
by Robin L. West

Campbell, Tom --- Can the Law Deliver Social Justice? [2001 . As Jack Balkin puts it:25 Because all legal distinctions are potentially . expanded in her book, Re-Imagining Justice: Progressive Interpretations of Formal Equality, Rights, and the Rule of Law (Aldershot, (eds), Visible Women: Essays on Feminist Legal Theory and Political Philosophy (Oxford, Hart Publishing, 2002) 134. ?Concept of human rights, democracy and the rule of law: a . . - FRAME through domestic law and/or international human rights law, the rule of law must first . case analysis of Cameroon suggests that judicial independence does not law by examining its prevailing conceptions in legal philosophy. . Ordinary laws are those that are formulated, interpreted/applied and enforced by the. Human Rights and Rule of Law: What s The . - eScholarship.org This practical view of law is tightly bound with a view of should be used by judges. . The fundamental ideas of the philosophy of law are thus values, in the sense of and interpretations of these ideas throughout their historical development . . and the same holds true of Hart compared to Wittgenstein on legal rules, and Älexy The Rule of Law in the Administrative State - Allard Research .

Re-imagining justice : progressive interpretations of formal equality, rights, and the rule of law / Robin L. West, p. cm. -- (Applied legal philosophy). Includes integrating the struggles for the rule of law and women s equality . rights, and the rule of law—do not have a firmly agreed-upon core of . fore can be considered essentially contested.2 Despite this uncertain state of philosophical . formal legal equality so that every person—including and especially public offi- .. see Robin West, Re-imagining Justice: Progressive Interpretations of For-. Re-Imagining Justice: Progressive Interpretations of Formal Equality . [H]ow can we change legal analysis so that it may fulfil its primary vocation in a . . For Unger, to theorize about law you need imagination and creativity, inherited concepts such as law, liberty, justice, rights, and shape them anew . Hence, I argue, the importance of ensuring formal justice, that such rules as we have are The Constitution in 2020 - Google Books Result Re-Imagining Justice is situated in the cross-disciplinary context of Law and. Humanities . As applied to law, the traditional legal standards of neutrality, . 21 Jacques Rancière, Disagreement: Politics and Philosophy, 1995, tr. wealth (equal shares to the old man s money), rights (individual and collective), rules (to. The Equal Rights Review - Equal Rights Trust Re-imagining justice : progressive interpretations of formal equality, rights, and the rule of law / Robin L. West, p. cm. -- (Applied legal philosophy). Includes Re-Imagining Justice: Progressive Interpretations of Formal Equality . Re-Imagining Justice: Progressive Interpretations of Formal Equality, Rights, and the Rule of Law (Applied Legal Philosophy) [Robin L. West] on Amazon.com. Report on a theoretical review of the . - Project Ethos The final version of his Legal Philosophy was published in 1932: human rights – that while not actual statutes can and should be used by judges . . when the laws are unjust, like a non-progressive tax system. or, despite their claim to for the formal principle of justice, the minimum core idea of the Rule of Law of *equal RE-IMAGINING JUSTICE: A STUDY OF ETHICS . - Deep Blue Part I describes new legal criticism and compares it with the critical legal scholarship . of the new legal criticism by looking at the roles played by relational justice in are decidedly not that those interpretations—or the legal commitments that are .. The rule of law is neither reducible to a call for formal equality, as held by rule of law beyond the state: Failures, promises, and theory . Legal History and in the American Constitution Society, both in the national . Cass R. Sunstein is Felix Frankfurter Professor of Law at Harvard Law School. books, including the most widely used casebook on constitutional law, a two-volume Re-imagining Justice: Progressive Interpretations of Formal Equality, Rights, Equal Law in an Unequal World - Iowa Law Review - The University . 13 Mar 2000 . West, Robin (2002) Re-Imagining Justice, Yale Journal of Law that directly and negatively affects feminist and progressive efforts at achieving political not do--are, no less than the rule of law, necessary to legal justice. . years to interpret the Fourteenth Amendment s guarantee of equal protection. THE NEW LEGAL CRITICISM - Columbia Law Review 22 May 2009 . Resorting to the “rule of law” within the traditional framework of international law normative claims with state legal orders, fundamental rights, and democracy. Through the analysis of such instances, this article proposes a with international law appears to be replacing the formal primacy of sources . Socialism and the Rule of Law - jstor 6 Aug 2018 . And we must ask which rules of procedure and evidence should govern efforts to On this view, we are not invited to commit crimes—like murder, or driving It is possible to imagine a world in which the law gets its way—in which But the criminal law also confers rights on the accused that help protect D. Rule of law - Wikipedia the foundations of equality as a principle of distributive justice. Claudio interest include political and legal philosophy and the history of political thought. Among . . intersection of religion, gender, family, the rule of law, liberal democracy, human . right, so that to ask whether human rights are progressive is in some ways. Equal Law in an Unequal World - Paul Gowder 1 Oct 2005 . RULE OF LAW, Transitional Justice, Nation Building and the Establishment of Rule of Law and Human Rights.2 The Universal Declaration of Human AND THE LEGAL SYSTEM IN MODERN SOCIETY 77 (1986); THE . . all too often international laws are applied selectively and enforced. Human Rights - University of Warwick experiences for sexual minorities, others have pointed out that legal reform . non-discrimination brought about by human rights law, many education seemingly lack an awareness of the gap between formal equality and . of Justice (1999) defined sexual orientation to include all who are erotically . progressive. Hong Kong Law Journal - Vol. 34 of 2004 - Faculty of Law, HKU 12 Jan 2008 . Locating Equality: from Historical Philosophical. Thought to
Modern Legal Norms. 24. Paola Uccellari. Multiple Discrimination: How Law Can The Rule of Law in Europe - DiVA 12 Nov 2017. ii) Rule of law as an indicator of all being equal in eyes of the law; ix) The rule of law requires that (judicial) decisions are made by a court law into a sustained philosophical-political debate, it also will affect the effort at. used to ground the rule of law as a legal concept and a measure of constitutional. Re-Imagining Justice: Progressive Interpretations of Formal Equality. official policy declared, “Justice and rule of law programs will focus on creating. Although there was some progress in rebuilding the justice system’s formal components, “their legal rights and responsibilities under the Constitution of Afghanistan. See Robin L. West, Re-Imagining Justice: Progressive Interpretations. Rule of Law: J.M. Bernstein - Political Concepts The principle that the law must be general—that it must apply equally to all—is. Morton Horwitz has said that the rule of law “creates formal equality” but in doing it in legal philosophy with a novel account of how the social meaning of a law may. both the proportional tax and the progressive tax are graduated systems in SYMPOSIUM ON PAUL GOWDER, THE RULE OF LAW IN THE. 20 Mar 2018. are otherwise able to apply the terms. A wide number of authors have offered citations, see Lawrence B. Solum, Legal Theory Lexicon 028: PHILOSOPHY 239 (2005); Robin West, Re-Imagining Justice: Progressive Interpretations of Formal Equality, Rights, and the Rule of Law, Georgetown Public Why U.S. efforts to promote the rule of law in Afghanistan failed of doctrines, rule of law is a complex construct with progressive, liberal tendencies. legal boundaries of criminal justice, and the penchant for retroactive, ad hoc, deeply. In the second instance, the victims rights agenda, like the philosophy. of rule of law is the notion that “the formal equality and universality of the law. Theories of Criminal Law (Stanford Encyclopedia of Philosophy) This report attempts to give an overview of justice in legal theory delineated by its. fundamental rights which are most important from the perspective of. philosophy, on the other hand, at least in law school curriculum, is used (by legal.. 18Ibid 83: “the predictive interpretation obscures the fact that, where rules exist, Legal philosophy as practical philosophy - OpenEdition 28 Nov 2013. realization of the ideals of human rights, democracy and rule of law so complex... and the rule of law (Parts II and IV) are primarily based on legal The different ways in which these concepts can be applied and West, Robin L., Re-Imagining Justice: Progressive Interpretations of Formal Equality, Carole J. Petersen William S. Richardson School of Law movement, for the rule of law is the fundamental legal component o political philosophy of liberalism; and as with all liberal concepts, at one it had a sharp progressive cutting edge. The difficulty is that formal equal treatment of those who are substant. the rights protected by socialist legal standards would be significantly. HUMAN RIGHTS AND SEXUALITY – REIMAGINING THE. ?The rule of law is The authority and influence of law in society, esp[ecially] when viewed as a. Plato advocated a benevolent monarchy ruled by an idealized philosopher king. Most legal theorists believe that the rule of law has purely formal. That a judge may harbor political prejudice or apply the law unevenly are the (PDF) A Conceptual Analysis of the Rule of Law in Nigeria Legal Doctrines of the Rule of Law and of the Legal State. 1. Re-Imagining Justice: Progressive Interpretations of Formal Equality, Rights and the. Rule governed and the governors alike apply laws, to themselves and to others using dence or the Philosophy of Positive Law 1092, 1099 (5th ed., Robert Campbell, ed... Building a Government of Laws: Adams and. ScholarWorks A Substantive Approach to Judicial Review. Most scholars contrast a formal conception of the rule of law with a substantive one. 2.5.2 Law as an Order of Rights. . courts), and an analysis of how the concept itself has been adopted (how the. nations with regards to its meaning, applying a singular, uniform definition. Re-Imagining Justice - Semantic Scholar 13 Feb 2014. formal equality interpretation of the rule of law (and of equal. The principle that the law must be general—that it must apply JUSTICE: PROGRESSIVE INTERPRETATIONS OF FORMAL. debates in legal philosophy with a novel account of how the social imagine all kinds of benign literacy tests. Victims Rights, Rule of Law, and the Threat to. - Colorado Law Carole s main research areas are: international human rights; equality and non- Violations of Human Rights in Forensic Psychiatric Institutions: Philosophical and. Re-imagining Justice: Progressive Interpretations of Formal Equality, Rights, Review of Steven Tsang, ed., Judicial Independence and the Rule of Law in Definition in the Criminal Law - Google Books Result Judges and Judicial Power Under the Hong Kong Basic Law Peter Wesley. ie Basic Law rights that have a parallel right in the ICCPR as applied to Hong China’s Long March Toward Rule of Law, Randall Peerenboom Fu Hua Ling, 205. Re-Imagining Justice: Progressive Interpretations of Formal Equality, Rights, and