

What Is Justice By Hans Kelsen

Justice Hans Linde interrupted a distinguished academic career to serve on the Oregon Supreme Court, where he came to be viewed as one of the two or three most important state court judges in this century. Now in retirement from the bench, Linde continues to make significant scholarly contributions that are vitally enriched by his judicial experien

Outstanding and thought-provoking, this book provides up-to-date and in-depth analyses of current developments in international politics. It highlights the (unilateral) use of force in international relations and its implication for international law, the chances and risks of international criminal justice, and the question of epistemic violence with regard to dominant discourses in the theory of international relations, such as nation-building and intercultural dialogue.

Furthermore, the book focuses on conditions for global social and ecological justice in international economics against the background of financial crisis. It contributes in particular to a better understanding of the relation between power and justice in view of current global tensions while reflecting the work of the internationally acclaimed philosopher Hans Köchler.

Reprint of the first edition. This classic work by the important Austrian jurist is the fullest exposition of his enormously influential pure theory of law, which includes a theory of the state. It also has an extensive appendix that discusses the pure theory in comparison with the law of nature, positivism, historical natural law, metaphysical dualism and scientific-critical philosophy. "The scope of the work is truly universal. It never loses itself in vague generalities or in unconnected fragments of thought. On the contrary, precision in the formulation of details and rigorous system are characteristic features of the exposition: only a mind fully concentrated upon that logical structure can possibly follow Kelsen's penetrating analysis. Such a mind will not shrink from the effort necessary for acquainting itself with...the pure theory of law in its more general aspects, and will then pass over to the theory of the state which ends up with a carefully worked out theory of international law." Julius Kraft, *American Journal of International Law* 40 (1946):496.

In *Cop Watch*, renowned social psychologist Hans Toch takes stock of the vast changes in police procedures that have occurred over the last half-century by examining the evolving role of spectators to police-citizen interactions. In this unflinching examination of the power of the crowd and society to shape police practice, Toch provides a uniquely compelling look at the struggles and complexities of policing in a volatile world.

Written Symposium : Papers

What is justice? Justice, law, and politics in the mirror of science; collected essays, Berkeley, Univ

Philosophy and Politics in Nazi Germany

The Verdict

How the Left Changed the Way You Vote

By Jes Bjarup

This title is part of UC Press's Voices Revived program, which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice, reach, and impact. Drawing on a backlist dating to 1893, Voices Revived makes high-quality, peer-reviewed scholarship accessible once again using print-on-demand technology. This title was originally published in 1953.

The Politics of Justice in European Private Law intends to highlight the differences between the Member States' concepts of social justice, which have developed historically, and the distinct European concept of access justice. Contrary to the emerging critique of Europe's justice deficit in the aftermath of the Euro crisis, this book argues that beneath the larger picture of the Monetary Union, a more positive and more promising European concept of justice is developing. European access justice is thinner than national social justice, but access justice represents a distinct conception of justice nevertheless. Member States or nation states remain free to complement European access justice and bring to bear their own pattern of social justice.

Hans Kelsen is commonly associated with legal theory and philosophy of law. Democracy in Its Essence: Hans Kelsen as a Political Thinker instead investigates Kelsen's democratic theory as it developed between the 1920s and 1950s, which challenged the existence of democracies in many different respects. Kelsen provided a critical reflection on the strengths and problems of living within a democratic system, while also defending it against a series of specific targets: from the Soviet regime and Bolshevism to European Fascisms, from religious-based conceptions of politics to those claiming a perfect identity between capitalism and classical liberal institutions, and chiefly against all those ideologies claiming to possess objective understanding of what true freedom and true democracy signify. By seeking what he defined as the "essence" and "value" of democracy, Kelsen elaborated a pluralist, relativist, constitutional, proceduralist, and liberal theory of representative democracy, characterized by a strong recall to the values of tolerance, responsibility, and respect toward "the other" as well as to the idea of politics as space for compromise. In this book, Sara Lagi reconstructs his political theory as a relevant contribution to the twentieth-century liberal-democratic tradition of thought, while representing a stimulating reflection on the meaning and implication of democracy both as a political system and as a form of co-existence.

Ross, Alf. On Law and Justice. Berkeley: University of California Press,

1959. xi, 383 pp. Reprint available December 2004 by the Lawbook Exchange, Ltd. ISBN 1-58477-488-6. Cloth. \$90. * In this influential and oft-cited study Ross discounted the theories of natural law, positivism and legal realism. In their stead, he proposed the abandonment of "ought-propositions" for the "is-propositions" employed by other empirical sciences, thereby envisioning lawyers that serve merely as "rational technologists." Less bound by tradition, and traditional notions of justice, jurisprudence then becomes "not only a beautiful mental activity per se, but also an instrument which may benefit any lawyer who wants to understand what he is doing and why" (Preface).

Politics and the Search for the Common Good

Restorative Justice in Context

American Juries

Justice, Law, and Politics in the Mirror of Science : Collected Essays

Judging the Jury

The Radical Republicans

This is the story of the men who, as political realists, fought for the cause of racial reform in America before, during, and after the Civil War. Charles Sumner, Thaddeus Stevens, Benjamin F. Wade, and Zachariah Chandler are the central figures in Mr. Trefousse's study of the Radical Republicans who steered a course between the extreme abolitionists on the one hand and the more cautious gradualists on the other, as they strove to break the slaveholder's domination of the federal government and then to wrest from the postbellum South an acknowledgment of the civil rights of the Negro. The author delineates their key role in founding the Republican party and follows their struggle to keep the party firm in its opposition to the expansion of slavery, to commit it to emancipation, and finally to make it the party of racial justice. This is the story as well of the tangled relationship of the Radical Republicans with Abraham Lincoln—a relationship of both quarrels and mutual support. The author stresses the similarity between Lincoln's ultimate aims and those of the Radical Republicans, demonstrating that without Lincoln's support Sumner and his colleagues could never have accomplished their ends—and that without their help Lincoln might not have succeeded in crushing the rebellion and putting an end to the slavery. And he argues that by 1865 Lincoln's Reconstruction policies were nearing those of the Radicals and that, had he lived, they would not have broken with him as they did with his successor. Lincoln's assassination left the Radicals with no means to translate their demands into effective action. Their efforts to remake the South in such a way as to secure justice for the Negro brought them into conflict with President Johnson, in whose impeachment they played a leading role. Although they succeeded in initiating congressional Reconstruction and adding the fourteenth and fifteenth amendments to the Constitution, the Radicals lost power after the failure of the Johnson impeachment. Mr. Trefousse shows how, despite their declining influence throughout the 1870s, their accomplishments helped make possible—a century later—the resumption of the struggle for civil rights.

Examines the concept of a legal order in the context of globalisation from the

perspective of inclusion and exclusion.

Hans Kelsen and the Case for Democracy is a contextual analysis of this famous jurist's political thought.

Compares national concepts of social justice with the developing European concept of access justice.

Intellect And Craft

Heidegger's Crisis

A Manual for Judges, Practitioners, and Students

Restorative Justice: Theoretical foundations

Our Broken Elections

On Law and Justice

First of a series to be prepared by the Project on International Procedure of the Columbia University School of Law.

The Presidency in the Courts was first published in 1957. Minnesota Archive Editions uses digital technology to make long-unavailable books once again accessible, and are published unaltered from the original University of Minnesota Press editions. Do the American courts restrain the President from committing illegal and unconstitutional acts? If so, how? These are the fundamental questions which are answered here through a systematic and comprehensive analysis of the opinions and decisions of the courts themselves. As Clinton Rossiter, author of "The American Presidency," points out, "Too many books on the Presidency deal with the powers of this great office, too few with the restraints that fix its place in our system of government. Students of the system will be grateful to Professor Schubert for this tough-minded, even-tempered, exhaustive study of a neglected aspect of the Presidency." Professor Schubert analyzes hundreds of judicial cases, both federal and state, involving challenges to the legality of presidential action. The period covered is the entire lifetime of the republic and the material is arranged according to the President's major institutional roles, those of chief administrator, chief of state, commander in chief, and chief magistrate. There are chapters on presidential management of public personnel and the public domain, his control of foreign relations and the tariff, his military powers, enemy aliens, the presidential seizure power and other emergency powers, legal sources of presidential power, due process in presidential lawmaking, and the scope of judicial review of presidential action. Both the theory and practice of presidential rule making and adjudication are examined in detail. The book, the first of its kind, reveals how far from actuality are the generally held beliefs regarding the power of the courts versus the power of the Presidency. The significance of such a study is readily apparent in view of the fact that the fate not only of the United States but of Western civilization will hang in the balance of the President's

exercise of his official powers during the next decade.

Through the lens of science, Hans Kelsen proposes a dynamic theory of natural law, examines Platonic and Aristotelian doctrines of justice and the idea of justice as found in the holy scriptures. This title is part of UC Press's Voices Revived program, which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice, reach, and impact. Drawing on a backlist dating to 1893, Voices Revived makes high-quality, peer-reviewed scholarship accessible once again using print-on-demand technology. This title was originally published in 1957.

This analysis of Hans Kelsen's international law theory takes into account the context of the German international legal discourse in the first half of the twentieth century, including the reactions of Carl Schmitt and other Weimar opponents of Kelsen. The relationship between his Pure Theory of Law and his international law writings is examined, enabling the reader to understand how Kelsen tried to square his own liberal cosmopolitan project with his methodological convictions as laid out in his Pure Theory of Law. Finally, Jochen von Bernstorff discusses the limits and continuing relevance of Kelsenian formalism for international law under the term of 'reflexive formalism', and offers a reflection on Kelsen's theory of international law against the background of current debates over constitutionalisation, institutionalisation and fragmentation of international law. The book also includes biographical sketches of Hans Kelsen and his main students Alfred Verdross and Joseph L. Kunz.

Pure Theory of Law

Held at Pollock Halls, University of Edinburgh, 10th - 12th April 1981

Criminal Psychology

Interdisciplinary Approaches to Global Challenges

A Diachronic Index and Glossary to What is Justice?, Collected Essays by Hans Kelsen

Law, State, and International Legal Order

This book brings together a selection of papers originally presented and discussed at the fourth international restorative justice conference, held at the University of Tübingen. The contributors include many of the leading authorities in the field of restorative justice, and they provide a comprehensive review of the theoretical foundations underlying this rapidly expanding movement. Restorative Justice: Theoretical foundations addresses a wide range of fundamental questions about restorative justice, considering amongst other things ways in which conceptual pitfalls can be avoided, and how traditional models of peacemaking and healing developed in traditional societies can be

integrated into the justice systems of late modern societies. Overall it provides an authoritative overview of contemporary thinking about restorative justice and will be essential reading for anybody concerned with the future direction of criminal justice and criminal justice systems. leading world authorities address the theoretical foundations of restorative justice a rapidly expanding area within criminal justice includes chapters on restorative justice as applied to corporate crime, family violence and cases of extreme violence

This book brings together a selection of papers originally presented and discussed at the fourth international restorative justice conference, held at the University of Tübingen. The contributors include many of the leading authorities in the burgeoning field of restorative justice, and they provide a comprehensive review of developing international practice and directions, and the context in which restorative justice practices are developing. Restorative Justice in Context moves beyond a focus on restorative justice for juveniles to a broader concern with the application of restorative justice in such areas as corporate crime, family violence and the application of restorative justice in cases of extreme violent crimes. The contexts examined are drawn from Europe, North America, Australasia and Japan. leading world authorities analyse international case studies reflecting the growth of restorative justice worldwiderapidly expanding area of interest

Kelsen, Hans. Pure Theory of Law. Translation from the Second German Edition by Max Knight. Berkeley: University of California Press, 1967. x, 356 pp. Reprinted 2005 by The Lawbook Exchange, Ltd. ISBN 1-58477-578-5. Paperbound. \$36.95 * Second revised and enlarged edition, a complete revision of the first edition published in 1934. A landmark in the development of modern jurisprudence, the pure theory of law defines law as a system of coercive norms created by the state that rests on the validity of a generally accepted Grundnorm, or basic norm, such as the supremacy of the Constitution. Entirely self-supporting, it rejects any concept derived from metaphysics, politics, ethics, sociology, or the natural sciences. Beginning with the medieval reception of Roman law, traditional jurisprudence has maintained a dual system of "subjective" law (the rights of a person) and "objective" law (the system of norms). Throughout history this dualism has been a useful tool for putting the law in the service of politics, especially by rulers or dominant political parties. The pure theory of law destroys this dualism by replacing it with a unitary system of objective positive law that is insulated from political manipulation. Possibly the most influential jurist of the twentieth century, Hans Kelsen [1881-1973] was legal adviser to Austria's last emperor and its first republican government, the founder and permanent advisor of the Supreme

Constitutional Court of Austria, and the author of Austria's Constitution, which was enacted in 1920, abolished during the Anschluss, and restored in 1945. The author of more than forty books on law and legal philosophy, he is best known for this work and General Theory of Law and State. Also active as a teacher in Europe and the United States, he was Dean of the Law Faculty of the University of Vienna and taught at the universities of Cologne and Prague, the Institute of International Studies in Geneva, Harvard, Wellesley, the University of California at Berkeley, and the Naval War College. Also available in cloth.

For anyone concerned about the world we are creating, this book, written by one of the most important living theologians, offers a cautionary look at the coming global society.

The Contributions Of Justice Hans Linde To American Constitutionalism
Cop Watch

Justice, Law, and Politics in the Mirror of Science

Civil Procedure in Sweden

The Work of Justice Hans Linde

Spectators, Social Media, and Police Reform

Although the right to trial by jury is enshrined in the U.S. Constitution, in recent years both criminal and civil juries have been criticized as incompetent, biased, and irresponsible. For example, the O.J. Simpson criminal jury's verdict produced a racial divide in opinions about that trial. And many Americans still hold strong views about the jury that awarded millions of dollars to a woman who spilled a cup of McDonald's coffee on herself. It's said that there are judicial hellholes where local juries provide jackpot justice in medical malpractice and product liability cases with corporate defendants. Are these claims valid? This monumental and comprehensive volume reviews over fifty years of empirical research on civil and criminal juries and returns a verdict that strongly supports the jury system. Rather than relying on anecdotes, Vidmar and Hans-renowned scholars of the jury system-place the jury system in its historical and contemporary context, giving the stories behind important trials while providing fact-based answers to critical questions. How do juries make decisions and how do their verdicts compare to those of trial judges and technical experts? What roles do jury consultants play in influencing trial outcomes? Can juries understand complex expert testimony? Under which circumstances do capital juries decide to sentence a defendant to die? Are juries biased against doctors and big business? Should juries be allowed to give punitive damages? How do juries respond to the insanity defense? Do jurors ignore the law? Finally, the authors consider various suggestions for improving the way that juries are asked to carry out their duties. After briefly comparing the American jury to its counterparts in other nations, they conclude that our jury system, despite occasional problems, is, on balance, fair and democratic, and should remain an indispensable component of the judicial process for the foreseeable future. Neil Vidmar, PhD, (Durham, NC), is both the Russell M. Robinson II Professor of Law at Duke University School of Law and a professor of psychology at Duke University. He has published over 100 research articles and is the author, coauthor, or editor of four books including Hans and Vidmar's widely acclaimed *Judging the Jury* (1986), *Medical Malpractice and the American Jury*, and *World Jury Systems* (2000). Valerie P. Hans, PhD (Ithaca, NY), is Professor of Law at Cornell University. She has

published more than ninety research papers and articles and is the author, coauthor or editor of five books including Business on Trial (2000); Judging the Jury (1986) and The Jury System (2006). She also serves on the editorial boards of major professional journals in the field of law and social science.

Behind the deeply contentious 2020 election stands a real story of a broken election process. Election fraud that alters election outcomes and dilutes legitimate votes occurs all too often, as is the bungling of election bureaucrats. Our election process is full of vulnerabilities that can be — and are — taken advantage of, raising questions about, and damaging public confidence in, the legitimacy of the outcome of elections. This book explores the reality of the fraud and bureaucratic errors and mistakes that should concern all Americans and offers recommendations and solutions to fix those problems.

By showing how Kelsen's theory of law works alongside his political philosophy, the book shows the Pure Theory to be part of a wider attempt to understand how political power can be legitimately exercised in pluralist societies.

Widely regarded as the most important legal theorist of the twentieth century, Hans Kelsen is best known for his formulation of the "pure theory of law", - within which the study of international law was his special field of work. The present volume, "General Theory of Law and State", first published in 1945, allowed Kelsen to adjust his pure theory of law to American circumstances after World War II. It also afforded him the opportunity to present to English-speaking readers his latest ideas on the supremacy of international law. The volume is divided into two parts: the first devoted to law, the second to the state. Together these topics constitute the most systematic and comprehensive exposition of Kelsen's jurisprudence. The volume is not only a compendium of Kelsen's lifework up to that time; it is also an extension of his theories, "to embrace the problems and institutions of English and American law as well as those of the Civil Law countries". Indeed, references to Continental European law are minimal compared with examples, scattered throughout the text, taken from the U.S. Constitution and several American court cases. This is more than a concession to American readers; it signifies that Kelsen's legal theory is truly general in that it accounts for the Common Law as well as the Civil Law. A systematic treatise on jurisprudence, "General Theory of Law and State" is a substantial reformulation of Kelsen's ideas articulated in several of his previous books, written in German. The juridical principles put forth by the most important legal theorist of the twentieth century remain of great value. This volume will be read by legal scholars, political scientists, and intellectual historians.

General Theory of Law and State

Power and Justice in International Relations

The Many Concepts of Social Justice in European Private Law

Essays in Honor of Hans Kelsen

Social Justice, Access Justice, Societal Justice

Legality and Legitimacy

'Does European regulatory private law offer a genuine model of justice for society? Beyond its initial libertarian focus on economic integration through the market citizen, might it now serve the social inclusion of the vulnerable? In the wake of Hans Micklitz's inspired and relentless pursuit of meaning within the ongoing constitutionalization of private law relationships, this rich collection explores the

implications of new, specifically European, forms of access rights, which ensure (horizontally and vertically) enforceable and non-discriminatory opportunity for market participation.' Horatia Muir Watt, Columbia Law School, US

This insightful book, with contributions from leading international scholars, examines the European model of social justice in private law that has developed over the 20th century. The first set of articles is devoted to the relationship between corrective, commutative, procedural and social justice, more particularly the role and function of commutative justice in contrast to social justice. The second section brings together scholars who discuss the relationship between constitutional order, the values enshrined in the constitutional order and the impact of constitutional values on private law relations. The third section focuses on the impact of socio-economic developments within the EU and within selected Member States on the proprietary order of the EU, on the role and function of the emerging welfare state and the judiciary, as well as on nation state specific patterns of social justice. The final section tests the hypothesis to what extent patterns of social justice are context related and differ in between labour, consumer and competition law. The Many Concepts of Social Justice in European Private Law will prove to be of great interest to academics of law, as well as to private lawyers and European policymakers.

Philosophy and politics make uneasy bedfellows. Nowhere has this been more true than in Nazi Germany, where the pursuit of truth and the will to power became fatally entangled. Though Martin Heidegger's Nazi past is well known and much debated, less is understood about the role of philosophy - and other philosophers - in the rise and development of National Socialism.

What is Justice? Justice, Law, and Politics in the Mirror of Science : Collected Essays The Lawbook Exchange, Ltd.

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).

Hans Kelsen's Pure Theory of Law

Law and Politics in the World Community

Essays on Hans Kelsen's Pure Theory and Related Problems in International Law

Hans Kelsen and the Natural Law Tradition

The Public International Law Theory of Hans Kelsen

What is Justice?

This book explores concrete situations in which judges are faced with a legislature and an executive that consciously and systematically discard the ideals of the rule of law. It revolves around three basic questions: What happens when states become oppressive and the judiciary contributes to the oppression? How can we, from a legal point of view, evaluate the actions of judges who contribute to oppression? And, thirdly, how can we understand their participation from a moral point of view and support their inclination to resist? This book is a vigorous reassessment of the nature of politics and political theorizing.

Hans Kelsen and the Natural Law Tradition provides the first sustained examination of Hans Kelsen's critical engagement, itself founded upon a distinctive theory of legal positivism, with the Natural Law Tradition.

On Judges When the Rule of Law is Under Attack

Judges Against Justice

Hans Kelsen's Theory of Law and Philosophy of Justice

What Is Justice?

The Presidency in the Courts

Hans Kelsen's theory of justice and some consequences of relativism