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From Bilateralism to Community Interest - Rudolf Geiger 2011

Tracing the development of international law from regulating bilateral state-to-state relationships towards the promotion of the international community and the protection of human rights, this book, dedicated to the work of Judge Bruno Simma, forms a significant contribution to the theory and practice of international law.

Law and Economics in Europe - Klaus Mathis 2013-11-11

This anthology illustrates how law and economics is developing in Europe and what opportunities and problems – both in general and specific legal fields – are associated with this approach within the legal traditions of European countries. The first part illuminates the differences in the development and reception of the economic analysis of law in the American Common Law system and in the continental European Civil Law system. The second part focuses on the different ways of thinking of lawyers and economists, which clash in economic analysis of law. The third part is devoted to legal transplants, which often accompany the reception of law and economics from the United States. Finally, the fourth part focuses on the role economic analysis plays in the law of the European Union. This anthology with its 14 essays from young European legal scholars is an important milestone in establishing a European law and economics culture and tradition.

Biopolitics at 50 Years - Tony Wohlers 2022-11-21

Biopolitics at 50 Years: Founding and Evolution explores the study of biology and politics through the prism of fifty years of experience presenting current research that illustrates the nature and evolution of biopolitics.

On the Rule of Law - Brian Z. Tamanaha 2004-11-18

The rule of law is the most important political ideal today, yet there is much confusion about what it means and how it works. This 2004 book explores the history, politics, and theory surrounding the rule of law ideal, beginning with classical Greek and Roman ideas, elaborating on medieval contributions to the rule of law, and articulating the role played by the rule of law in liberal theory and liberal political systems. The author outlines the concerns of Western conservatives about the decline of the rule of law and suggests reasons why the radical Left have promoted this decline. Two basic theoretical streams of the rule of law are then presented, with an examination of the strengths and weaknesses of each. The book examines the rule of law on a global level, and concludes by answering the question of whether the rule of law is a universal human good.

The Triadic Structure of the Mind - Francesco Belfiore 2014-05-23

The Triadic Structure of the Mind provides a philosophical system that offers fresh solutions in the fields of ontology, knowledge, ethics, and politics. The second edition includes a more

extensive treatment of the topics addressed in the first edition, the introduction of new concepts, and the inclusion of additional thinkers.

Declarations of Interdependence - Kirsten Anker
2016-05-13

This book takes up the postcolonial challenge for law and explains how the problems of legal recognition for Indigenous peoples are tied to an orthodox theory of law. Constructing a theory of legal pluralism that is both critical of law's epistemological and ontological presuppositions, as well as discursive in engaging a dialogue between legal traditions, Anker focusses on prominent aspects of legal discourse and process such as sovereignty, proof, cultural translation and negotiation. With case studies and examples principally drawn from Australia and Canada, the book seeks to set state law in front of its own reflection in the mirror of Indigenous rights, drawing on a broad base of scholarship in addition to legal theory, from philosophy, literary studies, anthropology, social theory, Indigenous studies and art. As a contribution to legal theory, the study advances legal pluralist approaches not just by imagining a way to 'make space for' Indigenous legal traditions, but by actually working with their insights in building theory. The book will be of value to students and researchers interested in Indigenous rights as well as those working in the areas of socio-legal studies, legal pluralism and law and cultural diversity.

The Ontological Foundation of Ethics, Politics, and Law - Francesco Belfiore
2013-03-25

In this revised edition, Belfiore adds new concepts and discusses the views of additional thinkers. He gives an ontological foundation to ethics, politics, and law and shows how his thought can reinterpret the views of other philosophers regarding these topics.

On Philosophy in American Law - Francis J. Mootz
2009-03-23

This collection of original essays by 38 leading legal theorists marks the 75th anniversary of Karl Llewellyn's essay "On Philosophy in American Law." Llewellyn's succinct and audacious review of the history of American legal philosophy and the prospects for an emerging "legal realism" provides the model for this collection. The diverse and wide-ranging

essays describe in direct terms the state of legal philosophy today, often in a manner that provides an accessible summary of the authors' previous work.

Law in Theory and History - Maksymilian Del Mar
2016-11-17

This collection of original essays brings together leading legal historians and theorists to explore the oft-neglected but important relationship between these two disciplines. Legal historians have often been sceptical of theory. The methodology which informs their own work is often said to be an empirical one, of gathering information from the archives and presenting it in a narrative form. The narrative produced by history is often said to be provisional, insofar as further research in the archives might falsify present understandings and demand revisions. On the other side, legal theorists are often dismissive of historical works. History itself seems to many theorists not to offer any jurisprudential insights of use for their projects: at best, history is a repository of data and examples, which may be drawn on by the theorist for her own purposes. The aim of this collection is to invite participants from both sides to ask what lessons legal history can bring to legal theory, and what legal theory can bring to history. What is the theorist to do with the empirical data generated by archival research? What theories should drive the historical enterprise, and what wider lessons can be learned from it? This collection brings together a number of major theorists and legal historians to debate these ideas.

Leon Petrażycki - Edoardo Fittipaldi
2022-09-19

The early 20th-century Russo-Polish legal thinker Leon Petrażycki (1867–1931) developed a comprehensive social psychology of law. Because only a fraction of his work is available in English, Petrażycki is today little known and seldom discussed in the Anglophone countries. This volume aims to remedy this deficit by introducing Petrażycki's life and work specifically to an English-speaking audience. It is intended as a reappraisal of some of his views in the context of current advancements. This collection of 12 chapters produced by a panel of international scholars from various social science fields will be useful to a new generation

of students formulating their own theories and research on socio-legal behavior. Leon Petrażycki: Law, Emotions, Society will be of interest to students and scholars of sociology of law, socio-legal studies, and philosophy of law
The Methodology of Legal Theory - Michael Giudice 2017-07-05

The last decade has witnessed a particularly intensive debate over methodological issues in legal theory. The publication of Julie Dickson's *Evaluation and Legal Theory* (2001) was significant, as were collective returns to H.L.A. Hart's 'Postscript' to *The Concept of Law*. While influential articles have been written in disparate journals, no single collection of the most important papers exists. This volume - the first in a three volume series - aims not only to fill that gap but also propose a systematic agenda for future work. The editors have selected articles written by leading legal theorists, including, among others, Leslie Green, Brian Leiter, Joseph Raz, Ronald Dworkin, and William Twining, and organized under four broad categories: 1) problems and purposes of legal theory; 2) the role of epistemology and semantics in theorising about the nature of law; 3) the relation between morality and legal theory; and 4) the scope of phenomena a general jurisprudence ought to address.

Karl Llewellyn and the Realist Movement - William Twining 2012-09-17

An intellectual biography of Karl Llewellyn, originally published in 1973. Includes a preface by Frederick Schauer and an afterword by William Twining.

The Three Ps of Liberty - Allen Mendenhall 2020-03-12

This book considers the "three Ps" of liberty: pragmatism, pluralism, and polycentricity. These concepts enrich the complex tradition of classical liberal jurisprudence, providing workable solutions based on the decentralization, diffusion, and dispersal of power.

Law in a Market Context - Robin Paul Malloy 2004-04-22

In *Law in a Market Context* Robin Paul Malloy examines the way in which people, as social beings, experience the intersection of law, markets, and culture. Through case examples, illustrative fact patterns, and problems based on

hypothetical situations he demonstrates the implications and the ambiguities of law in a market society. In his analysis he provides a complete and accessible introduction to a vast array of economic terms, concepts, and ideas--making this book a valuable primer for anyone interested in understanding the use of market concepts in legal reasoning.

Social Choice and Democratic Values - Eerik Lagerspetz 2015-11-26

This book offers a comprehensive overview and critique of the most important political and philosophical interpretations of the basic results of social choice, assessing their plausibility and seeking to identify the links between the theory of social choice and the more traditional issues of political theory and philosophy. In this regard, the author eschews a strong methodological commitment or technical formalism; the approach is instead based on the presentation of political facts and illustrated via numerous real-life examples. This allows the reader to get acquainted with the philosophical and political dispute surrounding voting and collective decision-making and its links to social choice theory.

From Violence to Peace - Alex Deagon 2017-08-24

This book contributes to the literature on jurisprudence and theology by arguing for the role of a theoretically robust Christian theology in a legal community dominated by secular and liberal ideology. It is not a doctrinal or empirical analysis, but a theoretical exposition of the way in which modern law has contingently drifted from its theological origins. As a result, the legal system and the ideal of individual and communal relationship it envisages is characterised by antagonism and alienation, or more broadly, violence. The book contends that the way to restore a legal community of peace is to return to a Christian theology which is informed by Trinitarian thinking or the notion of unity in diversity, and reunites faith with reason. Returning reason to its ground in being allows peaceful persuasion by the revelation of God's perfect being through the Trinity and Incarnation, which models and enables the peaceful coexistence of difference through self-sacrificing love. This in turn produces the law of love - to love your neighbour as yourself. Since

love does no wrong to a neighbour, a legal community operating by the law of love can fulfil the obligations of law by going beyond merely what is required by law and love individuals as part of a community.

Truth - Kurt Pritzl 2010

Fresh interpretations of the greatest philosophers on the nature of truth and speculative essays on truth in law, the arts, and science

Conceptual Jurisprudence - Jorge Luis Fabra-Zamora 2021-09-01

This book brings together leading legal theorists to present original philosophical work on the concept of law - the central question of jurisprudence. It covers five broad topics: firstly it addresses debates concerning the methodology of jurisprudence. In Part II it focuses on the notion of a legal system and its coercive nature, while Part III explores the relationships between law and morality, the traditional point of contention between positivist and non-positivist theories of law. Part IV then examines questions regarding law's normative character and relationships with practical reason. Lastly, the final part introduces two novel theoretical approaches to conceptual jurisprudence.

A General Jurisprudence of Law and Society - Brian Z. Tamanaha 2001

Law is generally understood to be a mirror of society that functions to maintain social order. Focusing on this general understanding, this text conducts a survey of Western legal and social theories about law and its relationship within society.

Morality and the Nature of Law - Kenneth Einar Himma 2019-03-07

Morality and the Nature of Law explores the conceptual relationship between morality and the criteria that determine what counts as law in a given society the criteria of legal validity. Is it necessary condition for a legal system to include moral criteria of legal validity? Is it even possible for a legal system to have moral criteria of legal validity? The book considers the views of natural law theorists ranging from Blackstone to Dworkin and rejects them, arguing that it is not conceptually necessary that the criteria of legal validity include moral norms. Further, it rejects the exclusive positivist view, arguing instead

that it is conceptually possible for the criteria of validity to include moral norms. In the process of considering such questions, this book considers Raz's views concerning the nature of authority and Shapiro's views about the guidance function of law, which have been thought to repudiate the conceptual possibility of moral criteria of legal validity. The book, then, articulates a thought experiment that shows that it is possible for a legal system to have such criteria and concludes with a chapter that argues that any legal system, like that of the United States, which affords final authority over the content of the law to judges who are fallible with respect to the requirements of morality is a legal system with purely source-based criteria of validity.

New Essays on the Nature of Legal Reasoning - Mark McBride 2022-05-19

This is the first book to bring together distinguished jurisprudential theorists, as well as up-and-coming scholars, to critically assess the nature of legal reasoning. The volume is divided into 3 parts: The first part, General Jurisprudence and Legal Reasoning, addresses issues at the intersection of general jurisprudence - those pertaining to the nature of law itself - and legal reasoning. The second part, Rules and Reasons, addresses two concepts central to two prominent types of theory of legal reasoning. The essays in the third and final part, Doctrine and Practice, delve into the mechanics of legal practice and doctrine, from a legal reasoning perspective.

Jurisprudence - Brian H. Bix 2019

Towards the True Law - Felipe de Jesús Fierro Alvidrez 2013-07

Does the Law exist? and if so, what is it? Can we know it? This book tries to answer these questions by approaching as a whole the problem of Law, its justification and demonstration. Because when facing multiple legal theories, many of which are contradictory, we have to ask ourselves what the true Law is, if it exists indeed, its origin, meaning and perspective. We are in pursuit of something more: the Law and its truth. This fundamental question must be scientifically solved, and in such an in-depth approach that only philosophy, traditionally understood as "knowledge by its first and principle causes, obtained under the

natural light of reason," can give us the answer. the current thesis takes up the problem of knowledge and its theories of being and truth, to later contrast them with various juridical currents. Two different paths, processes and objects to reach the same conclusion. the result wasn't easy, but we believe we contributed with a juridical theory with seven rules of truthfulness, that from our humble point of view, solves the conflict over Law, its essence and properties. What is Right? What is Law? Does a juridical science exist? Does a true theory of Law exist or does each one of us have their own truth? These were the central questions we tried to answer in the current thesis; to demonstrate through reason the considerations raised here and to somehow contribute in a positive way to the growing relativism of this subject.

Earth Jurisprudence - Peter D. Burdon
2014-09-19

The idea of human dominion over nature has become entrenched by the dominant rights-based interpretation of private property. Accordingly, nature is not attributed any inherent value and becomes merely the matter of a human property relationship. *Earth Jurisprudence: Private Property and the Environment* explores how an alternative conception of property might be instead grounded in the ecocentric concept of an Earth community. Recognising that human beings are deeply interconnected with and dependent on nature, this concept is proposed as a standard and measure for human law. This book argues that the anthropocentric institution of private property needs to be reconceived; drawing on international case law, indigenous views of property and the land use practices of agrarian communities, Peter Burdon considers how private property can be reformulated in a way that fosters duties towards nature. Using the theory of earth jurisprudence as a guide, he outlines an alternative ecocentric description of private property as a relationship between and among members of the Earth community. This book will appeal to those researching in law, justice and ecology, as well as anyone pursuing an interest more particularly in earth jurisprudence.

[The Oxford Handbook of International Climate Change Law](#) - Cinnamon P. Carlarne 2016-05-12

Climate change presents one of the greatest challenges of our time, and has become one of the defining issues of the twenty-first century. The radical changes which both developed and developing countries will need to make, in economic and in legal terms, to respond to climate change are unprecedented. International law, including treaty regimes, institutions, and customary international law, needs to address the myriad challenges and consequences of climate change, including variations in the weather patterns, sea level rise, and the resulting migration of peoples. *The Oxford Handbook of International Climate Change Law* provides an unprecedented and authoritative overview of all aspects of international climate change law as it currently stands, with guidance for how it should develop in the future. Over forty leading scholars and practitioners set out a comprehensive understanding of the legal issues that surround this vitally important but still emerging area of international law. This book addresses the major legal dimensions of the problems caused by climate change: not only in the content and nature of the international legal frameworks, which need implementation at the national level, but also the development of carbon trading systems as a means of reducing the costs of meeting emission reduction targets. After an introduction to the field, the Handbook assesses the relevant institutions, the key applicable principles of international law, the international mitigation regime and its consequences, and climate change litigation, before providing perspectives focused upon specific countries or regions. The Handbook will be an invaluable resource for scholars, students, and practitioners of international climate change law. It provides readers with diverse perspectives, bringing together interpretations from different disciplines, countries, and cultures.

Knowing What the Law Is - Alexander Somek
2021-08-26

This book provides a selective and somewhat cheeky account of prominent positions in legal theory, such as American legal realism, modern legal positivism, sociological systems theory, institutionalism and critical legal studies. It presents a relational approach to law and a new perspective on legal sources. The book explores

topics of legal theory in a playful manner. It is written and composed in a way that refutes the widespread prejudice that legal theory is a dreary subject, with a cast of characters that occasionally interact in order to illustrate the claims of the book. Legal experts claim to know what the law is. Legal theory-or jurisprudence- explores whether such claims are warranted. The discipline first emerged at the turn of the 20th century, when the self-confidence of both legal scholarship and judicial craftsmanship became severely shattered, but the crisis continues to this day.

Immigration Judges and U.S. Asylum Policy

- Banks Miller 2015

Although there are legal norms to secure the uniform treatment of asylum claims in the United States, anecdotal and empirical evidence suggest that strategic and economic interests also influence asylum outcomes. Previous research has demonstrated considerable variation in how immigration judges decide seemingly similar cases, which implies a host of legal concerns—not the least of which is whether judicial bias is more determinative of the decision to admit those fleeing persecution to the United States than is the merit of the claim. These disparities also raise important policy considerations about how to fix what many perceive to be a broken adjudication system. With theoretical sophistication and empirical rigor, *Immigration Judges and U.S. Asylum Policy* investigates more than 500,000 asylum cases that were decided by U.S. immigration judges between 1990 and 2010. The authors find that judges treat certain facts about an asylum applicant more objectively than others: facts determined to be legally relevant tend to be treated similarly by judges of different political ideologies, while facts considered extralegal are treated subjectively. Furthermore, the authors examine how local economic and political conditions as well as congressional reforms have affected outcomes in asylum cases, concluding with a series of policy recommendations aimed at improving the quality of immigration law decision making rather than trying to reduce disparities between decision makers.

Political and Legal Approaches to Human Rights

- Tom Campbell 2017-11-22

This collection explores and illustrates issues

arising from 'political' approaches to human rights in contrast to the more traditional 'moral' approaches. Moral approaches conceptualize and justify human rights in terms of priority rights which are both universal and moral. In contrast, political approaches focus on those human rights practices involved in the development and operation of human rights institutions, laws and political process, all in relative independence from their alleged moral foundations. The book contributes to the understanding and analysis of 'political approaches', including consideration of their diversity, and discussion of their strengths and weaknesses. The choice of contributors presents a balance between those theorists who favour some version of the political approach and those who are dubious about the perceived advantages. The chapters are grouped together in parts which constitute the distinctive issues addressed in the book. At a time when there is considerable uncertainty concerning their conceptual clarity, operation, feasibility, and their normative justifications, this volume will be of interest to those involved with the theory and practice of human rights, within law schools, and in politics and philosophy departments. It will also provide a useful resource for human rights practitioners and policy makers.

Law's Virtues

- Cathleen Kaveny 2012-09-20

Can the law promote moral values even in pluralistic societies such as the United States? Drawing upon important federal legislation such as the Americans with Disabilities Act, legal scholar and moral theologian Cathleen Kaveny argues that it can. In conversation with thinkers as diverse as Thomas Aquinas, Pope John Paul II, and Joseph Raz, she argues that the law rightly promotes the values of autonomy and solidarity. At the same time, she cautions that wise lawmakers will not enact mandates that are too far out of step with the lived moral values of the actual community. According to Kaveny, the law is best understood as a moral teacher encouraging people to act virtuously, rather than a police officer requiring them to do so. In *Law's Virtues* Kaveny expertly applies this theoretical framework to the controversial moral-legal issues of abortion, genetics, and euthanasia. In addition, she proposes a moral analysis of the act of voting, in dialogue with the election

guides issued by the US bishops. Moving beyond the culture wars, this bold and provocative volume proposes a vision of the relationship of law and morality that is realistic without being relativistic and optimistic without being utopian.

General Principles of Law - Stefan Vogenauer
2017-06-15

Examining general principles of law provides one of the most instructive examples of the intersection between EU law and comparative law. This collection draws on the expertise of high-profile and distinguished scholars to provide a critical examination of this interaction. It shows how general principles of EU law need to be responsive to national laws. In addition, it is clear that the laws of the Member States have no choice but to be responsive to the general principles which are developed through EU law. Viewed through the perspective of proportionality, legal certainty, and fundamental rights, the dynamic relationship between the ingenuity of the Court of Justice, the legislative process and the process of Treaty revision is comprehensively illustrated.

[A Realistic Theory of Law](#) - Brian Z. Tamanaha
2017-04-24

This book articulates an empirically grounded theory of law applicable throughout history and across different societies. Unlike natural law theory or analytical jurisprudence, which are narrow, abstract, ahistorical, and detached from society, Tamanaha's theory presents a holistic vision of law within society, evolving in connection with social, cultural, economic, political, ecological, and technological factors. He revives a largely forgotten theoretical perspective on law that runs from Montesquieu through the legal realists to the present. This book explains why the classic question 'what is law?' has never been resolved, and casts doubt on theorists' claims about necessary and universal truths about law. This book develops a theory of law as a social institution with varying forms and functions, tracing law from hunter-gatherer societies to the modern state and beyond. Tamanaha's theory accounts for social influences on law, legal influences on society, law and domination, multifunctional governmental uses of law, legal pluralism, international law, and other legal aspects largely overlooked in jurisprudence.

[The Legal Relation](#) - Alexander Somek
2017-10-12

"This introductory series of books provides concise studies of the philosophical foundations of law, of perennial topics in the philosophy of law, and of important and opposing schools of thought. The series is aimed principally at students in philosophy, law, and political science"--

Law, Society and Community - Richard Nobles
2016-04-22

This collection of socio-legal studies, written by leading theorists and researchers from around the world, offers original, perceptive and critical contributions to ideas and theories that have been expounded by Roger Cotterrell over a long and distinguished career. Engaging with many classic issues and theories of the sociology of law, the contributions are likely to become classics themselves as they tackle some of the most significant challenges that modern law faces. They do not shy away from what one of the contributors describes as the complexity and multiplicity of our contemporary legal world. The book is organized in three parts: socio-legal themes; methodological and jurisprudential themes; globalization, cultural and comparative law themes. Starting with a chapter that re-engages with the need to interpret legal ideas sociologically, and ending with one that explores the global significance of modern fascination with the idea of the rule of law, this selection offers important additions to the oeuvre of Roger Cotterrell (a list of whose academic writings is included in the book).

A Chinese Theory of International Law - Zhipeng He
2020-03-14

This book analyzes China's attitude to international law based on historical experiences and documents, and provides an explanation of China's approaches to international legal issues. It also establishes several elements for a possible framework of Chinese theory on international law. The book offers researchers, university students and practitioners valuable insights into how China views international law and why it does so in the way it does.

The Legacy of John Austin's Jurisprudence - Michael Freeman
2012-09-12

This is the first ever collected volume on John Austin, whose role in the founding of analytical

jurisprudence is unquestionable. After 150 years, time has come to assess his legacy. The book fills a void in existing literature, by letting top scholars with diverse outlooks flesh out and discuss Austin's legacy today. A nuanced, vibrant, and richly diverse picture of both his legal and ethical theories emerges, making a case for a renewal of interest in his work. The book applies multiple perspectives, reflecting Austin's various interests - stretching from moral theory to theory of law and state, from Roman Law to Constitutional Law - and it offers a comparative outlook on Austin and his legacy in the light of the contemporary debate and major movements within legal theory. It sheds new light on some central issues of practical reasoning: the relation between law and morals, the nature of legal systems, the function of effectiveness, the value-free character of legal theory, the connection between normative and factual inquiries in the law, the role of power, the character of obedience and the notion of duty.

Law as a Means to an End - Brian Z. Tamanaha 2006-10-02

The contemporary US legal culture is marked by ubiquitous battles among various groups attempting to seize control of the law and wield it against others in pursuit of their particular agenda. This battle takes place in administrative, legislative, and judicial arenas at both the state and federal levels. This book identifies the underlying source of these battles in the spread of the instrumental view of law - the idea that law is purely a means to an end - in a context of sharp disagreement over the social good. It traces the rise of the instrumental view of law in the course of the past two centuries, then demonstrates the pervasiveness of this view of law and its implications within the contemporary legal culture, and ends by showing the various ways in which seeing law in purely instrumental terms threatens to corrode the rule of law.

Understanding Jurisprudence - Raymond Wacks 2015

Perfect for the student new to jurisprudence, this book provides an illuminating introduction to the central questions of legal theory. An experienced teacher of jurisprudence, Professor Wacks' approach is both accessible and entertaining, providing the ideal base for further

study.

Rights, Groups, and Self-Invention - Eric J. Mitnick 2018-01-18

Group-differentiated rights, or rights that attach on the basis of membership in a particular social or cultural group, are an increasingly common and controversial aspect of modern pluralistic legal systems. Eric Mitnick offers the first comprehensive treatment of this important form of right. The book describes and critically assesses the group-differentiated form of 'right' from within analytical, constitutive and liberal theory. It further examines the extent to which group-differentiated rights constitute aspects of human identity, and it asks whether this should be a cause for concern from the perspective of liberal theory. The more detailed normative work advanced in the book contextually applies the constitutive understanding of rights and the principles of liberal membership to particular examples of group-differentiated citizenship. Such examples range from ascriptive statuses such as slavery and alienage, to more affirmative classifications, such as those apparent in the contexts of civil unions and affirmative action, finally to the claims of religious and other cultural groups for official recognition and accommodation of group-based beliefs and practices.

Measuring Social Welfare - Matthew D. Adler 2019-09-23

Disputes over government policies rage in a number of areas. From taxation to climate change, from public finance to risk regulation, and from health care to infrastructure planning, advocates debate how policies affect multiple dimensions of individual well-being, how these effects balance against each other, and how trade-offs between overall well-being and inequality should be resolved. How to measure and balance well-being gains and losses is a vexed issue. Matthew D. Adler advances the debate by introducing the social welfare function (SWF) framework and demonstrating how it can be used as a powerful tool for evaluating governmental policies. The framework originates in welfare economics and in philosophical scholarship regarding individual well-being, ethics, and distributive justice. It has three core components: a well-being measure, which translates each of the possible policy outcomes

into an array of interpersonally comparable well-being numbers, quantifying how well off each person in the population would be in that outcome; a rule for ranking outcomes thus described ; and an uncertainty module, which orders policies understood as probability distributions over outcomes. The SWF framework is a significant improvement compared to cost-benefit analysis (CBA), which quantifies policy impacts in dollars, is thereby biased towards the rich, and is insensitive to the distribution of these monetized impacts. The SWF framework, by contrast, uses an unbiased measure of well-being and allows the policymaker to consider both efficiency (total well-being) and equity (the distribution of well-being). Because the SWF framework is a fully generic methodology for policy assessment, Adler also discusses how it can be implemented to inform government policies. He illustrates it through a detailed case study of risk regulation, contrasting the implications of results of SWF and CBA. This book provides an accessible, yet rigorous overview of the SWF approach that can inform policy-makers and students.

Allegiance and Identity in a Globalised World -

Fiona Jenkins 2014-11-06

Interrogating the concepts of allegiance and identity in a globalised world involves renewing our understanding of membership and participation within and beyond the nation-state. Allegiance can be used to define a singular national identity and common connection to a nation-state. In a global context, however, we need more dynamic conceptions to understand the importance of maintaining diversity and building allegiance with others outside borders. Understanding how allegiance and identity are being reconfigured today provides valuable insights into important contemporary debates around citizenship. This book reveals how public and international law understand allegiance and identity. Each involves viewing the nation-state as fundamental to concepts of allegiance and identity, but they also see the world slightly differently. With contributions from philosophers, political scientists and social psychologists, the result is a thorough appraisal of allegiance and identity in a range of socio-legal contexts.