

Free ebook What is justice by hans kelsen (2023)

What is Justice? What is Justice? Global Justice Or Global Revenge? Selected Writings of Justice H.R. Khanna Judges Against Justice The Germ of Justice What is Justice? Justice, Law, and Politics in the Mirror of Science;collected Essays Crime and Morality, the Significance of Criminal Justice in Post-Modern Culture Essays in Legal and Moral Philosophy Intellect And Craft Global Justice or Global Revenge? Hans Kelsen's Pure Theory of Law General Theory of Law and State Justice in Social Relations Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence The Politics of Justice in European Private Law General Theory of Law and State The Many Concepts of Social Justice in European Private Law Valiant Judges, Iniquitous Law Judging the Jury Peace Through Law Pure Theory of Law Popular Politics and the Quest for Justice in Contemporary China International justice and interpretation Restorative Justice: Theoretical foundations Psychology of Crime and Criminal Justice Justice in Young Adult Speculative Fiction Black Hans Restorative Justice in Context Model Codes for Post-conflict Criminal Justice Hans Kelsen and the Natural Law Tradition The Security Council as Administrator of Justice? A Criminology of Moral Order Justice of the Peace Justice and the Social Context of Early Middle High German Literature Integrity in International Justice Justice of the Peace and County, Borough, Poor Law Union and Parish Law Records Hans Kelsen and the Case for Democracy Treatise on Justice Forgotten Justice

What is Justice?

2000

kelsen hans what is justice justice law and politics in the mirror of science berkeley university of california press 1957 vi 397 pp reprinted 2000 by the lawbook exchange ltd isbn 1 58477 101 1 cloth new 95 through the lens of science kelsen proposes a dynamic theory of natural law examines platonic and aristotelian doctrines of justice the idea of justice as found in the holy scriptures and defines justice as that social order under whose protection the search for truth can prosper my justice then is the justice of freedom the justice of peace the justice of democracy the justice of tolerance p 24

What is Justice?

2022-04-29

through the lens of science hans kelsen proposes a dynamic theory of natural law examines platonic and aristotelian doctrines of justice and the idea of justice as found in the holy scriptures this title is part of uc press s voices revived program which commemorates university of california press s mission to seek out and cultivate the brightest minds and give them voice reach and impact drawing on a backlist dating to 1893 voices revived makes high quality peer reviewed scholarship accessible once again using print on demand technology this title was originally published in 1957

Global Justice Or Global Revenge?

2003

hans kochler was appointed by the secretary general of the united nations as international observer at the lockerbie trial in the netherlands in making his case kochler provides a remarkably lucid yet detailed account of the developing idea and practice of international criminal justice since the 19th century he identifies the five possible modes for international criminal justice kochler concludes that the exercise of universal jurisdiction by national judiciaries runs the risk of creating international legal anarchy and can hardly be free from the taint of politics

Selected Writings of Justice H.R. Khanna

2013

this book explores concrete situations in which judges are faced with a legislature and an executive that consciously and systematically discard the ideals of the rule of

law it revolves around three basic questions what happen when states become oppressive and the judiciary contributes to the oppression how can we from a legal point of view evaluate the actions of judges who contribute to oppression and thirdly how can we understand their participation from a moral point of view and support their inclination to resist

Judges Against Justice

2014-09-11

general jurisprudence is the theory of law in general identifying features that law has wherever and whenever legal institutions exist but it is no hermetic inquiry law depends on and has consequences for politics and morality in the germ of justice one of the subject s prominent exponents disentangles these relationships professor leslie green probes three clusters of problems the nature of law as a social construction the relations between law and morality and the demands that law makes of its officers and its subjects along the way green asks what jurisprudence can learn from the social sciences how it is related to the humanities how it might make progress and why it is of value this wonderful and accessible text engages leading theories of law and key works of hume kelsen hart dworkin finnis and raz the germ of justice is a must have work in contemporary jurisprudence and a powerful contribution to political theory and moral philosophy

The Germ of Justice

2023-07-25

this work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it this work is in the public domain in the united states of america and possibly other nations within the united states you may freely copy and distribute this work as no entity individual or corporate has a copyright on the body of the work scholars believe and we concur that this work is important enough to be preserved reproduced and made generally available to the public to ensure a quality reading experience this work has been proofread and republished using a format that seamlessly blends the original graphical elements with text in an easy to read typeface we appreciate your support of the preservation process and thank you for being an important part of keeping this knowledge alive and relevant

What is Justice? Justice, Law, and Politics in the Mirror of Science;collected Essays

2021-09-09

over the last twenty five years the significance of criminal justice has dramatically changed in a post modern culture criminal law serves more and more as a focal point in public morality the discovery of the victim of crime can be seen as the marking point by which criminal justice got its central position in the maintenance of social

order it is the result of a general victimalization of today s morality this ingenious book according to michael tonry combines insights from criminology sociology and moral philosophy it is especially inspired by the work of richard rorty who stresses the sensibility for suffering as the major source of morality in post modern times it describes the arousal of attention for victims and the development of crime prevention more specifically it analyzes child sexual abuse and prostitution this illuminating book will be an eye opener for theorists in criminology and moral philosophy but will also be an inspiring work for policy makers in the area of criminal justice

Crime and Morality, the Significance of Criminal Justice in Post-Modern Culture

2002-09-30

in his choice of texts the editor has been faced with the difficult task of selecting from among the author s more than 600 publications those of the greatest philosophical interest it is chiefly the topics of value rela tivism and the logic of norms that have been kept in view the selection has also been guided by the endeavour to reprint so far as possible texts which have not hitherto appeared in english at times however this aim has had to be discarded in order to include works of key im portance and also the latest expressions of kelsen s view in addition to the two topics already mentioned the editor has con sidered kelsen s discussions of the causal principle to be so far worthy of philosophical attention that some writings on causality and account ability have been included in this collection of philosophical studies ota weinberger hans kelsen died on april 19th 1973 only his work now lives for the inspiration of future generations of jurists and philosophers graz 25th april 1973 ot a weinberger translator s note i am obliged to the editor for his careful scrutiny of the translation which has led to a number of corrections and improvements in the text

Essays in Legal and Moral Philosophy

2012-12-06

justice hans linde interrupted a distinguished academic career to serve on the oregon supreme court where he came to be viewed as one of the two or three most important state court judges in this century now in retirement from the bench linde continues to make significant scholarly contributions that are vitally enriched by his judicial experien

Intellect And Craft

2019-04-18

the evolving concept of universal jurisdiction the modern doctrine of humanitarian intervention and the challenges faced by legal theory in addressing issues of international terrorism are subjects of this profound study the author s main intention is to reflect upon the legal and philosophical foundations of international criminal law in the context of politics he analyzes the prospects of the international criminal court and compares this institution to other forms of universal jurisdiction such as the

security council s ad hoc tribunals he also points out the problem of double standards in the current practice of humanitarian politics hans koechler was appointed by the secretary general of the united nations as international observer at the lockerbie trial in the netherlands his experience gained at the trial of the century motivated him to reflect on the feasibility of international criminal justice and humanitarian intervention in the framework of the present unipolar world order

Global Justice or Global Revenge?

2003-10-28

hans kelsen is commonly considered to be among the founding fathers of modern legal philosophy despite kelsen s prominence as a legal theorist his political theory has so far been mostly overlooked this book argues that kelsen s legal theory the pure theory of law needs to be read in the context of kelsen s political theory it offers the first comprehensive interpretation of the pure theory that makes systematic use of kelsen s conception of the rule of law of his theory of democracy his defense of constitutional review and his views on international law once it is read in the context of kelsen s political works kelsen s analysis of legal normativity provides us with a notion of political legitimacy that is distinct from any comprehensive and contestable theory of justice it shows how members of pluralist societies can reasonably acknowledge the binding nature of law even where its content does not fully accord with their own substantive views of the requirements of justice provided it is created in accordance with an ideal of fair arbitration amongst social groups this result leads to a fundamental re evaluation of the pure theory of law the theory is best understood as an attempt to find a middle ground between natural law and legal positivism later positivist legal theorists inspired by kelsen s work failed to appreciate the political theoretical context of the pure theory and turned to a narrow instrumentalism about the functions of law the perspective on kelsen offered in this book aims to reconnect positivist legal thought with normative political theory

Hans Kelsen's Pure Theory of Law

2007-09-06

intended to reformulate thoughts and ideas previously expressed in german and in french in the author s allgemeine staatslehre 1925 théorie général du droit international public 1928 and reine rechtslehre 1934 preface

General Theory of Law and State

1961

from july 16 through july 21 1984 a group of american and west german scholars met in marburg west germany to discuss their com mon work on the topic of justice in social relations for over 30 hours they presented papers raised questions about each other s work and in so doing plotted a course for future research and theory

building on this topic the participants were asked to present work that represented their most recent state of the science contributions in the area the contributions to this volume represent refined versions of those presentations papers that have been improved by the authors consideration of the comments and reactions of their colleagues the result we believe is a work that represents the cutting edge of scholarly inquiry into the important matter of justice in social relations to give the participants the freedom to present their ideas in the most appropriate way we the conference organizers and the editors of this volume gave them complete control over the form and substance of their presentations the resulting diversity is reflected in this book where the reader will find critical integrative reviews of the literature reports of research investigations and statements of theoretical positions the chapters are organized with respect to the common themes that emerged in the way the authors addressed the issues of justice in social relations each of these themes conflict and power theoretical perspectives norms and applications is represented by a part of this book

Justice in Social Relations

2013-11-11

this volume explores the reasons for hans kelsen's lack of influence in the united states and proposes ways in which kelsen's approach to law philosophy and political democratic and international relations theory could be relevant to current debates within the u s academy in those areas along the way the volume examines kelsen's relationship and often hidden influences on other members of the mid century central european émigré community whose work helped shape twentieth century social science in the united states the book includes major contributions to the history of ideas and to the sociology of the professions in the u s academy in the twentieth century each section of the volume explores a different aspect of the puzzle of the neglect of kelsen's work in various disciplinary and national settings part i provides reconstructions of kelsen's legal theory and defends that theory against negative assessments in anglo american jurisprudence part ii focuses both on kelsen's theoretical views on international law and his practical involvement in the post war development of international criminal law part iii addresses kelsen's theories of democracy and justice while placing him in dialogue with other major twentieth century thinkers including two fellow émigré scholars leo strauss and albert ehrenzweig part iv explores kelsen's intellectual legacies through european and american perspectives on the interaction of kelsen's theoretical approach to law and national legal traditions in the united states and germany each contribution features a particular applications of kelsen's approach to doctrinal and interpretive issues currently of interest in the legal academy the volume concludes with two chapters on the nature of kelsen's legal theory as an instance of modernism

Hans Kelsen in America - Selective Affinities and the Mysteries of Academic Influence

2016-08-26

compares national concepts of social justice with the developing european concept of access justice

The Politics of Justice in European Private Law

2018-11-15

reprint of the first edition this classic work by the important austrian jurist is the fullest exposition of his enormously influential pure theory of law which includes a theory of the state it also has an extensive appendix that discusses the pure theory in comparison with the law of nature positivism historical natural law metaphysical dualism and scientific critical philosophy the scope of the work is truly universal it never loses itself in vague generalities or in unconnected fragments of thought on the contrary precision in the formulation of details and rigorous system are characteristic features of the exposition only a mind fully concentrated upon that logical structure can possibly follow kelsen s penetrating analysis such a mind will not shrink from the effort necessary for acquainting itself with the pure theory of law in its more general aspects and will then pass over to the theory of the state which ends up with a carefully worked out theory of international law julius kraft american journal of international law 40 1946 496

General Theory of Law and State

2009

does european regulatory private law offer a genuine model of justice for society beyond its initial libertarian focus on economic integration through the market citizen might it now serve the social inclusion of the vulnerable in the wake of hans micklitz s inspired and relentless pursuit of meaning within the ongoing constitutionalization of private law relationships this rich collection explores the implications of new specifically european forms of access rights which ensure horizontally and vertically enforceable and non discriminatory opportunity for market participation horatia muir watt columbia law school us this insightful book with contributions from leading international scholars examines the european model of social justice in private law that has developed over the 20th century the first set of articles is devoted to the relationship between corrective commutative procedural and social justice more particularly the role and function of commutative justice in contrast to social justice the second section brings together scholars who discuss the relationship between constitutional order the values enshrined in the constitutional order and the impact of constitutional values on private law relations the third section focuses on the impact of socio economic developments within the eu and within selected member states on the proprietary order of the eu on the role and function of the emerging welfare state and the judiciary as well as on nation state specific patterns of social justice the final section tests the hypothesis to what extent patterns of social justice are context related and differ in between labour consumer and competition law the many concepts of social justice in european private law will prove to be of great interest to academics of law as well as to private lawyers and european policymakers

The Many Concepts of Social Justice in European Private Law

2011-11-01

this book is about heroes of law it provides examples of when judges have exercised courage moderation wisdom and justice rather than blindly following the law it also discusses the contentious issue of whether a judge has a moral responsibility to defend the rule of law regardless of what the law actually states the work presents a collection of thirteen stories about judges who in different settings have stood up against the authorities and public opinion in the defence of the rule of law an introductory chapter sets the scene with two examples of situations gone wrong when those applying the law have just followed the demands of those in power the thirteen stories are followed by two theoretical chapters discussing the moral responsibility of the judge finally the book explores the kind of ethical theory required to guide judges in the assessments they must make and the choices they have to take in order to fulfil their moral responsibilities it is argued that the classic virtues of courage moderation wisdom and justice are all qualities that can contribute to both sound judgment and reflection the book thus seeks to nurture a realistic culture and a tradition of cultivating lawyers who defend the rule of law against a background where the history of our legal institutions when put to the test is largely nothing to be proud of the work seeks to change this by highlighting and reflecting on the exceptions the book will be illuminating reading for students and academics working in the areas of jurisprudence legal ethics and legal history

Valiant Judges, Iniquitous Law

2023-09-11

in this work hans and vidmar review the historical evolution of the trial jury the contemporary role of the jury in the american criminal justice system and future prospects for the jury as an institutional force choice

Judging the Jury

1986-03-21

reprint of the second revised and enlarged edition a complete revision of the first edition published in 1934 a landmark in the development of modern jurisprudence the pure theory of law defines law as a system of coercive norms created by the state that rests on the validity of a generally accepted grundnorm or basic norm such as the supremacy of the constitution entirely self supporting it rejects any concept derived from metaphysics politics ethics sociology or the natural sciences beginning with the medieval reception of roman law traditional jurisprudence has maintained a dual system of subjective law the rights of a person and objective law the system of norms throughout history this dualism has been a useful tool for putting the law in the service of politics especially by rulers or dominant political parties the pure theory of law destroys this dualism by replacing it with a unitary system of objective positive law that is insulated from political manipulation possibly the most influential jurist of the twentieth century hans kelsen 1881 1973 was legal adviser to austria's last emperor and its first republican government the founder and permanent advisor of the supreme constitutional court of austria and the author of austria's constitution which was enacted in 1920 abolished during the anschluss and restored in 1945 the author of more than forty books on law and legal philosophy he is best known for this work and general theory of law and state also active as a teacher in europe and the united states he was dean of the law faculty of the university of vienna and taught at the universities of cologne and prague the institute of international studies in

geneva harvard wellesley the university of california at berkeley and the naval war college also available in cloth

Peace Through Law

2000

cover title copyright contents list of contributors acknowledgements introduction judging the state emerging publics and the quest for justice in contemporary china 1 battles over green space land disputes rights activism and emerging publics in urban china 2 making personal life political political trajectories of everyday conversations in china s online communities 3 marginalizing the law corporate social responsibility worker hotlines and the shifting grounds of rights consciousness in contemporary china 4 judging publics and contested exclusion the moral economy of citizenship in china 5 policy documents imaginations of the state and the struggle for justice in a chinese land losing village 6 fighting for one s life the making and unmaking of public goods in the yunnanese countryside 7 public buddhist philosophy civic engagement and discursive space among a religious group in shanghai 8 concealing and revealing senses of justice in rural china a brief afterword index

Pure Theory of Law

2005

the 2001 issue of the yearbook deals with the problem of international justice what is the meaning of justice in the age of globalisation in which sense can the right provide for criteria that make it possible to afford conflicts in international relations which new interpretative standards do turn out to be introduced within domestic law by international dimension this issue of ars interpretandi tries to answer these questions as well as other ones according to an interdisciplinary view which examine their implications in law ethics politics economics and religion

Popular Politics and the Quest for Justice in Contemporary China

2017-06-14

this book brings together a selection of papers originally presented and discussed at the fourth international restorative justice conference held at the university of tübingen the contributors include many of the leading authorities in the field of restorative justice and they provide a comprehensive review of the theoretical foundations underlying this rapidly expanding movement restorative justice theoretical foundations addresses a wide range of fundamental questions about restorative justice considering amongst other things ways in which conceptual pitfalls can be avoided and how traditional models of peacemaking and healing developed in traditional societies can be integrated into the justice systems of late modern societies overall it provides an authoritative overview of contemporary thinking about restorative justice and will be essential reading for anybody concerned with the future direction of criminal justice and criminal justice systems leading world authorities

address the theoretical foundations of restorative justice a rapidly expanding area within criminal justice includes chapters on restorative justice as applied to corporate crime family violence and cases of extreme violence

International justice and interpretation

2002

this book is the first to offer a justice focused cognitive reading of modern YA speculative fiction in its narrative and filmic forms it links the expansion of YA speculative fiction in the 20th century with the emergence of human and civil rights movements with the communitarian revolution in conceptualizations of justice and with spectacular advances in cognitive sciences as applied to the examination of narrative fiction Oziewicz argues that complex ideas such as justice are processed by the human mind as cognitive scripts that scripts when narrated take the form of multiply indexable stories and that YA speculative fiction is currently the largest conceptual testing ground in the forging of justice consciousness for the 21st century world drawing on recent research in the cognitive and evolutionary sciences Oziewicz explains how poetic retributive restorative environmental social and global types of justice have been represented in narrative fiction from 19th century folk and fairy tales through 21st century fantasy dystopia and science fiction suggesting that the appeal of these and other nonmimetic genres is largely predicated on the dream of justice Oziewicz theorizes new justice scripts as conceptual tools essential to help humanity survive the qualitative leap toward an environmentally conscious culturally diversified global world this book is an important contribution to studies of children's and YA speculative fiction adding a new perspective to discussions about the educational as well as social potential of nonmimetic genres it demonstrates that the justice imperative is very much alive in YA speculative fiction creating new visions of justice relevant to contemporary challenges

Restorative Justice: Theoretical foundations

2012-12-06

it starts with a toolmaker named Hans a trading journey and the taking of a horse one high handed act by a nobleman's servant will lead to crime corruption and the direct intervention of the witch princess Mileta the tale of Black Hans will start small but engulf a kingdom

Psychology of Crime and Criminal Justice

1986

this book brings together a selection of papers originally presented and discussed at the fourth international restorative justice conference held at the university of Tübingen the contributors include many of the leading authorities in the burgeoning field of restorative justice and they provide a comprehensive review of developing

international practice and directions and the context in which restorative justice practices are developing restorative justice in context moves beyond a focus on restorative justice for juveniles to a broader concern with the application of restorative justice in such areas as corporate crime family violence and the application of restorative justice in cases of extreme violent crimes the contexts examined are drawn from europe north america australasia and japan leading world authorities analyse international case studies reflecting the growth of restorative justice worldwiderapidly expanding area of interest

Justice in Young Adult Speculative Fiction

2015-04-17

these volumes are the culmination of a five year project to produce a criminal law reform tool tailored to the needs of countries emerging from conflict

Black Hans

2020-06-01

hans kelsen and the natural law tradition provides the first sustained examination of hans kelsen s critical engagement itself founded upon a distinctive theory of legal positivism with the natural law tradition

Restorative Justice in Context

2012-12-06

moral order is disturbed by criminal events however in a secularized and networked society a common moral ground is increasingly hard to find people feel confused about the bigger issues of our time such as crime anti social behaviour islamist radicalism sexual harassment and populism traditionally issues around morality have been neglected by criminologists through theory case studies and discussion this book sheds a new and topical light on these concerns using the moral perspective boutellier bridges the gap between people s emotional opinions on crime and criminologists rationalized answers to questions of crime and security

Model Codes for Post-conflict Criminal Justice

2007

this book argues that far from preaching traditional otherworldly ideals the authors or these religious works were deeply engaged in the social political and spiritual

issues that characterized the holy roman empire at a time of radical transformation

Hans Kelsen and the Natural Law Tradition

2019-03-19

hans kelsen and the case for democracy is a contextual analysis of this famous jurist s political thought kelsen s works are usually reduced to his theory of law and his reflections on democracy are often ignored the great strength of kelsen s political thinking lies in the largely original arguments that it musters against the critics who condemn or debunk the institutions of parliamentary democracies this study assesses kelsenian democratic theory by exploring three questions first how is kelsen s political theory intertwined with his legal theory second how does kelsen combine his reflections on the democratic ideal with his appreciation of a reality that more often than not quite distant from that ideal third how does kelsen conceive of the sources of the state s cohesion in a democracy

The Security Council as Administrator of Justice?

2011

challenging the assumptions of modern political and legal philosophy this book presents a historical account of the development of thinking about justice and political obligations it argues against the modern fixation with the state and for a return to traditional conceptions of political community and the law

A Criminology of Moral Order

2019-01-16

Justice of the Peace

1883

Justice and the Social Context of Early Middle High German Literature

2014-03-05

Integrity in International Justice

2020

Justice of the Peace and County, Borough, Poor Law Union and Parish Law Records

1883

Hans Kelsen and the Case for Democracy

2012

Treatise on Justice

1967

Forgotten Justice

2013-02-14

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