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Die Wissenschaft der Gerechtigkeit

Naturrecht Und Materiale Gerechtigkeit Prolegomena Zu Einer Rechtsphilosophie

Otto Majewski



Naturrecht Und Materiale Gerechtigkeit Prolegomena Zu Einer Rechtsphilosophie:

Naturrecht und materiale Gerechtigkeit Hans Welzel, 1955 *A Treatise of Legal Philosophy and General Jurisprudence* Enrico Pattaro, Corrado Roversi, 2016-07-13 A Treatise of Legal Philosophy and General Jurisprudence is the first ever multivolume treatment of the issues in legal philosophy and general jurisprudence from both a theoretical and a historical perspective The work is aimed at jurists as well as legal and practical philosophers Edited by the renowned theorist Enrico Pattaro and his team this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholar at all levels The work is divided in two parts The theoretical part published in 2005 consisting of five volumes covers the main topics of the contemporary debate the historical part consisting of six volumes Volumes 6-8 published in 2007 Volumes 9 and 10 published in 2009 Volume 11 published in 2011 and Volume 12 forthcoming in 2016 accounts for the development of legal thought from ancient Greek times through the twentieth century Volume 12 Legal Philosophy in the Twentieth Century The Civil Law World Volume 12 of A Treatise of Legal Philosophy and General Jurisprudence titled Legal Philosophy in the Twentieth Century The Civil Law World functions as a complement to Gerald Postema's volume 11 titled Legal Philosophy in the Twentieth Century The Common Law World and it offers the first comprehensive account of the complex development that legal philosophy has undergone in continental Europe and Latin America since 1900 In this volume leading international scholars from the different language areas making up the civil law world give an account of the way legal philosophy has evolved in these areas in the 20th century the outcome being an overall mosaic of civil law legal philosophy in this arc of time Further specialists in the field describe the development that legal philosophy has undergone in the 20th century by focusing on three of its main subjects namely legal positivism natural law theory and the theory of legal reasoning and discussing the different conceptions that have been put forward under these labels The layout of the volume is meant to frame historical analysis with a view to the contemporary theoretical debate thus completing the Treatise in keeping with its overall methodological aim namely that of combining history and theory as a necessary means by which to provide a comprehensive account of jurisprudential thinking *Natural Law & Human Dignity* Eberhard Schockenhoff, 2003 Do human rights apply only to a certain culture group or can they be demanded of all cultures and religions This discussion about a common world ethos demonstrates how relevant and explosive that question is In his study of ethical relativism and historical thinking Eberhard Schockenhoff shows how the universal recognition of fundamental norms that guarantee the minimum conditions for human existence can be substantiated Dealing critically with the two most important branches of research in present day moral theology autonomous morality and teleological ethics the author presents a new theological ethical theory of natural law Integrating the theory of practical reason and Aquinas' understanding of natural inclinations Schockenhoff compares this synthesis to the insights of present day anthropology This method allows him to re-establish a connection to classical natural law ethics In so doing he indicates how ethics can fulfill its

most important duty to arrive at the recognition of anthropologically grounded material norms without falling prey to a logical error According to Schockenhoff claims of natural law and of human rights formulate an indispensable minimum while biblical ethics the decalogue and the Sermon of the Mount and the high ethos of the world religions point the way to an encompassing realization of the concept of the good life Renowned moral theologian Eberhard Schockenhoff is professor at Albert Ludwigs Universität Freiburg He is the author of numerous works and managing editor of Zeitschrift für Medizinische Ethik Brian McNeil is a parish priest in Munich and a translator of theological literature PRAISE FOR THE BOOK The book is impressive in many respects It is thorough and precise about the specific problems associated with natural law theory and the chapters on relativism and historicism exhibit impressive erudition and insight Few books on natural law grapple so extensively and fairly with objectors as does this one and its responses are admirable in their breadth and depth Mark Graham Theological Studies A masterly treatment of many of the most important issues in moral theology Brian V Johnstone Studia Moralia This book demonstrates convincingly that natural law has not become obsolete in ethical discussions Peter Fonk Theologische Revue In regard to topics that are coined by the Roman Catholic tradition the author includes Protestant authors in his considerations with a naturalness that has to be seen as a fortunate sign of ecumenical openness Schockenhoff manages to revive answers of the tradition that have sometimes been put aside and to bring them up in the challenges of today Heinrich Bedford Stroh Theologische Literaturzeitung An exceptional discussion of the concept of natural law as it applies to a modern world of moral relativism This is a high quality work providing both a wide overview of the concerns of natural law and offering a respectable solution worth further consideration Schockenhoff's work is highly recommended Matthew Ryan McWhorter Catholic Books Review OnLine This book by one of the leading Catholic moral theologians in Germany teaching at Freiburg University presents a simple thesis in an elaborate and sophisticated fashion Schockenhoff's highly learned and impressive account deserves attention and critical engagement Bernd Wannenwetsch Studies in Christian Ethics **Transformations in Medieval and Early-Modern Rights Discourse** Virpi Mäkinen, Petter Korkman, 2006

Rights language is a fundamental feature of the modern world Virtually all significant social and political struggles are waged and have been waged for over a century now in terms of rights claims In some ways it is precisely the birth of modern rights language that ushers in modernity in terms of moral and political thought and the struggle for a modern way of life seems for many synonymous with the fight for a universal recognition of equal individual human rights Where did modern rights language come from What kinds of rights discourses is it rooted in What is the specific nature of modern rights discourse when and where were medieval and ancient notions of rights transformed into it Can one in fact find any single such transformation of medieval into modern rights discourse The present volume brings together some of the most central scholars in the history of medieval and early modern rights discourse Through the different angles taken by its authors the volume brings to light the multifaceted nature of rights languages in the medieval and early modern world *The Epochs of*

International Law Wilhelm G. Grewe, 2013-02-06 Wilhelm G Grewe's *Epochen der Völkerrechtsgeschichte* published in 1984 is widely regarded as one of the classic twentieth century works of international law. This revised translation by Michael Byers of Duke University Durham North Carolina makes this important book available to non German readers for the first time. The *Epochs of International Law* provides a theoretical overview and detailed analysis of the history of international law from the Middle Ages to the Age of Discovery and the Thirty Years War from Napoleon Bonaparte to the Treaty of Versailles the Cold War and the Age of the Single Superpower and does so in a way that reflects Grewe's own experience as one of Germany's leading diplomats and professors of international law. A new chapter written by Wilhelm G Grewe and Michael Byers updates the book to October 1998 making the revised translation of interest to German international lawyers international relations scholars and historians as well. Wilhelm G Grewe was one of Germany's leading diplomats serving as West German ambassador to Washington Tokyo and NATO and was a member of the International Court of Arbitration in The Hague. Subsequently professor of International Law at the University of Freiburg he remains one of Germany's most famous academic lawyers. Wilhelm G Grewe died in January 2000. Professor Dr Michael Byers Duke University School of Law Durham North Carolina formerly a Fellow of Jesus College Oxford and a visiting Fellow of the Max Planck Institute for Comparative Public Law and International Law Heidelberg.

Rights and Civilizations Gustavo Gozzi, 2019-02-14 Illustrates the origin and ways of Western hegemony over other civilizations across the world.

Books and Pamphlets, Including Serials and Contributions to Periodicals Library of Congress. Copyright Office, 1949.

Naturrecht und Natur der Sache Gerhard Sprenger, 2019.

Kontraktualismus der Frühen Neuzeit und der Moderne. Ein Vergleich der vertragstheoretischen Grundgedanken von Hobbes, Rousseau und Rawls Steffen Geggus, 2015-11-27 Studienarbeit aus dem Jahr 2014 im Fachbereich Philosophie. Epochenbergreifende Abhandlungen. Note 2,0. Sprache Deutsch. Abstract: Diese Hausarbeit widmet sich mit Thomas Hobbes Jean Jacques Rousseau und John Rawls drei bedeutenden Philosophen, welche einen erheblichen Einfluss auf die politische Philosophie hatten. Mit ihren kontraktualistischen Theorien prägten und veränderten vor allem Hobbes und Rousseau das in der Frühen Neuzeit herrschende Weltbild, denn sie legten mit ihren normativen Thesen den Grundstein für einen moralischen Rahmen eines Staates und einer Gesellschaft. Rawls dagegen legte mit seiner modernen Vertragstheorie den Grundstein für eine Renaissance der politischen Philosophie. Ziel dieser Ausarbeitung ist jedoch nicht den vollen Umfang dieser Theorien zu erläutern. Vielmehr gilt es einzelne Aspekte dieser Theorien, Gemeinsamkeiten und Unterschiede komprimiert aufzuzeigen. Um dies darzulegen, soll zunächst einmal ein kurzer Überblick über den geschichtlichen Kontext deutlich machen, inwiefern sich verschiedene Denkweisen auf die in dieser Hausarbeit behandelten Theorien ausgewirkt haben. Deshalb habe ich mich entschieden, vorab die nominalistischen Strömungen der Scholastik zu thematisieren. Im Anschluss daran beschreibe ich die Grundintentionen von Thomas Hobbes Jean Jacques Rousseau und John Rawls, die für ihre Theorien bedeutend waren. Der darauf folgende Hauptteil vergleicht drei

unterschiedliche Aspekte der jeweiligen Vertragstheorien und zeigt Unterschiede sowie Gemeinsamkeiten auf Gegen Ende soll ein Fazit die herausgearbeiteten Ergebnisse in Kürze zusammenfassen **Wege ins Diesseits** Michael Wengraf, 2016 Thema des Bandes ist die Averroes Rezeption im Okzident Es handelt sich dabei um die spezielle Verbreitung von Wissen und Ideen aus dem islamischen Raum in Europa um 1250 Die für ein Verständnis der Gegenwart brandaktuelle These lautet dass eine vom Averroismus gestaltete Aristotelik das lateinische Christentum prägte Ein Einfluss der auf Entwicklungen wirkte die in Renaissance und Frühkapitalismus gipfelten Daran knüpft die Frage War dieser Transfer für modernes Denken konstituierend These ist auch dass die Wende hin zu wissenschaftlicher Autonomie ohne Averroismus so nicht hätte erfolgen können Untersucht wird dies an Hand von fünf Denkern Thomas von Aquin Boethius von Dacien samt einer Gruppe von lateinischen Averroisten Meister Eckhart Marsilius von Padua sowie Dante Alighieri Die Naturrechtslehre 'Abd al-Ġabbār Samaneh Khalili, 2022 Die islamische Geistesgeschichte verlief entlang der Bruchlinie zwischen Offenbarung und Vernunft In der Ethik drehte sich der Diskurs um die Frage ob der Mensch kraft seiner Vernunft fähig ist in seinen Handlungen zwischen Gut und Böse zu unterscheiden oder ob er dazu auf die Offenbarung angewiesen ist In der klassischen Zeit des Islam berschritt die philosophische Schule der Mu'tazila jene Linie zugunsten der Vernunft Einem ihrer Vertreter dem mu'tazilitischen Theologen Abd al-abbas gest 1025 n Chr widmet sich diese Studie Der Gelehrte stellte sich auf einen naturrechtlichen Standpunkt um nachzuweisen dass Handlungsnormen objektiv und unabhängig vom Willen Gottes begründet werden können Es ist das Verdienst der Autorin Einblick in eine rationale Denkbewegung zu geben deren Dynamik bis heute nachwirkt und die den Ausblick erlaubt dass der Islam aus seiner eigenen Tradition heraus aufklärerisches Gedankengut hervorbringen kann *Recht und Rechtswissenschaft zur Zeit der Reformationen und der Renaissance* Heiner Lück, Timo Fenner, Anne-Marie Heil, Rainer Rausch, Marcel Senn, 2021-03-01 Der Band präsentiert 16 Beiträge des Seminars Recht und Rechtswissenschaft zur Zeit der Reformationen und der Renaissance geschrieben von hervorragenden jungen Akademikern und deren Professoren die den historischen Hintergrund einbringen Die Beiträge zeigen die beginnenden Reformen innerhalb der römischen Kirche im Mittelalter die zur Reformation Luthers und Melanchthons in Wittenberg führten und in den sozialen Reformen Thomas Müntzers für die Bauern sowie in der helvetischen Reformation Calvins ihre Fortsetzungen fanden Letzterer war auch für Anhalt von Bedeutung während in Zürich maßgeblich Zwingli und Bullinger als Reformatoren wirkten Andere Beiträge befassen sich mit verschiedenen Aspekten der Reformierung von Institutionen wie Konsistorien und Kirchenordnungen der Gender Frage dem neuen Studium der Rechte und der reichhaltigen Malerei in Kirchen Anhalts Sachsens Thüringens und Pommerns *Law and Jurisprudence During the Reformations and the Renaissance* This volume presents 16 papers of the seminar on Law and Jurisprudence during the Reformations and the Renaissance written by excellent young academics and their Professors giving further historical background The papers show the reforms beginning within the Church of Rome in the Late Middle Ages leading to the Reformation by Luther and Melanchthon at Wittenberg and

going on with Müntzers social reforms for the peasants the helvetic reformation by Calvin who also was a representative in Anhalt Other papers deal with the aspects of the reform of institutions as consistories ordinances the gender problem the new studies of law and the rich ecclesiastical picture scene in the churches of Anhalt Saxony Thuringia and Pomerania Mit Beiträgen von Frithjof Damm Livio Fenner Timo Fenner Julia Maria Gerhardt Niklas Kirchner Patrick Krebs Heiner Lück Johannes Neumair Rainer Rausch Johann Wilfried Reichel Valentin Roniger Felicitas M Ronneberger Maximilian Scholze Julia Vahldieck und Sarah Ziwamil **Genealogie des Staates. Prämissen des neuzeitlichen Politikdenkens.** Klaus

Roth, 2011-01-01 Das europäische Politikdenken der Neuzeit kreiste um den Begriff des Staates Dieses Denken scheint heute an sein Ende zu gelangen Klaus Roth erforscht die Grundlagen und Gründe für den Aufstieg und die steile Karriere der auf den Staat fixierten Ideenwelt um dadurch zugleich mögliche Ursachen für ihr Verblässen und ihren Niedergang zu beleuchten Der Autor analysiert die Vorläufer des Staates Polis Reich Ekklesia und die in ihrem Rahmen entwickelten

Politikvorstellungen die durch Vermittlung der Politischen Philosophie in modifizierter Gestalt in die neuzeitliche Staatsidee eingeflossen sind Er arbeitet die Prämissen des neuzeitlichen Politikdenkens und ihren geschichtlichen Wandel heraus untersucht die Genese und die Metamorphose des abendländischen Ordnungsdenkens und rekonstruiert die Erfahrungen und Erwartungen die sich im Gang der europäischen Geschichte im Staatsbegriff verdichtet haben Gegenstand ist nicht die realgeschichtliche Entwicklung des europäischen Staatensystems sondern die konzeptionelle Vorbereitung in der Politischen Theorie Beabsichtigt ist kein enragiertes Plädoyer für oder wider den Staat sondern die bloße Bestandsaufnahme einer Denkbewegung die in der griechisch-römischen Antike anhebt in der Polis und im Reich ihre frühesten Fixpunkte und Ideale findet sich in der Spätantike und im frühen Mittelalter mit der jüdisch-christlichen Tradition amalgamiert und im späten Mittelalter den Staat zu favorisieren beginnt der schließlich in der Frühen Neuzeit seine potentiellen Widersacher aus dem Feld schlagen konnte und zur dominanten politischen Instanz wurde Straffreistellung aufgrund von Drittverhalten Arndt

Sinn, 2007 English summary The current doctrine of criminal law has been largely unable to clarify when and why it is appropriate from a normative point of view to exonerate an offender because a third person has intervened in the crime Arndt Sinn develops his own system for the types of exemption due to the conduct of a third party and then evaluates these with reference to the criminal law system He then bases these on a new principle of accountability and exemption under criminal law the principle of power Using cases of third party involvement the author has developed the first concept of crime which is based on the theory of power a concept which includes the relationship between power and the law in its approach from the outset In addition the book provides the basis for a new doctrine of criminal responsibility which is backed up by the theory of power German description In der gegenwertigen Strafrechtsdogmatik ist es bisher wenig geklärt wann und warum es normativ angezeigt ist einen Täter deshalb zu entlasten weil eine dritte Person in das verbotene Geschehen eingreift Arndt Sinn bringt deshalb die Typen freistellenden Drittverhaltens in eine eigene Ordnung um sie dann in Bezug

zum Strafrechtssystem zu bewerten und auf ein neues Prinzip strafrechtlicher Zurechnung und Freistellung Macht zu gründen Konkreter Untersuchungsgegenstand sind die Situationen in denen eine Rechtsgutsbeeinträchtigung aufgrund des Verhaltens einer anderen Person die nicht Opfer sondern ein Dritter ist den Strafbarkeitsausschluss oder eine Strafmilderung zur Folge hat z B in Fällen von vis absoluta oder bei Verwaltungsakzessorietät Das hohe Abstraktionsniveau der anerkannten Freistellungsgründe und die gedankliche Trennung der miteinander agierenden Personen bei der Fallprüfung erschweren es das Verhalten des Dritten als Freistellungsgrund wahrzunehmen Der Autor versucht deshalb die Begriffe des Verbrechens der Zurechnung und der Freistellung an eine soziale Grosse zu binden die wegen ihres universellen Charakters geeignet ist die Verbindung zwischen Sein und Sollen herzustellen und als Grundlage im Bereich der Strafrechtsdogmatik zu dienen Erstmals erarbeitet der Autor hier anhand der Drittbeteiligungsfälle eine machttheoretische Verbrechenskonzeption die das Verhältnis von Macht und Recht von vornherein in ihren Denkansatz aufnimmt Das Buch bietet darüber hinaus die Grundlage für eine machttheoretisch fundierte Handlungslehre *Gerechtigkeit als allgemeine Tugend* Marko J. Fuchs, 2016-11-07 Wie lässt sich im Rahmen einer an Aristoteles orientierten Tugendethik begründen dass man gerecht handeln soll Gerechtes Handeln sollte dabei nicht nur das eigene Glück verfolgen sondern vielmehr das fremde Wohl Gibt es die Möglichkeit kulturinvariante und berzeitliche Normen gerechten Handelns in systematisch und methodisch überzeugender Weise herauszustellen Die vorliegende Studie untersucht diese Probleme anhand einschlägiger Positionen der mittelalterlichen Rezeption von Aristoteles Gerechtigkeitstheorie besonders der des Thomas von Aquin Sie zeigt dass die in diesen Positionen entwickelte Verbindung des tugendethischen Ansatzes mit einem ethischen Universalismus eine vielversprechende philosophische Option in systematischer und methodischer Hinsicht darstellt *Rückkehr in Feindesland?* Fritz Bauer Institut, Katharina Rauschenberger, 2013-09-10 Als Feindesland soll Fritz Bauer die Welt außerhalb seines Büros bezeichnet haben Der bedeutende Jurist und jüdische Emigrant hat im Nachkriegsdeutschland für seine Aufklärungsarbeit über die NS Verbrechen sehr viel Ablehnung erfahren Selten sind seine juristische Arbeit und sein politisches Handeln jedoch mit seiner jüdischen Biografie in Zusammenhang gebracht worden Diese zeigt dass es im Umfeld Bauers eine ganze Reihe jüdischer Juristen Historiker und Vertreter von Interessenverbänden gab die ihn unterstützten Typisch für ihre und Fritz Bauers Situation in der Nachkriegszeit war dass sie als Juden wahrgenommen wurden unabhängig davon ob sie sich selbst als solche sahen Dieser Band schildert ihre Erfahrungen die politischen und theoretischen Debatten mit denen sie konfrontiert wurden sowie die Institutionen mit denen sie arbeiteten Er charakterisiert die jüdische Geschichte im Land der Täter in dem der erhoffte radikale Neubeginn sich als Illusion erwies Die Erstreckung vertraglicher Schuldverhältnisse von der GmbH auf ihre Gesellschafter Ulrich Diez, 2020 *Auslegung der Grundrechte durch einfaches Gesetzesrecht?* Otto Majewski, 2019 Abschiede vom Unrecht Joachim Rückert, 2015-10-12 English summary The task of parting with injustice still dominates today's study of contemporary legal history following the end of World War II This volume offers 19 studies in

three sections covering appraisal methodological and constitutional change as well as alternatives wherein philosophy and history of science and methodology general and legal history are all put into context Rather than stressing once more the political use of the past in general and legal history the book seeks to raise awareness and free them from their political shackles German description Der vorliegende Band versammelt 19 Studien Bilanzen Methoden und Verfassungswandel Alternativen Darin untersucht Joachim Ruckert die Rechts und Zeitgeschichte als Wissenschaft Schlüsselbereiche wie Richterrecht Abwägung als neueren Methodenprimus und die Legenden zur juristischen Methodengeschichte umstrittene Phänomene wie die rechtliche Beseitigung des Deutschen Reiches 1945 die Frage einer zweiten Schuld unserer Vater die NS Verarbeitung durch Justiz und erstmals aus den Personalakten auch die NS Belastung des Bundesjustizministeriums Als Alternativen bedacht werden die Hessische Verfassung von 1946 die DDR Justiz die Sozialstaatsjurisprudenz nicht erst seit 1945 die disparate Transformation der Diktaturen in Europa die neue Juristenausbildung 1974 84 der grosse Wandel in Sachen Mitbestimmung und nicht zuletzt die starke Einseitigkeit unserer grossen Erzählungen der Rechtsgeschichte Kritisch betont der Autor die gangige Vergangenheitspolitik nicht nur im Rechtsgeschichtsfach Aus deren Fesseln zu befreien ist sein Anliegen **Theology of Social Life in Augustine's De Civitate Dei** Miikka Ruokanen, 1993

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