

Justice Vs Law

Justice as Friendship
On Law and Justice
Justice and Generosity
Justice, Law and Culture
Executive Documents
The Little Book of Restorative Justice
Justice and Injustice in Law and Legal Theory
The Thin Justice of International Law
Justice versus Judiciary
The Lehigh County Law Journal
Peace Through Justice
Justice Without Law?
Pacific Coast Law Journal
Security Versus Justice?
The Structure of Liberty : Justice and the Rule of Law
Law and Social Justice
Justice vs. Law
Western Law, Russian Justice
Spunk
Juvenile Justice
Lawyers and Fidelity to Law
A Theory of Justice
Star Trek Visions of Law and Justice
Rule of Law vs. Rulers of Law.
Justice Barnabas Albert Samatta's Road To Justice
The Denver Law Journal
Politics of International Human Rights
Law Promotion in Western Europe
Justice As Healing: Indigenous Ways
Social Justice and Legal Education
Natural Law and Justice
Money and Justice
Law Versus Justice
With Liberty and Justice for Some
What is Justice?
Courts, Justice, and Efficiency
Philosophy of Law: A Very Short Introduction
Chicago Law Journal Weekly
The Nature of the Judicial Process
The Concept Of Law (Oip)
Unfair
Montana 1948

Justice as Friendship

On Law and Justice

In this provocative and engaging new book, Randy Barnett outlines a powerful and original theory of liberty structured by the liberal conception of justice and the rule of law. Drawing on insights from philosophy, political theory, economics, and law, he shows how this new conception of liberty can confront, and solve, the central societal problems of knowledge, interest, and power. - ;What is liberty, as opposed to license, and why is it so important? When people pursue happiness, peace, and prosperity whilst living in society, they confront pervasive problems of knowledge, interest, and power. These problems are dealt with by ensuring the liberty of the people to pursue their own ends, but addressing these problems also requires that liberty be structured by certain rights and procedures associated with the classical liberal conception of justice and the rule of law. In this controversial new work, Barnett examines the serious social problems that are addressed by liberty and the background or 'natural' rights and 'rule of law' procedures that distinguish liberty from license. He goes on to outline the constitutional framework that is needed to protect this structure of liberty. This is the only discussion of the liberal conception of justice and the rule of law to draw upon insights from philosophy, economics, political theory, and law to describe comprehensively the vital social functions performed by adherence to these concepts. And, although the book is intended to challenge specialists, its clear and accessible prose ensure that it will be of immense value to both scholars and students working in a range of academic disciplines. -

Justice and Generosity

Justice, Law and Culture

Executive Documents

Leading scholars consider a variety of philosophical issues in law and social justice, from foundational concepts to specific legal problems.

The Little Book of Restorative Justice

Justice and Injustice in Law and Legal Theory

Recent years have seen social justice emerge as a powerful driver for work, both in law schools and the legal services sector. However, questions remain about how that term is understood and given meaning within the legal academy and beyond. This edited collection explores the meanings that have emerged and might subsequently be developed, together with a practical exploration of projects that have sought to bring the social justice agenda to life in law schools and in communities around the world. Over the course of eighteen chapters, this volume engages with a range of social justice and legal education themes, including clinical legal education, innocence projects, access to justice, cause lawyering, LGBTQ identities, and sustainability in law schools. In addition, it also explores themes of ethics and values in contemporary legal education in Africa, Australia, North America, and the UK.

The Thin Justice of International Law

Juvenile Justice: A Text/Reader offers a unique new spin on the core textbook format. Organized like a more traditional juvenile justice text, this text/reader is divided into eight sections that contain all the usual topics taught in a juvenile justice course. After a comprehensive overview, each section has an introductory “mini-chapter” that provides engaging coverage of key concepts, developments, controversial issues, and research in the field. These authored introductions are followed by carefully selected and edited original research articles. The readings, from prominent scholarly journals, were written by juvenile justice experts and often have a policy orientation that will help address student interest in the “so

what?” application of theory. Key Features and Benefits Boasts extensive and unique coverage of the juvenile justice system, focusing on law enforcement, the court system, correctional responses to juvenile offending, and an overview of the causes of delinquency Features a unique “How to Read a Research Article”—tied to the first reading in the book—to give students a guide to understand and learn from the edited articles that appear throughout the text. Provides an introduction to each reading to give students an overview of the purpose, main points, and conclusions of each article. Utilizes photographs, boxes, and suggested Web resources to enhance the book’s presentation and engage student interest. Offers a clear and concise summary of key terms and concepts in each section and discussion questions that enhance student comprehension Ancillaries A Student study site at www.sagepub.com/lawrencestudy provides self-quizzes, e-flashcards, additional readings, and more. Instructor Resource on CD include test questions for both the text and readings, PowerPoint slides, teaching tips, and other resources. Qualified instructors can request a copy by contacting Customer Care at 1-800-818-SAGE (7243), 6AM-5PM, Pacific Time. Intended Audience This Text/Reader is designed to serve as a replacement for a core text, or a supplement text for upper-level undergraduate Juvenile Justice courses in departments of criminal justice, criminology, sociology and related disciplines. Interested in a text/ reader for another criminology or criminal justice here? Explore other titles in the series.

Justice versus Judiciary

Star Trek Visions of Law and Justice collects fourteen articles connecting popular media with academic inquiry, illustrating the connections between the future world of Star Trek and current issues in international law, law and justice, and the American legal system. It makes an ideal text to teach students interdisciplinary academic concepts using a familiar, popular media phenomenon.

The Lehigh County Law Journal

Peace Through Justice

This book offers a critical reinterpretation of Western European States’ programmatic support for International Human Rights Law (IHRL) since the 1970s. It examines the systemic or structural constraints inherent to the international legal system and argues that order trumps justice in Western Europe’s promotion of international human rights norms. The book shows that IHRL evolved as a result of a tension between two forces: A European understanding of international society, based on order, the centrality of the State and a minimalist conception of human rights; and a civil society and UN-promoted, mostly Western, particularly European but broader conception of human rights, based on justice. As such, human

rights norms emerge and develop when (some) states' idea of order meets with advocates' idea of justice. We are living a historical juncture of shifting tectonic plates with rising nationalism in the Global North, ever growing power in the Global South and a declining presence of Europe in global affairs. The conditions under which IHRL emerged have fundamentally changed and unpacking the factors beneath the international recognition of human rights has never been more pressing. This book will be of key interest to scholars, students and practitioners in human rights law, public international law, international relations, critical legal theory and in European politics.

Justice Without Law?

Running through the history of jurisprudence and legal theory is a recurring concern about the connections between law and justice and about the ways law is implicated in injustice. In earlier times law and justice were viewed as virtually synonymous. Experience, however, has taught us that, in fact, injustice may be supported by law. Nonetheless, the belief remains that justice is the special concern of law. Commentators from Plato to Derrida have called law to account in the name of justice, asked that law provide a language of justice, and demanded that it promote the attainment of justice. The justice that is usually spoken about in these commentaries is elusive, if not illusory, and disconnected from the embodied practice of law. Furthermore, the very meaning of justice, especially as it relates to law, is in dispute. Justice may refer to distributional issues or it may involve primarily procedural questions, impartiality in judgment or punishment and recompense. The essays collected in *Justice and Injustice in Law and Legal Theory* seek to remedy this uncertainty about the meaning of justice and its disembodied quality, by embedding inquiry about justice in an examination of law's daily practices, its institutional arrangements, and its engagement with particular issues at particular moments in time. The essays examine the relationship between law and justice and injustice in specific issues and practices and, in doing so, make the question of justice come alive as a concrete political question. They draw on the disciplines of history, law, anthropology, and political science. Contributors to this volume include Nancy Coot, Joshua Coven, Robert Gorton, Frank Michelin, and Michael Tossing. Austin Sarat is William Nelson Cromwell Professor of Jurisprudence and Political Science, Amherst College. Thomas R. Kearns is William H. Hastie Professor of Philosophy, Amherst College.

Pacific Coast Law Journal

A detailed analysis of a child-abuse case reveals all of the aspects of the judicial system, including the limits of justice, and makes an argument for judicial restraint.

Security Versus Justice?

Even lawyers who obey the law often seem to act unethically--interfering with the discovery of truth, subverting justice, and inflicting harm on innocent people. Standard arguments within legal ethics attempt to show why it is permissible to do something as a lawyer that it would be wrong to do as an ordinary person. But in the view of most critics these arguments fail to turn wrongs into rights. Even many lawyers think legal ethics is flawed because it does not accurately describe the considerable moral value of their work. In *Lawyers and Fidelity to Law*, Bradley Wendel introduces a new conception of legal ethics that addresses the concerns of lawyers and their critics alike. Wendel proposes an ethics grounded on the political value of law as a collective achievement that settles intractable conflicts, allowing people who disagree profoundly to live together in a peaceful, stable society. Lawyers must be loyal and competent client representatives, Wendel argues, but these obligations must always be exercised within the law that constitutes their own roles and confers rights and duties upon their clients. Lawyers act unethically when they treat the law as an inconvenient obstacle to be worked around and when they twist and distort it to help their clients do what they are not legally entitled to do. *Lawyers and Fidelity to Law* challenges lawyers and their critics to reconsider the nature and value of ethical representation.

The Structure of Liberty : Justice and the Rule of Law

"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. Professor 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. Professor 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.

Law and Social Justice

This book explores the question of justification of law. It examines some perennial jurisprudential debates and suggests that law must find its justification in morality. Drawing upon the Aristotelian inspiration that friends have no need for justice - in (ideal) friendship, we behave justly - Seow Hon Tan develops a theory of law based on the universal phenomenon of friendship. Friendships and legal relations attract rights and obligations by virtue of the manner in which parties are situated. Friendship teaches us that how parties are situated gives rise to legitimate expectations; it attests to the intrinsic worth of each person. The methodology for deciphering norms within, and moral lessons from, friendship can be transposed to law, resulting in an inter-subjectively agreeable and rich conception of justice. In determining the content of legal rights and obligations, we can and should draw upon such determination in friendship. Justice as Friendship aims to provide a vision for law's development and invites the practitioner to advance its central claims in their area of expertise. In dealing with selected legal doctrines, the book draws upon illustrative cases from the United States, the United Kingdom, and the Commonwealth. The book traverses the fields of jurisprudence, philosophy, ethics, political theory, contract law, and tort law.

Justice vs. Law

On Law and Justice by Alf Ross (1899-1979) is a classic work of twentieth-century legal philosophy. The first translation into English was notably poor and abridged, and it misrepresented Ross's views. Translated from scratch and in full length from the original Danish, this new critical edition casts light on Ross's work and resituates it firmly in the context of current debates in the field. Ross was, in H.L.A. Hart's words, 'the most acute and best-equipped philosopher' of Scandinavian legal realism. On Law and Justice provides a comprehensive outline of his legal realist position, offering a consistently empirical research programme that simultaneously recognizes the distinctly normative character of law. Ross's legal realism avoids the standard critiques against behaviourist reductionism while still remaining categorically distinct from legal positivism and natural law.

Western Law, Russian Justice

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.

Spunk

Howard Zehr is the father of Restorative Justice and is known worldwide for his pioneering work in transforming understandings of justice. Here he proposes workable principles and practices for making Restorative Justice possible in this revised and updated edition of his bestselling, seminal book on the movement. (The original edition has sold more than 110,000 copies.) Restorative Justice, with its emphasis on identifying the justice needs of everyone involved in a crime, is a worldwide movement of growing influence that is helping victims and communities heal, while holding criminals accountable for their actions. This is not soft-on-crime, feel-good philosophy, but rather a concrete effort to bring justice and healing to everyone involved in a crime. In *The Little Book of Restorative Justice*, Zehr first explores how restorative justice is different from criminal justice. Then, before letting those appealing observations drift out of reach into theoretical space, Zehr presents Restorative Justice practices. Zehr undertakes a massive and complex subject and puts it in graspable form, without reducing or trivializing it. This resource is also suitable for academic classes and workshops, for conferences and trainings, as well as for the layperson interested in understanding this innovative and influential movement.

Juvenile Justice

One of the most dynamic areas of recent EU law has been cooperation in the fields of policing and criminal justice. This book enables readers to understand the changes that have taken place by examining how and why they occurred, along with the subsequent outcomes.

Lawyers and Fidelity to Law

THE STORY: Hurston's evocative prose and Wolfe's unique theatrical style blend to create an evening of theatre that celebrates the human spirit's ability to overcome and endure. Utilizing the blues, choral narrative and dance, the three tales focus

A Theory of Justice

Gary Rosenshield offers a new interpretation of Dostoevsky's greatest novel, *The Brothers Karamazov*. He explores Dostoevsky's critique and exploitation of the jury trial for his own ideological agenda, both in his journalism and his fiction, contextualizing his portrayal of trials and trial participants (lawyers, jurors, defendants, judges) in the political, social, and ideological milieu of his time. Further, the author presents Dostoevsky's critique in terms of the main notions of the critical legal studies movement in the United States, showing how, over one hundred and twenty years ago, Dostoevsky explicitly dealt with the same problems that the law-and-literature movement has been confronting over the past two decades. This book should appeal to anyone with an interest in Russian literature, Russian history and culture, legal studies, law and literature, narratology, or metafiction and literary theory.

Star Trek Visions of Law and Justice

There can be no dispute that the judges of the high courts and the Supreme Court of India wield tremendous powers. However, power comes with a price which bestows huge responsibility. Building on this narrative, the book advocates that judges must be made accountable not only in respect of their personal conduct and integrity, but also in respect of the judicial verdicts they deliver. This book, thus, critically discusses Articles 141, 142, and 144, which make the Supreme Court the most powerful institution in the country, and Articles 32 and 136, which also confer wide powers on it. Using these powers, the apex court sometimes, unmindful of the budgetary and other vital implications, tends to pass orders which lack the scope for implementation. The book suggests measures to improve the functioning of Indian judicial system and save the institutions of justice from turning autocratic and narcissistic.

Rule of Law vs. Rulers of Law. Justice Barnabas Albert Samatta's Road To Justice

In a world full of armed conflict and human misery, global justice remains one of the most compelling missions of our time. Understanding the promises and limitations of global justice demands a careful appreciation of international law, the web of binding norms and institutions that help govern the behaviour of states and other global actors. This book provides a new interdisciplinary approach to global justice, one that integrates the work and insights of international law and contemporary ethics. It asks whether the core norms of international law are just, appraising them according to a standard of global justice derived from the fundamental values of peace and the protection of human rights. Through a combination of a careful explanation of the legal norms and philosophical argument, Ratner concludes that many international law norms meet such a standard of justice, even as distinct areas of injustice remain within the law and the verdict is still out on others. Among the subjects covered in the book are the rules on the use of force, self-determination, sovereign equality, the decision making procedures of key international organizations, the territorial scope of human rights obligations (including humanitarian intervention), and key areas of international economic law. Ultimately, the book shows how an understanding

of international law's moral foundations will enrich the global justice debate, while exposing the ethical consequences of different rules.

The Denver Law Journal

Hegel's verdict on the apolitical character of philosophy in the Hellenistic age is challenged in these essays, originally presented at the sixth meeting of the Symposium Hellenisticum.

Politics of International Human Rights Law Promotion in Western Europe

This study explores the socio-legal context of economic rationality in the legal and judicial systems. It examines the meaning and relevance of the concept of efficiency for the operation of courts and court systems, seeking to answer questions such as: in what sense can we say that the adjudicative process works efficiently? What are the relevant criteria for the measurement and assessment of court efficiency? Should the courts try to operate efficiently and to what extent is this viable? What is the proper relationship between 'efficiency' and 'justice' considerations in a judicial proceeding? To answer these questions, a conceptual framework is developed on the basis of empirical studies and surveys carried out mainly in the United States, Western Europe and Latin America. Two basic ideas emerge from it. First, economic rationality has penetrated the legal and judicial systems at all levels and dimensions, from the level of society as a whole to the day-to-day operation of the courts, from the institutional dimension of adjudication to the organizational context of judicial decisions. Far from being an alien value in the judicial process, efficiency has become an inseparable part of the structure of expectations we place on the legal system. Second, economic rationality is not the prevalent value in legal decision-making, as it is subject to all kinds of constraints, local conditions and concrete negotiations with other values and interests.

Justice As Healing: Indigenous Ways

Social Justice and Legal Education

The tragic tale of a Montana family ripped apart by scandal and murder: “a significant and elegant addition to the fiction of the American West” (Washington Post). In the summer of 1948, twelve-year-old David Hayden witnessed and experienced a series of cataclysmic events that would forever change the way he saw his family. The Haydens had been pillars of their small Montana town: David’s father was the town sheriff; his uncle Frank was a war hero and respected doctor. But the family’s solid foundation was suddenly shattered by a bombshell revelation. The Hayden’s Sioux housekeeper, Marie Little

Soldier, tells them that Frank has been sexually assaulting his female Indian patients for years—and that she herself was his latest victim. As the tragic fallout unravels around David, he learns that truth is not what one believes it to be, that power is abused, and that sometimes one has to choose between loyalty and justice. Winner of the Milkweed National Fiction Prize

Natural Law and Justice

Documents the inequities introduced into the legal system because of the heavy expenses of lengthy trials and appeals and examines the dual structure of the legal profession that underlies this situation

Money and Justice

The concept of law lies at the heart of our social and political life. Legal philosophy, or jurisprudence, explores the notion of law and its role in society, illuminating its meaning and its relation to the universal questions of justice, rights, and morality. In this Very Short Introduction Raymond Wacks analyses the nature and purpose of the legal system, and the practice by courts, lawyers, and judges. Wacks reveals the intriguing and challenging nature of legal philosophy with clarity and enthusiasm, providing an enlightening guide to the central questions of legal theory. In this revised edition Wacks makes a number of updates including new material on legal realism, changes to the approach to the analysis of law and legal theory, and updates to historical and anthropological jurisprudence. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

Law Versus Justice

The Book Has Extensive Notes On The Theoretical Work Of Other Jurists Including References To Austin`S Imperative Theory, Kelson`S Theory Of Basic Norm, And Fuller`S Natural Law Theory.

With Liberty and Justice for Some

From "the most important voice to have entered the political discourse in years" (Bill Moyers), a scathing critique of the two-tiered system of justice that has emerged in America From the nation's beginnings, the law was to be the great equalizer in American life, the guarantor of a common set of rules for all. But over the past four decades, the principle of equality before the law has been effectively abolished. Instead, a two-tiered system of justice ensures that the country's political and

financial class is virtually immune from prosecution, licensed to act without restraint, while the politically powerless are imprisoned with greater ease and in greater numbers than in any other country in the world. Starting with Watergate, continuing on through the Iran-Contra scandal, and culminating with Obama's shielding of Bush-era officials from prosecution, Glenn Greenwald lays bare the mechanisms that have come to shield the elite from accountability. He shows how the media, both political parties, and the courts have abetted a process that has produced torture, war crimes, domestic spying, and financial fraud. Cogent, sharp, and urgent, this is a no-holds-barred indictment of a profoundly un-American system that sanctions immunity at the top and mercilessness for everyone else.

What is Justice?

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).

Courts, Justice, and Efficiency

Philosophy of Law: A Very Short Introduction

Though the revised edition of A Theory of Justice, published in 1999, is the definitive statement of Rawls's view, so much of the extensive literature on Rawls's theory refers to the first edition. This reissue makes the first edition once again available for scholars and serious students of Rawls's work.

Chicago Law Journal Weekly

An examination of various types of litigation - arbitration, mediation, and conciliation.

The Nature of the Judicial Process

"A crusading legal scholar exposes the powerful psychological forces that undermine our criminal justice system--and affect

us all Our nation is founded on the notion that the law is impartial, that legal cases are won or lost on the basis of evidence, careful reasoning and nuanced argument. But they may, in fact, turn on the temperature of the courtroom, the camera angle of a defendant's taped confession, or a simple word choice or gesture during a cross-examination. In *Unfair*, law professor Adam Benforado shines a light on this troubling new research, showing, for example, that people with certain facial features receive longer sentences and that judges are far more likely to grant parole first thing in the morning. In fact, over the last two decades, psychologists and neuroscientists have uncovered many cognitive forces that operate beyond our conscious awareness--and Benforado argues that until we address these hidden biases head-on, the social inequality we see now will only widen, as powerful players and institutions find ways to exploit the weaknesses in our legal system. Weaving together historical examples, scientific studies, and compelling court cases--from the border collie put on trial in Kentucky to the five teenagers who falsely confessed in the Central Park Jogger case--Benforado shows how our judicial processes fail to uphold our values and protect society's weakest members, convicting the innocent while letting dangerous criminals go free. With clarity and passion, he lays out the scope of the problem and proposes a wealth of reforms that could prevent injustice and help us achieve true fairness and equality before the law"--

The Concept Of Law (Oip)

In this famous treatise, a Supreme Court Justice describes the conscious and unconscious processes by which a judge decides a case. He discusses the sources of information to which he appeals for guidance and analyzes the contribution that considerations of precedent, logical consistency, custom, social welfare, and standards of justice and morals have in shaping his decisions.

Unfair

Montana 1948

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