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Wojciech Sadurski

Moral Pluralism and Legal Neutrality

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Moral Pluralism and Legal Neutrality Wojciech Sadurski, 2013-12-14 It is a commonplace that law and morality intersect and interpenetrate in all the areas of legal decision making that in order to make sense of constitutional statutory or common law questions judges and other legal decision makers must first resolve certain philosophical issues which include moral judgments of right and wrong_ This is particularly evident with regard to constitutional interpretation especially when constitutions give a mandate for the protection of the substantive norms and values entrenched as constitutional rights In these Situations as a leading contemporary legal philosopher observed the Constitution fuses legal and moral issues by making the validity of a law depend on an answer to complex moral 1 problems But the need for substantive value elucidation is not confined of course only to constitutional interpretation under Bills of Rights This however immediately raises a dilemma stemming from the moral diversity and pluralism of modern liberal societies How can law remain sensitive to this pluralism and yet provide clear answers to the problems which call for a legal resolution Sharply conflicting values in modern societies clash in the debates over the death penalty abortion homosexuality separation of state and religion the scope of the freedom of the press or affirmative action It would often be difficult to discern a broader consensus within which these clashes of values operate unless this consensus were described in such vague terms as to render it practically meaningless

The Legal Theory of Ethical Positivism Tom D. Campbell, 2016-12-05 The Legal Theory of Ethical Positivism re establishes some of the dogmas of classical legal positivism regarding the separation of legislation and adjudication and the feasibility of institutionalizing the morally neutral application of rules as an ideal capable of significant realization This is supplemented by an analysis of the formal similarities of the morally and legally adjudicative points of view which offers the prospects of attributing a degree of moral authority to positivistic rule application in particular cases These theories are worked through in their application to specific problem areas particularly freedom of communication Constitutionalism Under Stress Uladzislau Belavusau, Aleksandra Gliszczyńska-Grabias, 2020 Constitutionalism under Stress reflects on comparative constitutionalism in Central and Eastern Europe through the lens of leading legal scholar Professor Wojciech Sadurski whose writings have anticipated and scrutinized the current decline of liberal democracies and populist challenges to the rule of law in the region Sadurski's work has chronicled the transition from concern for the most basic of human rights under authoritarian rule to the challenges of democratic governance The compelling rights discourse of an earlier period gave way to claims of abuse of majoritarian prerogatives as the hopes of liberal democracy encountered the power of illiberalism The theoretical responses offered for the preservation of liberal democracy in light of the current turbulence regarding the rule of law in the region produces a far reaching and effective reference tool on matters of constitutional capture and illiberal democracy *Constitutional Imaginaries* Jiří Příbáň, 2021-09-30 This book offers a social theoretical analysis of imaginaries as constituent social forces of positive law and politics Constitutional imaginaries invite constitutional and political theorists

philosophers and sociologists to rethink the concept of constitution as the normative legal limitation and control of political power. They show that political constitutions include societal forces impossible to contain by legal norms and political institutions. The constitution of society as one polity defined by the unity of topos, ethnos, nomos, that is the unity of territory, people, and their laws, informed the rise of modern nations and nationalisms as much as constitutional democratic statehood and its liberal and republican regimes. However, the imaginary of polity as one nation living on a given territory under the constitutional rule of law is challenged by the process of European integration and its imaginaries informed by transnational legal and societal pluralism, administrative governance, economic performativity, and democratically mobilised polity. This book discusses the sociology of imagined communities and the philosophy of modern social imaginaries in the context of transnational European constitutionalism and its recent theories, most notably the theory of societal constitutions. It offers a new approach to the legal constitutions as societal power formations evolving at national, European, and global levels. The book will be of interest to scholars and students interested in constitutional and European law theory and philosophy as much as interdisciplinary and socio-legal studies of transnational law and society. Prescriptive Legal Positivism Tom

Campbell, 2004. This collection of Tom Campbell's essays reaches back to his pioneering work on socialist rights in the 1980s and forward from his seminal book *The Legal Theory of Ethical Positivism* 1996. Current Legal Theory, 1990

Quarterly, 1990. **Bowker's Law Books and Serials in Print**, 1995. **Law and Religion** Richard O'Dair, A. D. E. Lewis, 2001. *Law and Religion* is a comprehensive treatment of an area that will stimulate and enlighten anyone interested in law and religion. Both common and civil law jurisdictions and a wide variety of cultural contexts are represented. *The Philosopher's Index*, 2008. Vols for 1969 include a section of abstracts. **Contemporary Polish law**, 1992. **First Amendment Law Review**, 2007. Poznan Studies in the Philosophy of the Sciences and Humanities, 1991

Constitutional Cultures Mirosław Wyrzykowski, 2000. **Political Rights Under Stress in 21st Century Europe** Wojciech Sadurski, 2006-12-14. Examining the uncertainty of the role and scope of traditional political rights in the 21st century's threat of terrorism, this book reflects on the appropriate scope and strength of protection of political rights and analyses issues such as party closures, political rights of minorities, and democratization. Legal Frontiers Philip Aneurin Thomas, 1996. This book consists of nine essays which consider the relationship between law and other disciplines.

Freedom of Communication Tom Campbell, Wojciech Sadurski, 1994. Freedom of speech and of the press have long been central rights within democratic polities, but there is little agreement as to their content, scope, or justification. These essays take up fundamental issues concerning freedom of communication in general and some controversial areas as well.

Reason and Authority Aulis Aarnio, 1997. A treatise on the background philosophy of law, legal thinking, and the change in, as well as problems of legal science. *American Book Publishing Record*, 1991. **Philosophica**, 1995

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