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RANDOM JUSTICE

On Lotteries and Legal Decision-Making



Neil Duxbury

Random Justice On Lotteries And Legal Decision Making

Cristóbal Caviedes



Random Justice On Lotteries And Legal Decision Making:

Random Justice Neil Duxbury, 2002-07 This controversial book explores the potential for the use of lotteries in social and particularly legal decision making contexts Neil Duxbury considers in detail the history advantages and drawbacks of deciding issues of social significance by lot and argues that the value of the lottery as a legal decision making device has generally been underestimated

The Nature and Uses of Lotteries Thomas Gataker, 2013-10-30 Thomas Gataker was a disputatious Puritan divine His *The Nature and Uses of Lotteries* 1627 was the first systematic exposition of a modern view of lotteries not just as a form of gambling but as a fair method of division Gataker approved of these uses but condemned divination and sorcery using random signs or spells This important treatise is often referred to but is generally inaccessible due to its rarity and old style of language The text of this edition has been fully modernised with notes on important sources used by Gataker and includes a new introduction

Encyclopedia of Criminal Justice Ethics Bruce A. Arrigo, 2014-07-17 Federal state county and municipal police forces all have their own codes of conduct yet the ethics of being a police officer remain perplexing and are often difficult to apply in dynamic situations The police misconduct statistics are staggering and indicate that excessive use of force comprises almost a quarter of misconduct cases with sexual harassment fraud theft and false arrest being the next most prevalent factors The ethical issues and dilemmas in criminal justice also reach deep into the legal professions the structure and administration of justice in society and the personal characteristics of those in the criminal justice professions The *Encyclopedia of Criminal Justice Ethics* includes A to Z entries by experts in the field that explore the scope of ethical decision making and behaviors within the spheres of criminal justice systems including policing corrections courts forensic science and policy analysis and research This two volume set is available in both print and electronic formats Features Entries are authored and signed by experts in the field and conclude with references and further readings as well as cross references to related entries that guide readers to the next steps in their research journeys A Reader's Guide groups related entries by broad topic areas and themes making it easy for readers to quickly identify related entries A Chronology highlights the development of the field and places material into historical context a Glossary defines key terms from the fields of law and ethics and a Resource Guide provides lists of classic books academic journals websites and associations focused on criminal justice ethics Reports and statistics from such sources as the FBI the United Nations and the International Criminal Court are included in an appendix In the electronic version the Reader's Guide index and cross references combine to provide effective search and browse capabilities The *Encyclopedia of Criminal Justice Ethics* provides a general non technical yet comprehensive resource for students who wish to understand the complexities of criminal justice ethics Key Themes History of Criminal Justice Ethics General Criminal Justice Ethics Police Ethics Legal Ethics Correctional Ethics Criminal Justice Cases and Controversies Technology Crime and Ethics Ethics and Critical Criminology

Supermajority Voting in Constitutional Courts Cristóbal Caviedes, 2024-08-02 This book challenges the wide

use of majority rule in many constitutional courts for declaring statutes unconstitutional and argues that these courts should rather perform constitutional review by using supermajority rules. Considering that constitutional courts often tackle hard moral issues, it is questionable whether a bare majority of judges should suffice for settling them, especially considering these courts' counter-majoritarian nature. Further, the wide use of majority rule for checking the constitutionality of legislation may increasingly risk their reputation. Such a concern is developing in the United States following a series of Supreme Court decisions. This book argues that majority rule is unjustified in constitutional review. This means that in constitutional review, considering majority rule's traits, there are no decisive reasons for using this voting rule over other voting rules. Additionally, the book argues that when checking the constitutionality of legislation, constitutional courts should replace majority rule with supermajority rules. Thus, for declaring statutes unconstitutional, it is argued that more than 50% of the judges present plus one judge present should be needed. This book will be of interest to academics, researchers, and policy makers working in the areas of Constitutional Law and Politics. Sustainable Development in East Asia Countries Tao Yitao, Yuan

Yiming, 2017-05-01 **A Philosophy of Evidence Law** H. L. Ho, 2008-03-06 The dominant approach to evaluating the law on evidence and proof focuses on how the trial system should be structured to guard against error. This book argues instead that complex and intertwining moral and epistemic considerations come into view when departing from the standpoint of a detached observer and taking the perspective of the person responsible for making findings of fact. Ho contends that it is only by exploring the nature and content of deliberative responsibility that the role and purpose of much of the law can be fully understood. In many cases, values other than truth have to be respected, not simply as side constraints but as values which are internal to the nature and purpose of the trial. A party does not merely have a right that the substantive law be correctly applied to objectively true findings of fact and a right to have the case tried under rationally structured rules. The party has more broadly a right to a just verdict where justice must be understood to incorporate a moral evaluation of the process which led to the outcome. Ho argues that there is an important sense in which truth and justice are not opposing considerations; rather, principles of one kind reinforce demands of the other. This book argues that the court must not only find the truth to do justice; it must do justice in finding the truth. The Routledge Handbook of Ethics and Public Policy

Annabelle Lever, Andrei Poama, 2018-10-26 What does it mean to do public policy ethics today? How should philosophers engage with ethical issues in policy making when policy decisions are circumscribed by political and pragmatic concerns? How do ethical issues in public policy differ between areas such as foreign policy, criminal justice, or environmental policy? The Routledge Handbook of Ethics and Public Policy addresses all these questions and more and is the first handbook of its kind. It is comprised of 41 chapters written by leading international contributors and is organised into four clear sections covering the following key topics: Methodology, philosophical approaches to public policy, ethical expertise, knowledge and public policy, Democracy and public policy, identity, integration and inclusion, voting, linguistic policy, discrimination, youth policy, religious

toleration and the family Public goods defence and foreign policy development and climate change surveillance and internal security ethics of welfare healthcare and fair trade sovereignty and territorial boundaries and the ethics of nudging Public policy challenges criminal justice policing taxation poverty disability reparation and ethics of death policies The Routledge Handbook of Ethics and Public Policy is essential reading for students and researchers in philosophy politics and social policy It will be equally useful to those in related disciplines such as economics and law or professional fields such as business administration or policy making in general School Admissions and Accountability Feintuck, Mike, Stevens, Roz, 2013-01-16 The processes for allocating places at secondary schools in England are perennially controversial Providing integrated coverage of the policy practice and outcomes from 1944 to 2012 this book addresses the issues relevant to school admissions arising from three different approaches adopted in this period planning via local authorities quasi market mechanisms and random allocation Each approach is assessed on its own terms but constitutional and legal analysis is also utilised to reflect on the extent to which each meets expectations and values associated with schooling especially democratic expectations associated with citizenship Repeated failure to identify and pursue specific values for schooling and hence admissions can be found to underlie questions regarding the fairness of the process while also limiting the potential utility of judicial responses to legal actions relating to school admissions The book adopts an interdisciplinary approach which makes it relevant and accessible to a wide readership in education social policy and socio legal studies Legitimacy and International Courts Nienke Grossman, Harlan Grant Cohen, Andreas Follesdal, Geir Ulfstein, 2018-02-22 One of the most noted developments in international law over the past twenty years is the proliferation of international courts and tribunals They decide who has the right to exploit natural resources define the scope of human rights delimit international boundaries and determine when the use of force is prohibited As the number and influence of international courts grow so too do challenges to their legitimacy This volume provides new interdisciplinary insights into international courts legitimacy what drives and undermines the legitimacy of these bodies How do drivers change depending on the court concerned What is the link between legitimacy democracy effectiveness and justice Top international experts analyse legitimacy for specific international courts as well as the links between legitimacy and cross cutting themes Failure to understand and respond to legitimacy concerns can endanger both the courts and the law they interpret and apply *Social Licence and Ethical Practice* Hugh Breakey, 2023-04-07 What is the social licence to operate and what are its ethical risks and promises This collection explores these questions from a range of perspectives **The Ways of a King** Geoffrey P. Miller, 2011-11-16 Geoffrey P Miller argues that the narratives from Genesis to Second Kings present a sophisticated argument for political obligation and for limited monarchy as the best form of government The Hebrew Bible in this sense can be considered as one of the earliest political philosophies of the western world The Garden of Eden story identifies revelation consent utopia natural law ownership power patriarchy and justice as bases for political obligation The stories of life after the expulsion from Eden

argue that government and law are essential for a decent life The Genesis narratives recognize patriarchal authority but also identifies limits based on kinship higher authority and power The book of Exodus introduces the topic of political authority arguing that nationhood strictly dominates over other forms of political organization The Sinai narratives explore two important sources of authority revelation and consent of the governed The book of Joshua presents a theory of sovereignty conceived of as the exclusive and absolute control over territory The book of Judges examines two types of national government military rule and confederacy It argues that military rule is inappropriate for peacetime conditions and that the confederate form is not strong enough to deliver the benefits of nationhood The books of Samuel and Kings consider theocracy and monarchy The bible endorses monarchy as the best available form of government provided that the king is constrained by appropriate checks and balances Contrary to the view of some scholars no text from Genesis to Second Kings disapproves of monarchy as a form of government

Which Way Social Justice in Mathematics Education? Leone Burton, 2003-02-28 This contributed volume explores equity and social justice within the field of mathematics education In part one Helga Jungwirth's introductory chapter provides a strong theoretical overview that is based in actual classroom behaviors and a typology that classifies the various interpretations found within this volume Also in part one Laurie Hart discusses developments in equity research in the United States Part two focuses on results of studies about social justice and their impact on learning in mathematics classrooms in various parts of the world For example in a chapter on Peru social justice does not just encompass gender but also inequalities in opportunities to learn such as problems of resources living and social conditions communal demands and language needs And part three focuses on computers as a resource to mathematics teaching The contributors raise several important social justice issues which have previously remained unresearched Although there are a number of chapters specifically dealing with gender many of the authors use one of the following strategies their gender specific questions are set in a wider socio cultural context they challenge what have threatened to become false orthodoxies or they raise other important issues These other issues include the meaning of democratic citizenship for mathematics classrooms the links between parents and children learning mathematics and the preconceptions of some teachers of underprivileged students in Australia Other chapters explore different forms of classroom communication participation and assessment The pieces on computers state that there is still not enough research to conclude whether computers in the mathematics classrooms are supportive of or detrimental to the learning of all students The one thing on which every author in this volume does agree is that social justice in mathematics education has still not been attained but that we must strive toward it to improve educational practices and society in general

International Law as Social Construct Carlo Focarelli, 2012-05-24 The book distills and articulates international law as a social construct It does so by analysing its social foundations essence and roots in practical and socially workable as opposed to pure reason In addition to well known doctrines of jurisprudence and international law it draws upon psycho analytic insights into the

origins and nature of law as well as philosophical social constructivism The work suggests that seeing law as a social construct is crucial to our understanding of international law and to the struggle to create better working rules The book re conceptualizes both past and new doctrines of international law as constructs namely as strategies of concomitantly de mythologizing and re mythologizing international law Key areas of international law including subjects sources hierarchy values and remedies are shown to be part of this process The social impact on international law of transnational actors and stakeholders normative fragmentation global justice legitimacy of both rules and players dynamics and hierarchization of norms compliance and implementation in municipal law is also extensively investigated Five basic values of the international community namely security humanity wealth environment and knowledge are explored by stressing their inter and intra tensions Finally the analysis is extended to the role that international courts play in the prosecution of heads of state and other transnational players who violate international law *The Political Potential of Sortition* Oliver Dowlen, 2017-04-03

The central feature of every true lottery is that all rational evaluation is deliberately excluded Once this principle is grasped the author argues we can begin to understand exactly what benefits sortition can bring to the political community The book includes a study of the use of sortition in ancient Athens and in late medieval and renaissance Italy It also includes commentary on the contributions to sortition made by Machiavelli Guicciardini Harrington and Paine an account of the history of the randomly selected jury and new research into lesser known examples from England America and revolutionary France **Framing Democracy** Jamie Terence Kelly, 2012-09-16 The past thirty years have seen a surge of empirical research into political decision making and the influence of framing effects the phenomenon that occurs when different but equivalent presentations of a decision problem elicit different judgments or preferences During the same period political philosophers have become increasingly interested in democratic theory particularly in deliberative theories of democracy Unfortunately the empirical and philosophical studies of democracy have largely proceeded in isolation from each other As a result philosophical treatments of democracy have overlooked recent developments in psychology while the empirical study of framing effects has ignored much contemporary work in political philosophy In *Framing Democracy* Jamie Terence Kelly bridges this divide by explaining the relevance of framing effects for normative theories of democracy Employing a behavioral approach Kelly argues for rejecting the rational actor model of decision making and replacing it with an understanding of choice imported from psychology and social science After surveying the wide array of theories that go under the name of democratic theory he argues that a behavioral approach enables a focus on three important concerns moral reasons for endorsing democracy feasibility considerations governing particular theories and implications for institutional design Finally Kelly assesses a number of methods for addressing framing effects including proposals to increase the amount of political speech mechanisms designed to insulate democratic outcomes from flawed decision making and programs of public education The first book to develop a behavioral theory of democracy *Framing Democracy* has important

insights for democratic theory the social scientific understanding of political decision making economics and legal theory

The Oxford Handbook of Irish Politics David M. Farrell, Niamh Hardiman, 2021 This handbook provides the most comprehensive coverage of Irish politics and society to date and is the go to resource for academics students policy makers and journalists

A Window on Their World Edward Fram, 2012-10-01 From a manuscript that was lost for more than half a century comes new information about one of the greatest Jewish communities of all time The court diaries of Rabbi Hayyim Gundersheim d 1795 a member of the rabbinic court of late eighteenth century Frankfurt sheds light on daily life in the Judengasse Jewish lane home to over 3 000 people including Meyer Amschel Rothschild founder of the famous banking family Familial quarrels squabbles between neighbors legal proceedings over business deals gone sour real estate transactions and other disputes brought before the rabbinic court offer a window onto the world of daily life in the Frankfurt Jewish community during the waning years of the city s ghetto Rabbi Gundersheim s court diaries are more than just a prism through which to view daily life A Window on Their World provides a transcription of over 200 cases that were brought before the rabbinic court between 1773 and 1794 Readers now have access to records that reveal not just the workings of the Jewish community but also the place of Jewish tradition in the culture The transcription of each case in the original Hebrew is accompanied by an English language summary Edward Fram has also prepared comprehensive indices of the names of all individuals mentioned in the court diaries as well as a glossary of non Hebrew terms Pertinent documents from the Frankfurt pinqas or community record book have also been provided in order to give readers a more complete picture Fram s introduction to the diary includes a biographical background an outline of Jewish legal autonomy in the early modern period and a discussion of the importance of court documents as legal and historical sources The volume is an indispensable source for anyone interested in European Jewish culture on the eve of the Enlightenment

The Economics of

Economists Alessandro Lanteri, Jack Vromen, 2014-06-05 Leading scholars investigate the profession of academic economics with a focus on the intellectual environment and incentives for economic research

From Borders to Pathways Matthew Zagor, 2024-09-05 From Borders to Pathways Innovations and Regressions in the Movement of People into Europe examines the evolution of European migration policy offering a forward looking analysis that extends beyond traditional border controls to innovative legal migration pathways Contributors provide an in depth exploration of the drivers shaping migration policies including public opinion and the rise of populist discourses the contrasting responses to various real and imagined migrant crises and critiques of recent policy innovations such as refugee finance schemes safe legal pathways and migrant lotteries Through interdisciplinary perspectives the authors assess socio political legal geo political and cultural shifts to advocate for a more inclusive humane and sustainable approach to migration By challenging dominant narratives of deterrence extraterritoriality and exclusion this book advocates for policies that balance Europe s myriad commitments values and imperatives highlighting the need for ethical frameworks that respect the dignity of migrants Essential reading

for policymakers scholars and stakeholders From Borders to Pathways offers a comprehensive reflection on the complexities of migration in Europe signalling a paradigm shift towards cooperation inclusivity and shared responsibility in global mobility

Rational Lawmaking under Review Klaus Meßerschmidt, A. Daniel Oliver-Lalana, 2016-07-26 This book explores the constitutional legally binding dimension to jurisprudence in the light of the German Federal Constitutional Court's approach to rational lawmaking Over the last decades this court has been remarkably active in applying jurisprudential criteria and standards when reviewing parliamentary laws It has thus supplied observers with a unique material to analyse the lawmakers duty to legislate rationally and to assess the virtues and drawbacks of this strand of judicial control in a constitutional democracy By bringing together legislation experts and public law scholars to elaborate on jurisprudence under review this contributed volume aspires to shed light on the constitutionalisation of rational lawmaking as a controversial trend gaining ground in both national and international jurisdictions The book is divided into five parts Part I frames the two key issues pervading the whole collection the intricate relationship between judicial review and democracy on the one hand and the possibility of improving and rationalizing the task of legislation under the current circumstances of politics on the other Part II provides an overview of the judicial review of rational lawmaking laying special emphasis on the duty of legislative justification imposed on lawmakers by the German Constitutional Court Part III is devoted to the review of the systemic rationality of legislation in particular to the requirements of legislative consistence and coherence as developed by this court Contributions in Part IV revolve around the judicial scrutiny of the socio empirical elements of rational lawmaking with the control of legislative facts and impacts and the problem of symbolic laws being the central topics Finally Part V draws on the German case law to discuss the links between rational lawmaking balancing and proportionality and the interdependence between process review and substantive review of legislation

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