

Recht und Moral

Texte zur Rechtsphilosophie

Reclam

Recht Und Moral

Greta Olson



Recht Und Moral:

Verantwortung in Recht und Moral International Association for Philosophy of Law and Social Philosophy. Deutsche Sektion. Tagung, 2000 Aus dem Inhalt Horst Dreier Verantwortung im demokratischen Verfassungsstaat Wolfgang Huber Recht als Beruf Verantwortung für das Recht im Horizont der Gerechtigkeit Gunther Jakobs Strafrechtliche Zurechnung und die Bedingungen der Normgeltung Weyma Lubbe Neminem laedere Zur Zukunft der Handlungsfolgenverantwortung Konstantinos Papageorgiou Verantwortung Gerechtigkeit Sicherheit Freiheit Ein Plädoyer für die normative Autonomie und wider die ideale Theorie des Strafrechts Rainer Zaczek Schuld als Rechtsbegriff Horst Eidenmüller Vertrauensmechanismus und Vertrauenshaftung Oliver Gerstenberg Privatrecht Verfassung und die Grenzen judizieller Sozialregulierung Dieter Birnbacher Embryonenforschung erlauben oder verbieten Reinhard Merkel aWrongful birth wrongful lifeo Die menschliche Existenz als Schaden Norbert Brieskorn S J Verantwortungsstrukturen in sozialem ethischer Sicht Hartmut Kliemt Keine Theorie der Gerechtigkeit Franz Steiner 2000 **Recht und Moral** Hans Jörg Sandkühler, 2010-07-01 Zwischen Rechtsverständnissen nach denen es nur juristische nicht aber moralische Rechte geben kann und einem individualetischen Ansatz nach dem Personen moralische Rechte haben gibt es einen anhaltenden Streit Im Kontext mit der Bestimmung des Verhältnisses von Recht und Moral gibt es darüber hinaus ein zweites Spannungsfeld die Frage ob das Recht einer Begründung durch Moral bedarf wenn es nicht nur auf Legalität sondern auch auf Legitimität Anspruch erheben will Die Beiträge dieses Bandes sind kontrovers Differenzierungen zwischen Recht Moral und Ethik und den Fragen gewidmet wie sich Moral und Recht zueinander verhalten und ob moralische Ansprüche als Rechte verstanden werden können Weitere Themen sind Gründe für die Transformation moralischer Ansprüche in positives Recht der moralische Inhalt und die positiv rechtliche Form der Menschen und Grundrechte und philosophische Wege zu Ethik und Recht am Beispiel der gegenwärtigen arabisch islamischen Philosophie **Recht und Moral in der Scholastik der Frühen Neuzeit 1500-1750** Wim Decock, Christiane Birr, 2016-06-20 Die Untersuchungen zur frühneuzeitlichen Scholastik erleben gerade eine Hochkonjunktur Juristen Philosophen Theologen und Wirtschaftswissenschaftler nähern sich je nach eigener Perspektive den Texten der Spanischen Scholastiker oder katholischen Naturrechtler an Neuanfänger wie auch Experten erhalten in diesem Band neben Hilfsmitteln zur eigenständigen Quellenforschung auch einen fächerbergreifenden Einblick in den Forschungsstand Lehrbuch Der Alttestamentlichen Religionsgeschichte Rudolf Smend, 1899 *A Treatise of Legal Philosophy and General Jurisprudence* Enrico Pattaro, 2007-10-08 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 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 2012 2013 accounts for the development of legal thought from ancient Greek times through the twentieth century The entire set will be completed with an index Volume 1 The Law and the Right a Reappraisal of the Reality that ought to be by Enrico Pattaro This work brings out and recovers the normative dimension of law called the reality that ought to be placing within this reality the idea of what is right Part I reconstructs the current as well as the traditional civil law conception of the reality that ought to be and raises some critical theoretical issues Part II introduces some basic concepts on language and behaviour and presents a conception of norms as beliefs Part III aims to find explanations for the idea of a reality that ought to be Part IV consists of inquiries focussed on Homeric epic the natural law school and the normativistic view of positive law *Juristic Concept of the Validity of Statutory Law* Andrzej Grabowski, 2013-06-24 This book presents the theory of the validity of legal norms aimed at the practice of law in particular the jurisdiction of the constitutional courts The postpositivist concept of the validity of statutory law grounded on a critical analysis of the basic theories of legal validity elaborated up to now is introduced In the first part of the book a contemporary German nonpositivist conception of law developed by Ralf Dreier and Robert Alexy is analysed in order to answer the question whether the juristic concept of legal validity should include moral standards or criteria In the second part a postpositivist concept of legal validity and an innovative model of validity discourse based on the juristic presumption of the validity of legal norms are proposed The book is a work on analytical legal theory written from a postpositivist detached point of view The Shifting Meaning of Legal Certainty in Comparative and Transnational Law Mark Fenwick, Mathias Siems, Stefan Wrzeka, 2017-09-21 The principle of legal certainty is of fundamental importance for law and society it has been vital in stabilising normative expectations and in providing a framework for social interaction as well as defining the scope of individual freedom and political power Even though it has not always been fully realised legal certainty has also functioned as a normative ideal that has structured legal debates both at the national and transnational level This book presents research from a range of substantive areas regarding the meaning possibility and desirability of legal certainty in the context of a rapidly changing global society It aims to address these issues by bringing together scholars from various jurisdictions in order to examine changes in the shifting meaning of legal certainty in a comparative and transnational context In particular the book explores some of the tensions that now exist between the conventional expectation of legal certainty and the various challenges associated with regulating highly complex late modern economies and societies The book will be of interest to lawyers concerned with understanding the transformation of core rule of law values in the context of contemporary social change as well as to political scientists and social theorists

Juristische Grundlehre Felix Soml?, 1917 *The Right to Justification* Rainer Forst, 2012 Contemporary philosophical pluralism recognizes the inevitability and legitimacy of multiple ethical perspectives and values making it difficult to isolate

the higher order principles on which to base a theory of justice Rising up to meet this challenge Rainer Forst a leading member of the Frankfurt School s newest generation of philosophers conceives of an autonomous construction of justice founded on what he calls the basic moral right to justification Forst begins by identifying this right from the perspective of moral philosophy Then through an innovative detailed critical analysis he ties together the central components of social and political justice freedom democracy equality and toleration and joins them to the right to justification The resulting theory treats justificatory power as the central question of justice and by adopting this approach Forst argues we can discursively work out or construct principles of justice especially with respect to transnational justice and human rights issues As he builds his theory Forst engages with the work of Anglo American philosophers such as John Rawls Ronald Dworkin and Amartya Sen and critical theorists such as Jürgen Habermas Nancy Fraser and Axel Honneth Straddling multiple subjects from politics and law to social protest and philosophical conceptions of practical reason Forst brilliantly gathers contesting claims around a single elastic theory of justice

Beiträge zur Modernen Japanischen Rechtsgeschichte Hans-Peter Marutschke,2011-01-01 HauptbeschreibungZiel des Bandes ist es verstreut veröffentlichte Abhandlungen zum japanischen Recht und zur juristischen Ideengeschichte an einem Ort zusammenzuführen Er ist eine Grundlage für die wissenschaftliche Beschäftigung mit der juristischen Zeitgeschichte Japans und der dortigen Rechtsentwicklung Für japanische Rechtswissenschaftler vermitteln den unmittelbaren Zugang zum japanischen Recht der den Rechtsvergleichern die aus dem westlichen Sprachraum kommen häufig verschlossen bleibt

Between Facts and Norms Jürgen Habermas,2018-03-12 This is Habermas s long awaited work on law democracy and the modern constitutional state in which he develops his own account of the nature of law and democracy

Theories of Social and Economic Justice André Johannes Van der Walt,2005-08-01 The bulk of the contributions in this publication originated in a research project initiated by the Stellenbosch Institute for Advanced Study STIAS in 2002 The book is based on the idea that the attainment of greater social and economic justice specifically in the South African context is strongly influenced by the implications and the coherence of various theories of social and economic justice

Medical Responsibility in Western Europe Erwin Deutsch,Hans-Ludwig Schreiber,2012-12-06 With contributions by numerous experts

Law and Technology in a Global Digital Society Georg Borges,Christoph Sorge,2022-05-06 This book examines central aspects of the new technologies and the legal questions raised by them from both an international and an interdisciplinary perspective The technology revolution and the global networking of IT systems pose enormous challenges for the law Current areas of discussion relate to autonomous systems big data and issues surrounding legal tech Ensuring data protection and IT security as well as the creation of a legal framework for the new technology as a whole can only be achieved through international and interdisciplinary co operation The team of authors is made up of experienced internationally renowned experts as well as young researchers and professionals who give valuable insights from numerous different jurisdictions This book is written for jurists and those responsible for technology in

public authorities and companies as well as practising lawyers and researchers *Danish Yearbook of Philosophy* vol .27
 Finn Collin,Uffe Juul Jensen,1992-10-30 *Danish Yearbook of Philosophy* Volume 27 **From Law and Literature to Legality and Affect** Greta Olson,2022-07-14 *From Law and Literature to Legality and Affect* argues for the continued vitality of Law and Literature Traditional methods of Law and Literature are combined with work in critical media studies affect and cultural narratology to address topics such as ethnonationalism anti immigration sentiment and systemic racism in Germany and the United States Taking stock of the diversification of the field at fifty years this book understands Law and Literature as a political project It has a precedent in inaugural Law and Literature texts such as Jacob Grimm s *Von der Poesie im Recht* On the Poetry in Law from 1815 16 which imagined an alternative legal order that was grounded in the unity of law poetic language and feeling The political thrust of Law and Literature continues up into the present in the arts of BlackLivesMatter which document and resist police violence Law and Literature offers keys for understanding how legal identities are constructed for analyzing how legal texts are constructed and for comprehending how cultural legal issues are mediated affectively Using cultural medial affect theoretical and narrative analyses of law a revitalized Law and Literature offers a set of methods and theories with which to address the most pressing issues of the present **The Cambridge Handbook of Lawyering in the Digital Age** Larry A. DiMatteo,André Janssen,Pietro Ortolani,Francisco de Elizalde,Michel Cannarsa,Mateja Durovic,2021-11-25 With increasing digitalization and the evolution of artificial intelligence the legal profession is on the verge of being transformed by technology legal tech This handbook examines these developments and the changing legal landscape by providing perspectives from multiple interested parties including practitioners academics and legal tech companies from different legal systems Scrutinizing the real implications posed by legal tech the book advocates for an unbiased cautious approach for the engagement of technology in legal practice It also carefully addresses the core question of how to balance fears of industry takeover by technology with the potential for using legal tech to expand services and create value for clients Together the chapters develop a framework for analyzing the costs and benefits of new technologies before they are implemented in legal practice This interdisciplinary collection features contributions from lawyers social scientists institutional officials technologists and current developers of e law platforms and services

Human Rights, Human Dignity, and Cosmopolitan Ideals Matthias Lutz-Bachmann,Amos Nascimento,2016-05-13 This book makes a significant contribution to the on going international dialogue on the meaning of concepts such as human rights humanity and cosmopolitanism The authors propose a new agenda for research into a Critical Theory of Human Rights Each chapter pursues three goals to reconstruct modern philosophical theories that have contributed to our views on human rights to highlight the importance of humanity and human dignity as a complementary dimension to liberal rights and finally to integrate these issues more directly in contemporary discussions about cosmopolitanism The authors not only present multicultural perspectives on how to rethink political and international theory in terms of the normativity of human rights but

also promote an international dialogue on the prospects for a critical theory of human rights discourses in the 21st century

, **Habermas and Pragmatism** Mitchell Aboulafia, Myra Orbach Bookman, Cathy Kemp, 2002 There are few living thinkers who have enjoyed the eminence and renown of Jürgen Habermas His work has been highly influential not only in philosophy but also in the fields of politics sociology and law This is the first collection dedicated to exploring the connections between his body of work and America's most significant philosophical movement pragmatism Habermas and Pragmatism considers the influence of pragmatism on Habermas's thought and the tensions between Habermasian social theory and pragmatism Essays by distinguished pragmatists legal and critical theorists and Habermas cover a range of subjects including the philosophy of language the nature of rationality democracy objectivity transcendentalism aesthetics and law The collection also addresses the relationship to Habermas of Kant Peirce Mead Dewey Piaget Apel Brandom and Rorty

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Table of Contents Recht Und Moral

1. Understanding the eBook Recht Und Moral
 - The Rise of Digital Reading Recht Und Moral
 - Advantages of eBooks Over Traditional Books
2. Identifying Recht Und Moral
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Recht Und Moral
 - User-Friendly Interface
4. Exploring eBook Recommendations from Recht Und Moral
 - Personalized Recommendations
 - Recht Und Moral User Reviews and Ratings
 - Recht Und Moral and Bestseller Lists
5. Accessing Recht Und Moral Free and Paid eBooks
 - Recht Und Moral Public Domain eBooks

- Recht Und Moral eBook Subscription Services
- Recht Und Moral Budget-Friendly Options
- 6. Navigating Recht Und Moral eBook Formats
 - ePub, PDF, MOBI, and More
 - Recht Und Moral Compatibility with Devices
 - Recht Und Moral Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Recht Und Moral
 - Highlighting and Note-Taking Recht Und Moral
 - Interactive Elements Recht Und Moral
- 8. Staying Engaged with Recht Und Moral
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Recht Und Moral
- 9. Balancing eBooks and Physical Books Recht Und Moral
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Recht Und Moral
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Recht Und Moral
 - Setting Reading Goals Recht Und Moral
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Recht Und Moral
 - Fact-Checking eBook Content of Recht Und Moral
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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