



PRINCIPLES OF NATURAL JUSTICE

Natural Law And Justice

Charles P. Nemeth



Natural Law And Justice:

Natural Law and Justice Lloyd L. Weinreb, 1987 Human beings are a part of nature and apart from it The argument of Natural Law and Justice is that the philosophy of natural law and contemporary theories about the nature of justice are both efforts to make sense of the fundamental paradox of human experience individual freedom and responsibility in a causally determined universe Lloyd Weinreb restores the original understanding of natural law as a philosophy about the place of humankind in nature He traces the natural law tradition from its origins in Greek speculation through its classic Christian statement by Thomas Aquinas He goes on to show how the social contract theorists adapted the idea of natural law to provide for political obligation in civil society and how the idea was transformed in Kant's account of human freedom He brings the historical narrative down to the present with a discussion of the contemporary debate between natural law and legal positivism including particularly the natural law theories of Finnis Richards and Dworkin Weinreb then adopts the approach of modern political philosophy to develop the idea of justice as a union of the distinct ideas of desert and entitlement He shows liberty and equality to be the political analogues of desert and entitlement and both pairs to be the normative equivalents of freedom and cause In this part of the book Weinreb considers the theories of justice of Rawls and Nozick as well as the communitarian theory of MacIntyre and Sandel The conclusion brings the debates about natural law and justice together as parallel efforts to understand the human condition This original contribution to legal philosophy will be especially appreciated by scholars teachers and students in the fields of political philosophy legal philosophy and the law generally

Natural Law, Or, The Science of Justice Lysander Spooner, 1882 Natural Right and Natural Law Javier Hervada, 1987 *Natural Law in Court* R. H. Helmholz, 2015-06-08 Natural law theory grounds human laws in universal truths of God's creation The task of the judicial system was to build an edifice of positive law on natural law's foundations R H Helmholz shows how lawyers and judges made and interpreted natural law arguments in the West and concludes that historically it has advanced the cause of justice

Natural Law Jurisprudence in U.S. Supreme Court Cases since Roe v. Wade Charles P. Nemeth, 2020-02-20 Since America's founding natural law principles play a critical role in the development of rights and human dignity Commencing with the notion that rights are derived from a higher metaphysical power over mere promulgation and human legislation the natural law advocate sees law and human rights in the context of a more perpetual and perennial philosophy Coupled with this is the view that natural law provides a series of undeniable precepts for human operations or a natural prescription for human life based on the natural order Hence early court cases tend to emphasize the natural versus the unnatural and just as compellingly argue that the natural order aligned with the eternal law delivers a measure for human action Earlier US Supreme Court cases often use this sort of language in granting or denying rights in certain human activity As a result a survey of some of the most significant landmark cases from the Supreme Court are assessed in Natural Law Jurisprudence in U S Supreme Court Cases since Roe v Wade and by implication

those cases which seem to disregard these fundamental principles such as the slavery decisions are highlighted On Law and Justice Alf Ross, 2004 Ross Alf On Law and Justice Berkeley University of California Press 1959 xi 383 pp Reprint available December 2004 by the Lawbook Exchange Ltd ISBN 1 58477 488 6 Cloth 90 In this influential and oft cited study Ross discounted the theories of natural law positivism and legal realism In their stead he proposed the abandonment of ought propositions for the is propositions employed by other empirical sciences thereby envisioning lawyers that serve merely as rational technologists Less bound by tradition and traditional notions of justice jurisprudence then becomes not only a beautiful mental activity per se but also an instrument which may benefit any lawyer who wants to understand what he is doing and why Preface The Defence of Natural Law Charles Covell, 2016-07-27 The Defence of Natural Law comprises a study of the philosophies of law expounded by Lon L Fuller Michael Oakeshott F A Hayek Ronald Dworkin and John Finnis The work of these theorists is situated in relation to the modern tradition in legal philosophy In this way it is demonstrated that the theorists adhered closely to the natural law standpoint in legal philosophy while also defending the particular view of the proper functions of law and the state that distinguished the tradition of modern liberalism Criminal Justice Ethics Cyndi Banks, 2009 Following on the success of its First Edition which was praised for its comprehensive coverage and flexible organization Criminal Justice Ethics Second Edition continues to explore ethical dilemmas faced by criminal justice professionals and discusses how they might be resolved covering codes of ethics for various players and providing applied examples in the form of illustrative real life case boxes The Second Edition also retains the unique praised organizational style of the previous edition covering the interaction of ethics and the criminal justice system in Part I to lay a foundation for the ethical theories and perspectives introduced in Part II New to this Edition Includes a new chapter in the Second Edition Ethics and the War on Terrorism explores the very timely topic of terrorism covering definitions of terrorism restrictions of rights in the interests of national security and the ethics of torture Provides expanded treatment of important topics and offers global perspectives where appropriate Readers will find more coverage of transparency and accountability in the criminal justice system and more comparative discussions showing how ethical challenges are addressed in other countries Offers updated information throughout with a more accessible interior design and more robust pedagogy Expanded coverage of timely topics and issues that impact the contemporary criminal justice system including prostitution drug abuse abortion homosexuality human rights terrorism and the Patriot Act a more appealing visual design and helpful pedagogical features such as key terms end of chapter cases and new feature boxes enhance student learning w **On Law and Justice** Honoré Daumier, 1959 *The End of Law* David McIlroy, 2019 The End of Law applies Augustine s questions to modern legal philosophy as well as offering a critical theory of natural law that draws on Augustine s ideas McIlroy argues that such a critical natural law theory is realistic but not cynical about law s relationship to justice and to violence can diagnose ways in which law becomes deformed and pathological and indicates that law is a necessary but insufficient instrument for the

pursuit of justice Positioning an examination of Augustine s reflections on law in the context of his broader thought McIlroy presents an alternative approach to natural law theory drawing from critical theory postmodern thought and political theologies in conversation with Augustine Hobbes on Justice Johan Olsthoorn,2024-10-31 Thomas Hobbes 1588 1679 is widely regarded as one of the most important political thinkers in the Western tradition Justice is one of the main political concepts today This is the first book length analysis of Hobbes s ideas on justice Hobbes made many startling claims about justice Norms of justice have no place outside the commonwealth the civil law determines what is just and unjust and nothing sovereigns do is unjust to their citizens But what exactly did Hobbes mean by justice And how did he convince his audience that he was speaking about justice when advancing such controversial views and not about something else In Hobbes on Justice Olsthoorn traces the place of justice in Hobbes s moral legal political and international thought as developed over time The book reconstructs his idiosyncratic glosses on notions like justice rights injury obligation and law proposes new solutions to some long standing interpretive puzzles and provides in depth discussions of property slavery treason just war and other neglected aspects of Hobbes s thought Olsthoorn shows that Hobbes s theory of justice doubled as a civil theodicy it aimed to morally empower sovereign rulers by vindicating them from all stains of injustice no matter how horrid their rule Combining analytic philosophy intellectual history and political theory this major new study of Thomas Hobbes will be of wide and cross disciplinary interest to scholars of philosophy law politics and history **Natural Law Theory** Robert P. George,1992 This volume presents twelve original essays by contemporary natural law theorists and their critics Natural law theory is enjoying a revival of interest today in a variety of disciplines including law philosophy political science and theology and religious studies These essays offer readers a sense of the lively contemporary debate among natural law theorists of different schools as well as between natural law theorists and their critics Rule of Law, Justice, and Interpretation Luc B. Tremblay,1997-10-24 Tremblay s theory of the rule of law involves a set of practical principles that constitute the ideal type of a conception of law that is both constitutive and regulative of legal discourse and practice Tremblay examines two competing ideal types the rule of law as certainty and the rule of law as justice The former a standard doctrine within contemporary legal social and political theory is shown to be incoherent Thus the rule of law as justice he shows provides the best basis for understanding legal discourse in general and Canadian constitutional law in particular Tremblay offers a coherent reconstruction of Canadian law from fundamental principles of the rule of law as justice and tests the theory through applications to key judicial decisions that have proven resistant to positivist interpretation The Rule of Law Justice and Interpretation is both a stimulating work of contemporary legal theory and an innovative challenge to the traditions of Canadian constitutional law Tremblay examines fundamental issues of legal epistemology and ontology and brings rigorous analytical jurisprudence to bear on interpretations and applications specific to Canadian constitutional law Given the important implications of his theory for statutory and constitutional interpretation especially with respect to the Canadian

Charter of Rights and Freedoms and the potential crisis involving provincial rights of secession and partition this book will be central to the practice of law in Canada **Justice and Freedom in Hegel** Paolo Diego Bubbio, Andrew

Buchwalter, 2024-06-03 This volume explores the relationship between justice and freedom in Hegel's practical philosophy with a particular focus on the pivotal concept of reciprocal recognition. The contributors analyze the intersubjective relations between individuals and institutions through the lens of Hegel and demonstrate how his account of justice and freedom can be applied to address pressing issues in political philosophy. Despite extensive scrutiny of the concept of justice by political philosophers, Hegel's unique account has been notably overlooked. What sets Hegel apart is his emphasis on the inseparable link between justice and freedom. Freedom is inextricably tied to an account of just social relations and institutions while justice itself is intertwined with a robust endorsement of freedom. The chapters comprising this volume examine three crucial dimensions of Hegel's framework for freedom and justice. First, the contributors address how Hegel's distinctive integration of freedom and justice sheds new light on the nature of his practical philosophy. Second, they relate Hegel's theory to other prominent accounts of justice including Rawlsian forms of Kantian constructivism, Habermas' neo-Kantian discourse theory, republican views, neo-Aristotelian accounts, and critical theory approaches. Finally, the contributors apply Hegel's reconstructed theory of justice to ongoing debates encompassing criminal justice, distributive justice, global justice, environmental justice, and issues related to racial and gender justice, as well as populism. **Justice and Freedom in Hegel** will appeal to scholars and advanced students engaged in research on Hegel's practical philosophy, 19th-century philosophy, and political philosophy. **Aristotle and The Philosophy of Law: Theory, Practice and Justice** Liesbeth

Huppes-Cluysenaer, Nuno M.M.S. Coelho, 2013-02-14 The book presents a new focus on the legal philosophical texts of Aristotle which offers a much richer frame for the understanding of practical thought, legal reasoning, and political experience. It allows understanding how human beings interact in a complex world and how extensive the complexity is which results from humans' own power of self-construction and autonomy. The Aristotelian approach recognizes the limits of rationality and the inevitable and constitutive contingency in Law. All this offers a helpful instrument to understand the changes globalisation imposes to legal experience today. The contributions in this collection do not merely pay attention to private virtues but focus primarily on public virtues. They deal with the fact that law is dependent on political power and that a person can never be sure about the facts of a case or about the right way to act. They explore the assumption that a detailed knowledge of Aristotle's epistemology is necessary because of the direct connection between Enlightened reasoning and legal positivism. They pay attention to the concept of proportionality which can be seen as a precondition to discuss liberalism. *Force, Religion, and the Quest for African American Justice* Daniel A. Morris, 2025-06-26 This study argues that Black calls for force in the struggle against white supremacy have echoed concepts and principles in the Western just war tradition. After establishing that just war theory has ignored Black calls for force and that the Trans-Atlantic Slave Trade relied on just war

ethics for its justification this book turns to African American resistance rhetoric in three crucial periods of U S history In the antebellum period the Civil Rights movement and the era of mass incarceration African American thinkers have drawn on ideas and forms of logic that run parallel to just war ethics This makes Black rhetoric of forceful resistance morally normal rather than radical or extremist Figures in the Black just war tradition such as David Walker Henry Highland Garnet Harriet Tubman Huey Newton Bree Newsome and others should be included in the discipline of just war ethics and white American Christians should recognize that their endorsements of force are consistent with widely accepted moral positions

Dimensions of Justice William C. Heffernan, 2014 Further Reading Notes Chapter 9 Transitional Justice New Democracies Grapple with Their Past Coming to Terms with the Past Justice vs National Reconciliation The Problem of Punishment Corrective Justice for Victims of Human Rights Abuses Summary Further Reading Notes Chapter 10 The Right to be Let Alone Determining the Scope of Personal Freedom The Harm Principle Paternalism Harm to Third Parties Moral Relativism and the Diversity of Human Practices The Possibility of an Offense Principle Summary Further Reading Notes Part 3 Doing Justice Within the Law *Law, Courts, and Justice in America* Howard Abadinsky, 2020-08-17 The eighth edition offers an updated and streamlined examination of the American system of law courts and justice Part I Law reviews the history of courts and justice common law and civil law systems as well as law schools and legal education Part II Courts discusses lawyers and the practice of law unravels the structure and administration of federal and state court systems delineates the appellate process the Supreme Court and judicial review and describes the roles of judges prosecutors and criminal defense attorneys Part III Justice demystifies the criminal justice process negotiated justice civil justice juvenile justice and alternative forms of justice Throughout the book landmark cases important historical events illustrative examples and boxed items highlight or expand chapter content Each of the twelve chapters concludes with an extensive summary a list of key terms and review questions There is also a glossary that provides a summary of important terms *Tax Law, Religion, and Justice* Allen Calhoun, 2021-03-08 This book asks why tax policy is both attracted to and repelled by the idea of justice Accepting the invitation of economist Henry Simons to acknowledge that tax justice is a theological concept the work explores theological doctrines of taxation to answer the presenting question The overall message of the book is that taxation is an instrument of justice but only when taxes take into account multiple goods in society the requirements of the government the property rights of society's members and the material needs of the poor It is argued that this answer to the presenting question is a theological and ethical answer in that it derives from the insistence of Christian thinkers that tax policy take into account material human need *necessitas* Without the *necessitas* component of the tax balance tax systems end up honoring only one of the three components of the tax equation and cease to reflect a coherent idea of justice The book will be of interest to academics and researchers working in the areas of tax law economics theology and history Justice, Law and Culture J.K. Feibleman, 2012-12-06 The following pages contain a theory of justice and a theory of law Justice will be

defined as the demand for a system of laws and law as an established regulation which applies equally throughout a society and is backed by force The demand for a system of laws is met by means of a legal system The theory will have to include what the system and the laws are intended to regulate The reference is to all men and their possessions in a going concern In the past all such theories have been discussed only in terms of society justice as applicable to society and the laws promulgated within it However men and their societies are not the whole story in recent centuries artifacts have played an increasingly important role To leave them out of all consideration in the theory would be to leave the theory itself incomplete and even distorted For the key conception ought to be one not of society but of culture Society is an organization of men but culture is something more I define culture civilization has often been employed as a synonym as an organization of men together with their material possessions Such possessions consist in artifacts material objects which have been altered through human agency in order to reduce human needs The makers of the artifacts are altered by them Men have their possessions together and this objectifies and consolidates the culture

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