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LAW,
PRAGMATISM,
AND
DEMOCRACY

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Michael Sullivan



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Law, Pragmatism, and Democracy Richard A. Posner, 2009-07-01 Posner argues for a conception of the liberal state based on pragmatic theories of government He emphasizes the institutional and material rather than moral and deliberative factors in democratic decision making Posner argues that democracy is best viewed as a competition for power by means of regular elections

Legal Pragmatism Michael Sullivan, 2007-06-14 In *Legal Pragmatism* Michael Sullivan looks closely at the place of the individual and community in democratic society After mapping out a brief history of American legal thinking regarding rights from communitarianism to liberalism Sullivan gives a rich and nuanced account of how pragmatism worked to resolve conflicts of self interest and community well being Sullivan's view of pragmatism provides a comprehensive framework for understanding democracy as well as issues such as health care education gay marriage and illegal immigration that will determine its character in the future *Legal Pragmatism* is a bold carefully argued book that presents a unique understanding of contemporary society law and politics

Pragmatism, Law, and Language Graham Hubbs, Douglas Lind, 2013-11-12 This volume puts leading pragmatists in the philosophy of language including Robert Brandom in contact with scholars concerned with what pragmatism has come to mean for the law Each contribution uses the resources of pragmatism to tackle fundamental problems in the philosophy of language the philosophy of law and social and political philosophy In many chapters the version of pragmatism deployed proves a fruitful approach to its subject matter in others shortcomings of the specific brand of pragmatism are revealed The result is a clearer understanding of what pragmatism has meant and can mean across these tightly related philosophical areas The book then is itself pragmatism in action it seeks to clarify its unifying concept by examining the practices that centrally involve it

Pragmatism and Democracy Dmitri N. Shalin, 2017-09-08 This volume examines the roots of pragmatist imagination and traces the influence of American pragmatism in diverse areas of politics law sociology political science and transitional studies The work explores the interfaces between the Progressive movement in politics and American pragmatism Shalin shows how early 20th century progressivism influenced pragmatism's philosophical agenda and how pragmatists helped articulate a theory of progressive reform The work addresses pragmatism and interactionist sociology and illuminates the cross fertilization between these two fields of studies Special emphasis is placed on the interactionists search for a logic of inquiry sensitive to the objective indeterminacy of the situation The challenge that contemporary interactionist studies face is to illuminate the issues of power and inequality central to the political commitments of pragmatist philosophers Shalin explores the vital link between democracy civility and affect His central thesis is that democracy is an embodied process that binds affectively as well as rhetorically and that flourishes in places where civic discourse is an end in itself a source of vitality and social creativity sustaining a democratic community The author shows why civic discourse is hobbled by the civic body that has been misshapen by past abuses Drawing on the studies of the civilizing process Shalin speculates about the emotion demeanor and

body language of democracy and explores from this angle the prospects for democratic transformation in countries struggling to shake their totalitarian past View Table of Contents

Creon's Ghost Law Justice and the Humanities Tomain,2009-02-16 Creon's Ghost examines the enduring problem of the relationship between man's law and a higher law from the perspective of core humanities texts and through discussion of hotly debated contemporary legal conundrums Today such issues as intelligent design in school curricula same sex marriage and faith based government grants are all examples of the interaction between man's law and some other set of moral principles As these debates are considered in this book the author uses texts such as Antigone and Plato's Republic and pairs them with the most important jurisprudence texts of the 20th century to explore different approaches to the contemporary conflict or court ruling under consideration Creon's Ghost demonstrates that the humanities can both illuminate our understanding of contemporary problems and that classic texts can be read alongside jurisprudential texts thus enriching our understanding of and appreciation for law

The Normative Foundations of European Competition Law Oles Andriychuk,2017-08-25 Does competitive process constitute an autonomous societal value or is it a means for achieving more meritorious goals welfare growth integration and innovation The hypothesis of The Normative Foundations of European Competition Law is that the former is the case This insightful book analyses the phenomenon of competition from philosophical legal and economic perspectives demonstrating exactly why competitive process should not be viewed only as an instrument It consolidates various normative theories of freedom market and competition and explains how exactly they can be operationalized effectively in the matrix of the EU competition policy

Law and Economics in Europe Klaus Mathis,2013-11-11 This anthology illustrates how law and economics is developing in Europe and what opportunities and problems both in general and specific legal fields are associated with this approach within the legal traditions of European countries The first part illuminates the differences in the development and reception of the economic analysis of law in the American Common Law system and in the continental European Civil Law system The second part focuses on the different ways of thinking of lawyers and economists which clash in economic analysis of law The third part is devoted to legal transplants which often accompany the reception of law and economics from the United States Finally the fourth part focuses on the role economic analysis plays in the law of the European Union This anthology with its 14 essays from young European legal scholars is an important milestone in establishing a European law and economics culture and tradition

The Continuum Companion to Pragmatism Sami Pihlström,2011-06-30 The Continuum Companion to Pragmatism offers the definitive guide to a key area of contemporary philosophy The book covers all the fundamental questions asked by pragmatism areas that have continued to attract interest historically as well as topics that have emerged more recently as active areas of research Twelve specially commissioned essays from an international team of experts reveal where important work continues to be done in the area and most valuably the exciting new directions the field is taking The Companion explores issues pertaining to aesthetics economics education ethics history law

metaphysics politics race religion science and technology language and social theory Featuring a series of indispensable research tools including an A to Z of key terms and concepts a chronology a detailed list of resources and a fully annotated bibliography this is the essential reference tool for anyone working in contemporary pragmatism or modern American philosophy more generally Ritual and Rhythm in Electoral Systems Graeme Orr, 2016-03-09 Why do we vote in schools What is the social meaning of secret balloting What is lost if we vote by mail or computers rather than on election day What is the history and role of drinking and wagering in elections How does the electoral cycle generate the theatre of election night and inaugurations Elections are key public events in a secular society the only real coming together of the social whole Their rituals and rhythms run deep Yet their conduct is invariably examined in instrumental ways as if they were merely competitive games or liberal apparatus Focusing on the political cultures and laws of the UK the US and Australia this book offers an historicised and generalised account of the intersection of electoral systems and the concepts of ritual rhythm and the everyday which form the basis of how we experience elections As a novel contribution to the theory of the law of elections this book will be of interest to researchers students administrators and policy makers in both politics and law **The**

Routledge Handbook of Political Epistemology Michael Hannon, Jeroen de Ridder, 2021-04-21 As political discourse had been saturated with the ideas of post truth fake news epistemic bubbles and truth decay it was no surprise that in 2017 The New Scientist declared Philosophers of knowledge your time has come Political epistemology has old roots but is now one of the most rapidly growing and important areas of philosophy The Routledge Handbook of Political Epistemology is an outstanding reference source to this exciting field and the first collection of its kind Comprising 41 chapters by an international team of contributors it is divided into seven parts Politics and truth historical and contemporary perspectives Political disagreement and polarization Fake news propaganda and misinformation Ignorance and irrationality in politics Epistemic virtues and vices in politics Democracy and epistemology Trust expertise and doubt Within these sections crucial issues and debates are examined including post truth disagreement and relativism epistemic networks fake news echo chambers propaganda ignorance irrationality political polarization virtues and vices in public debate epistocracy expertise misinformation trust and digital democracy as well as the views of Plato Aristotle M z medieval Islamic philosophers Mill Arendt and Rawls on truth and politics The Routledge Handbook of Political Epistemology is essential reading for those studying political philosophy applied and social epistemology and politics It is also a valuable resource for those in related disciplines such as international relations law political psychology political science communication studies and journalism

Assessing Constitutional Performance Tom Ginsburg, Aziz Huq, 2016-08-30 From London to Libya from Istanbul to Iceland there is great interest among comparative constitutional scholars and practitioners about when a proposed constitution is likely to succeed But what does it mean for a constitution to succeed Are there universal criteria of success and which apply across the board Or is the choice of criteria entirely idiosyncratic This edited volume takes on the idea of constitutional

success and shows the manifold ways in which it can be understood It collects essays from philosophers political scientists empiricists and legal scholars that approach the definition of constitutional success from many different angles It also brings together case studies from Africa Europe Latin America the Middle East and Asia By exploring a varied array of constitutional histories this book shows how complex ideas of constitutional success play out differently in different contexts and provides examples of how success can be differently defined under different circumstances *The Lesser Evil* Michael Ignatieff,2013-12-03 Must we fight terrorism with terror match assassination with assassination and torture with torture Must we sacrifice civil liberty to protect public safety In the age of terrorism the temptations of ruthlessness can be overwhelming But we are pulled in the other direction too by the anxiety that a violent response to violence makes us morally indistinguishable from our enemies There is perhaps no greater political challenge today than trying to win the war against terror without losing our democratic souls Michael Ignatieff confronts this challenge head on with the combination of hard headed idealism historical sensitivity and political judgment that has made him one of the most influential voices in international affairs today Ignatieff argues that we must not shrink from the use of violence that far from undermining liberal democracy force can be necessary for its survival But its use must be measured not a program of torture and revenge And we must not fool ourselves that whatever we do in the name of freedom and democracy is good We may need to kill to fight the greater evil of terrorism but we must never pretend that doing so is anything better than a lesser evil In making this case Ignatieff traces the modern history of terrorism and counter terrorism from the nihilists of Czarist Russia and the militias of Weimar Germany to the IRA and the unprecedented menace of Al Qaeda with its suicidal agents bent on mass destruction He shows how the most potent response to terror has been force decisive and direct but just as important restrained The public scrutiny and political ethics that motivate restraint also give democracy its strongest weapon the moral power to endure when the furies of vengeance and hatred are spent The book is based on the Gifford Lectures delivered at the University of Edinburgh in 2003

Emergency Ethics Michael J. Selgelid,2017-03-02 Emergencies are extreme events which threaten to cause massive disruption to society and negatively affect the physical and psychological well being of its members They raise important practical and theoretical questions about how we should treat each other in times of crisis The articles selected for this volume focus on the nature and significance of emergencies ethical issues in emergency public policy and law war terrorism and supreme emergencies and public health and humanitarian emergencies Together they demonstrate the normative implications of emergencies and provide multi disciplinary perspectives on the ethics of emergency response

Routledge International Handbook of Contemporary Social and Political Theory Gerard Delanty,Stephen P.

Turner,2011-03-23 The Handbook will address a range of issues that have emerged out of recent social and political theory It will focus on key themes as opposed to schools of thought or major theorists Each chapter is an emerging cutting edge topic that is of interest both to social theory and to political theory Most topics will have a clear and substantive focus on social or

political problems **The Politics of Principle** Theunis Roux, 2013-03-28 Under its first chief justice Arthur Chaskalson the South African Constitutional Court built an unrivalled reputation in the comparative constitutional law community for technically accomplished and morally enlightened decision making At the same time the Court proved remarkably effective in asserting its institutional role in post apartheid politics While each of these accomplishments is noteworthy in its own right the Court s simultaneous success in legal and political terms demands separate investigation Drawing on and synthesising various insights from judicial politics and legal theory this study offers an interdisciplinary explanation for the Chaskalson Court s achievement Rather than a purely political strategy of the kind modelled by rational choice theorists the study argues that the Court s achievement is attributable to a series of adjudicative strategies in different areas of law In combination these strategies allowed the Court to satisfy institutional norms of public reason giving while at the same time avoiding political attack

Majority Decisions Stéphanie Novak, Jon Elster, 2014-06-30 This book presents the most complete set of analytical normative and historical discussions of majority decision making to date One chapter critically addresses the social choice approach to majority decisions whereas another presents an alternative to that approach Extensive case studies discuss majority voting in the choice of religion in early modern Switzerland majority voting in nested assemblies such as the French Estates General and the Federal Convention majority voting in federally organized countries qualified majority voting in the European Union Council of Ministers and majority voting on juries Other chapters address the relation between majority decisions and cognitive diversity the causal origin of majority decisions and the pathologies of majority decision making Two chapters finally discuss the counter majoritarian role of courts that exercise judicial review The editorial Introduction surveys conceptual causal and normative issues that arise in the theory and practice of majority decisions

Comparative Constitutional Theory Gary Jacobsohn, Miguel Schor, 2018-02-23 The need for innovative thinking about alternative constitutional experiences is evident and readers of Comparative Constitutional Theory will find in its pages a compendium of original theory driven essays The authors use a variety of theoretical perspectives to explore the diversity of global constitutional experience in a post 1989 world prominently marked by momentous transitions from authoritarianism to democracy by multiple constitutional revolutions and devolutions by the increased penetration of international law into national jurisdictions and by the enhancement of supra national institutions of governance

The Hague Judgments Convention and Commonwealth Model Law Abubakri Yekini, 2021-08-12 This book undertakes a systematic analysis of the 2019 Hague Judgments Convention the 2005 Hague Choice of Court Convention 2005 and the 2017 Commonwealth Model Law on recognition and Enforcement of Foreign Judgments from a pragmatic perspective The book builds on the concept of pragmatism in private international law within the context of recognition and enforcement of judgments It demonstrates the practical application of legal pragmatism by setting up a toolbox pragmatic goals and methods that will assist courts and policymakers in developing an effective and efficient judgments enforcement scheme at national bilateral and multilateral

levels Practitioners national courts policymakers academics students and litigants will benefit from the book s comparative approach using case law from the United Kingdom and other leading Commonwealth States the United States and the Court of Justice of the European Union The book also provides interesting findings from the empirical research on the refusal of recognition and enforcement in the UK and the Commonwealth statutory registration schemes respectively Precedent in the United States Supreme Court Christopher J. Peters,2014-02-11 This volume presents a variety of both normative and descriptive perspectives on the use of precedent by the United States Supreme Court It brings together a diverse group of American legal scholars some of whom have been influenced by the Segal Spaeth attitudinal model and some of whom have not The group of contributors includes legal theorists and empiricists constitutional lawyers and legal generalists leading authorities and up and coming scholars The book addresses questions such as how the Court establishes durable precedent how the Court decides to overrule precedent the effects of precedent on case selection the scope of constitutional precedent the influence of concurrences and dissents and the normative foundations of constitutional precedent Most of these questions have been addressed by the Court itself only obliquely if at all The volume will be valuable to readers both in the United States and abroad particularly in light of ongoing debates over the role of precedent in civil law nations and emerging legal systems The Oxford Handbook of Public Policy Michael Moran,Martin Rein,Robert E. Goodin,2006 The Oxford Handbooks of Political Science is a ten volume set of reference books offering authoritative and engaging critical overviews of the state of political science Each volume focuses on a particular part of the discipline with volumes on Public Policy Political Theory Political Economy Contextual Political Analysis Comparative Politics International Relations Law and Politics Political Behavior Political Institutions and Political Methodology The project as a whole is under the General Editorship of Robert E Goodin with each volume being edited by a distinguished international group of specialists in their respective fields The books set out not just to report on the discipline but to shape it The series will be an indispensable point of reference for anyone working in political science and adjacent disciplines Public policy is the business end of political science It is where theory meets practice in the pursuit of the public good Political scientists approach public policy in myriad ways Some approach the policy process descriptively asking how the need for public intervention comes to be perceived a policy response formulated enacted implemented and all too often subverted perverted altered or abandoned Others approach public policy more prescriptively offering politically informed suggestions for how normatively valued goals can and should be pursued either through particular policies or through alternative processes for making policy Some offer their advice from the Olympian heights of detached academic observers others as engaged scholars cum advocates while still others seek to instil more reflective attitudes among policy practitioners themselves toward their own practices The Oxford Handbook of Public Policy mines all these traditions using an innovative structure that responds to the very latest scholarship Its chapters touch upon institutional and historical sources and analytical methods how policy is made how it is evaluated and how it is

constrained In these ways the Handbook shows how the combined wisdom of political science as a whole can be brought to bear on political attempts to improve the human condition

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