a variety of elements of modern legal systems that differ significantly from the classical notions This book concerns the problem of which results of human activity can obtain legal validity The author makes use of recent findings in speech act theory especially John R Searle and Daniel Vanderveken's illocutionary logic He sets out a theory of legal norms conceived as institutional legal facts resulting from performances of speech acts specified in power conferring norms. The theory provides a classification of acts in the law and of legal norms resulting from performances of these Finally the transition is made from

institutional legal facts to legal institutions The book is a contribution to the institutional theory of law as developed by N MacCormick and O Weinberger The Law in Philosophical Perspectives Luc J. Wintgens, 2013-04-17 In this age of collections that is ours many volumes of collections are published They contain contributions of several well known authors and their aim is to present a selective overview of a relevant field of study This book has the same purpose Its aim is to introduce students scholars and all those interested in current problems of legal theory and legal philosophy to the work of the leading scholars in this field The large number of publications both books and articles that have been produced over recent decades makes it quite difficult however for those who are making their first steps in this domain to find firm guidelines The book is new in its genre because of its method The choice was made not to reprint an example of contributors earlier basic articles or a part of one of their books This would only give a partial view of the rich texture of their work Rather the authors were asked to make an original synthesis of their own contributions to the field of legal theory and legal philosophy Brought together in this volume they constitute a truly author ised view of their work This book is also new in that each essay is complemented with bibliographical information in order to encourage further research on the author's self selected work This will help the reader rapidly to become familiar with the whole of the published work of the contributors

An Approach to Rights C.P. Wellman, 2013-04-17 An Approach to Rights contains fifteen previously published but mostly inaccessible papers that together show the development of one of the more important contemporary theories of the nature grounds and practical implications of rights In a long retrospective essay Carl Wellman explains what he was trying to accomplish in each paper how far he believes that he succeeded and where he failed Thus the author provides a critical perspective both on his own theory and on alternative theories from which he borrows or that he rejects These essays identify the problems any adequate theory of rights must solve describe the more plausible solutions and weigh the merits of each They will be of special interest to any reader concerned with legal theory moral philosophy or any branch of applied ethics or social policy in which appeals to rights are frequently made but seldom rationally satisfactory Influence and **Power** Ruth Zimmerling, 2005-07-19 Exact but not exacting this is a fine work of overview and analysis it makes an excellent contribution to the literature on power and freedom Philip Pettit William Nelson Cromwell Professor of Politics Princeton University In this work the author assumes the task of a logical clean up an extremely valuable contribution to the promotion of scientific rigour and clarity in political scholarship This book gives the reader orientation in a conceptual jungle It is an excellent analysis of the relationships between normative and social power Ernesto Garz n Vald s Prof em The Paradoxes of Action Daniel González Lagier, 2013-03-09 Through the combined effects of certain natural facts connected with the passage of time institutional acts performed at various points within the university system and bonds offriendship forged over quite a number ofyears ofacademic life I have lately become an occasional writer of forewords It is certainly not a kind of work that dis pleases me but it would be too much to say that I have learned to do it with ease Quite to the contrary Writing a

foreword is it seems to me an example of a rather complex action all though of course much less complex than writing the book it accompanies Infact it is not even an action it is rather an activity carried out over a more or less prolonged period of time and typically including something like the following stages deciding to write the foreword carefully reading the book taking notes thinking about what would be appropriate aspects to be mentioned sketching an outline writing a first draft by hand writing several corrected versions typing the last of them into the computer distributing it to several colleagues to see how they like it correcting the text once more sending it to the author of the book delivering it to the publisher Ineach of these actions leaving aside for a moment purely mental actions such as thinking we can in turn distinguish several components These are basically bodily movements intentions and intentionally or unintentionally produced changes in the Justifying Taxes Agustín José Menéndez, 2013-03-14 Justifying Taxes offers readers some of the elements of a democratic tax law considered within its political and philosophical context in order to determine the extent of legitimate tax obligations The objective is to revisit some of the issues in the dogmatics of tax law from the viewpoint of a critical citizen always ready to ask questions about the justification underlying her obligations and especially about her paramount burden viz the payment of certain amounts of money Within this purview special attention is paid to the general principles of taxation The argument is complemented by a detailed reconstruction of constitutional reasoning in tax matters close attention being paid to the jurisprudence of the Spanish Tribunal Constitucional Readership Legal scholars political scientists and philosophers Especially recommended to graduate and undergraduate students of Tax Law Constitutional Law Jurisprudence Philosophy of Law and Political Theory Political Friendship and the Good Life Gianfrancesco Zanetti,2002-07-31 The main subject of this book is the rather fascinating link between an acceptable concept of political whole and its legal and moral implications When we face this problem we find that widespread categories like happiness and friendship are at the same time necessary and dangerous crucial and elusive In order to make the case against the so called Legal Enforcement of Morals and to grasp the complex relationship between law and morality from a liberal point of view it is not enough to reject a pattern of happiness or of human flourishing from which to draw normative instructions for men and women it must be recognized that integration of individuals in the comprehensive groups as well as in the political whole itself is not the only valuable option The fragile value of a relative lack of integration a right to unhappiness turns out to be eventually what makes the weak but decisive moral primacy of liberal societies Arquing Fundamental Rights Agustín I. Menéndez, Erik O. Eriksen, 2006-11-22 Arguing Fundamental Rights explores the path breaking Theory of Constitutional Rights of Robert Alexy The critical analysis of the structural elements of Alexy s theory is combined with an assessment of its applied relevance with special attention being paid to the UK Human Rights Act and the fundamental rights protection in the European Union before and after the Charter of Fundamental Rights of 2000 The book is unique in combining a challenging interpretation of one the foremost European conceptions of fundamental rights with the discussion of the pragmatics of

constitutional adjudication The chapters combine a focus on key political questions such as whether rights adjudication can be subject to rational assessment and whether judges and not democratically elected parliaments should be the umpires of fundamental rights protection with a concern with key jurisprudential issues such as the determination of the limits of fundamental rights the binding effect of fundamental rights to private parties or whether certain fundamental rights should or should not be regarded as ultimate reasons for action and as such could be not be limited not even when it conflict with other rights Robert Alexy himself opens the book with an insightful contextualisation of his theory of fundamental rights within his general legal theory. The book is a timely defence of practical reason against claims that emergencies justify trumping fundamental rights Group Rights as Human Rights Neus Torbisco Casals, 2006-06-30 Liberal theories have long insisted that cultural diversity in democratic societies can be accommodated through classical liberal tools in particular through individual rights and they have often rejected the claims of cultural minorities for group rights as illiberal Group Rights as Human Rights argues that such a rejection is misguided Based on a thorough analysis of the concept of group rights it proposes to overcome the dominant dichotomy between individual human rights and collective group rights by recognizing that group rights also serve individual interests It also challenges the claim that group rights so understood conflict with the liberal principle of neutrality on the contrary these rights help realize the neutrality ideal as they counter cultural biases that exist in Western states Group rights deserve to be classified as human rights because they respond to fundamental and morally important human interests Reading the theories of Will Kymlicka and Charles Taylor as complementary rather than opposed Group Rights as Human Rights sees group rights as anchored both in the value of cultural belonging for the development of individual autonomy and in each person s need for a recognition of her identity This double foundation has important consequences for the scope of group rights it highlights their potential not only in dealing with national minorities but also with immigrant groups and it allows to determine how far such rights should also benefit illiberal groups Participation not intervention should here be the guiding principle if group rights are to realize the Being Apart from Reasons Cláudio Jr. Michelon, 2006-03-09 Being Apart from Reasons deals with the liberal promise question of how we should go about using reasons to decide what to do More particularly the book presents objections to the most common response given by contemporary legal and political theorists to the moral complexity of decision making in modern societies namely the attempt to release public agents from their argumentative burden by insulating a particular set of reasons from the general pool of reasons and assigning the former systematic priority over all other reasons That strategy is apparent both in Rawls claim that reasons concerning the right are systematically prior to reasons concerning the good and in Raz s claim that pre emptive reasons are systematically prior to first order reasons. The same strategy is also instantiated by certain arguments for the procedural value of law such as Jeremy Waldron's In the book each of those arguments for the insulation of reasons is objected to in order to defend the thesis the reasoning by public agents must

always be as comprehensive as possible The remaining chapters object to those arguments mentioned above which aim at justifying the exclusion of certain reasons from public agents decision making The Blackwell Dictionary of Modern Social Thought William Outhwaite, 2008-04-15 Modern social thought ranges widely from the social sciences to philosophy political theories and doctrines cultural ideas and movements and the influence of the natural sciences Provides an authoritative overview of the main themes of social thought Long essays and entries give full coverage to each topic Covers major currents of thought philosophical and cultural trends and the individual social sciences from anthropology to welfare economics New edition updates about 200 entries and includes new entries suggestions for further reading and a bibliography of all sources Hart's Legal Philosophy M.E. Bayles, 2013-03-09 During the last half of the twentieth century legal philosophy or legal theory or jurisprudence has grown significantly It is no longer the domain of a few isolated scholars in law and philosophy Hundreds of scholars from diverse fields attend international meetings on the subject In some universities large lecture courses of five hundred students or more study it The primary aim of the Law and Philosophy Library is to present some of the best original work on legal philosophy from both the Anglo American and European traditions Not only does it help make some of the best work available to an international audience but it also encourages increased aware ness of and interaction between the two major traditions. The primary focus is on full length scholarly monographs although some edited volumes of original papers are also included The Library editors are assisted by an Editorial Advisory Board of internationally renowned scholars Legal philosophy should not be considered a narrowly circumscribed field Insights into law and legal institutions can come from diverse disciplines on a wide range of topics Among the relevant disciplines or perspectives contributing to legal philosophy besides law and philosophy are anthropol ogy economics political science and sociology Among the topics included in legal philosophy are theories of law the concepts of law and legal institutions legal reasoning and adjudication epistemological issues of evidence and procedure law and justice economics politics or morality legal ethics and theories of legal fields such as criminal law contracts and property

Transport Justice Karel Martens, 2016-07-01 Transport Justice develops a new paradigm for transportation planning based on principles of justice Author Karel Martens starts from the observation that for the last fifty years the focus of transportation planning and policy has been on the performance of the transport system and ways to improve it without much attention being paid to the persons actually using or failing to use that transport system There are far reaching consequences of this approach with some enjoying the fruits of the improvements in the transport system while others have experienced a substantial deterioration in their situation The growing body of academic evidence on the resulting disparities in mobility and accessibility have been paralleled by increasingly vocal calls for policy changes to address the inequities that have developed over time Drawing on philosophies of social justice Transport Justice argues that governments have the fundamental duty of providing virtually every person with adequate transportation and thus of mitigating the social disparities that have been

created over the past decades Critical reading for transport planners and students of transportation planning this book develops a new approach to transportation planning that takes people as its starting point and justice as its end Smith and the Philosophy of Law and Economics R.P. Malloy, J. Evensky, 2012-12-06 Adam Smith and the Philosophy of Law and Economics is a unique book Malloy and Evensky bring together a team of international and interdisciplinary scholars to address the work of Adam Smith as it relates to law and economics In addition to their own contributions the book includes works by Dr John W Cairns of the University of Edinburgh Dr J Ralph Lindgren of Lehigh University Professor Kenneth A B Mackinnon of the University of Waikato and the Honorable Richard A Posner of the United States Circuit Court of Appeals Together these authors bring expertise from the areas of law philosophy history economics and law and economics to a new study of Adam Smith and his work Part One of the book presents new and important observations on Smith's views on community ethics the court system criminal law and delictual or tort law liability. In this part of the book Smith's work is also examined from the perspective of his use as persuasive authority in the works of modern legal economists In Part Two the living Smith is explored by way of a debate between two major contributors in the field of law and economics The debate and its analysis create a unique and contemporary opportunity to study Smith as a foundational source in the midst of a current academic and social policy dispute The understanding of Adam Smith that emerges from this book is new and complex It will challenge the one dimensional portrayals of Smith as a promoter of self interest and it will correct many of the misinterpretations of Smith that are currently fashionable in the worlds of law and economics and the philosophy of law

The Judicial Application of Law Jerzy Wróblewski, 2013-06-29 This is the English version of Jerzy Wroblewski s major work in Polish S dowe Stosowania Prawa translated in his own preferred terms as The Judicial Application of Law The present translation arose out of a visit by the author to Scotland in 1989 In that year the Carnegie Trust for the Universities of Scotland made it possible for Jerzy Wroblewski to spend six months as a Carnegie Fellow in the Centre for Criminology and the Social and Philosophical Study of Law at the University of Edinburgh During that time he took a notably active part in the intellectual life of the Centre and the Faculty of Law He gave freely of his time in teaching and advising students and also produced a series of original articles on topics connected with legal reasoning and law and computers His major task while he was here however was to prepare a translation of S dowe Stosowania Prawa and this he accomplished to the extent of completing a preliminary draft Zenon Bankowski and Neil MacCormickwere to help him in improving this linguistically and preparing the final text for publication Wroblewski warned us having finished his draft with great labour that the greater labour would be in the polishing of it For we would have as he joked to translate my English into English And certainly we found it extremely time consuming so as to defy completion during his stay in Edinburgh Exploring the Illusion of Free Will and Moral Responsibility Gregg D. Caruso, 2013-07-05 Exploring the Illusion of Free Will and Moral Responsibility investigates the philosophical and scientific arguments for free will skepticism and their implications Skepticism about free

will and moral responsibility has been on the rise in recent years In fact a significant number of philosophers psychologists and neuroscientists now either doubt or outright deny the existence of free will and or moral responsibility and the list of prominent skeptics appears to grow by the day Given the profound importance that the concepts of free will and moral responsibility hold in our lives in understanding ourselves society and the law it is important that we explore what is behind this new wave of skepticism It is also important that we explore the potential consequences of skepticism for ourselves and society Edited by Gregg D Caruso this collection of new essays brings together an internationally recognized line up of contributors most of whom hold skeptical positions of some sort to display and explore the leading arguments for free will skepticism and to debate their implications **Equitable Principles of Maritime Boundary Delimitation Thomas** Cottier, 2015-04-30 Equity emerged as a powerful symbol of aspired redistribution in international relations Operationally it has had limited impact in the Westphalian system of nation states except for maritime boundary delimitations This book deals with the role of equity in international law and offers a detailed case study on maritime boundary delimitation in the context of the enclosure movement in the law of the sea It assesses treaty law and the impact of the United Nations Convention on the Law of the Sea It depicts the process of trial and error in the extensive case law of the International Court of Justice and arbitral tribunals and expounds the underlying principles and factors informing the methodology both in adjudication and negotiations Unlike other books the main focus is on equity and its implications for legal methodology in particular offering further guidance in the field of international economic law

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