

CONSERVATISM AND PRAGMATISM

In Law, Politics, and Ethics

Seth Vannatta



Conservatism And Pragmatism In Law Politics And Ethics

Brandon Daniel-Hughes



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Conservatism and Pragmatism S. Vannatta, 2014-11-25 Conservatism and Pragmatism illustrates the intersections between classical British Conservative thought and classical American Pragmatist philosophy with regard to methodology in politics ethics and law *Conservatism and Pragmatism* S. Vannatta, 2014-11-25 Conservatism and Pragmatism illustrates the intersections between classical British Conservative thought and classical American Pragmatist philosophy with regard to methodology in politics ethics and law William James, Moral Philosophy, and the Ethical Life Jacob L.

Goodson, 2017-12-20 Virtue theory natural law deontology utilitarianism existentialism these are the basic moral theories taught in Ethics History of Philosophy and Introduction to Philosophy courses throughout the United States When the American philosopher William James 1842 1910 find his way into these conversations there is uncertainty about where his thinking fits While utilitarianism has become the default position for teaching James s pragmatism and radical empiricism this default position fails to address and explain James s multiple criticisms of John Stuart Mill s formulaic approach to questions concerning the moral life Through close readings of James s writings the chapters in William James Moral Philosophy and the Ethical Life catalogue the ways in which James wants to avoid the following a the hierarchies of Christian natural law theory b the moral calculus of Mill s utilitarianism c the absolutism and principle ism of Immanuel Kant s deontology and d the staticity of the virtues found in Aristotle s moral theory Elaborating upon and clarifying James s differences from these dominant moral theories is a crucial feature of this collection This collection is not however intended to be wholly negative that is only describing to readers what James s moral theory is not It seeks to articulate the positive features of James s ethics and moral reasoning what does it mean to an ethical life and how should we theorize about morality **The Pragmatism and Prejudice of Oliver Wendell Holmes Jr.** Seth Vannatta, 2019-06-26 This book

investigates the extent to which various scholarly labels are appropriate for the work of Oliver Wendell Holmes Jr As Louis Menand wrote Holmes has been called a formalist a positivist a utilitarian a realist a historicist a pragmatist not to mention a nihilist Each of the eight chapters investigates one label analyzes the secondary texts that support the use of the term to characterize Holmes s philosophy and takes a stand on whether or not the category is appropriate for Holmes by assessing his judicial and nonjudicial publications including his books articles and posthumously published correspondences The thrust of the collection as a whole nevertheless bends toward the stance that Holmes is a pragmatist in his jurisprudence ethics and politics The final chapter by Susan Haack makes that case explicitly Edited by Seth Vannatta this book will be of particular interest to students and faculty working in law jurisprudence philosophy intellectual history American Studies political science and constitutional theory **Oliver Wendell Holmes Jr., Pragmatism, and the Jurisprudence of Agon** Allen Mendenhall, 2016-12-14 This book argues that Oliver Wendell Holmes Jr helps us see the law through an Emersonian lens by the way in which he wrote his judicial dissents Holmes s literary style mimics and enacts two characteristics of Ralph Waldo

Emerson's thought superfluity and the poetics of transition concepts ascribed to Emerson and developed by literary critic Richard Poirier Using this aesthetic style borrowed from Emerson and carried out by later pragmatists Holmes not only made it more likely that his dissents would remain alive for future judges or justices because how they were written was itself memorable whatever the value of their content but also shaped our understanding of dissents and in this our understanding of law By opening constitutional precedent to potential change Holmes's dissents made room for future thought moving our understanding of legal concepts in a more pragmatic direction and away from formalistic understandings of law Included in this new understanding is the idea that the canon of judicial cases involves oppositional positions that must be sustained if the law is to serve pragmatic purposes This process of precedent making in a common law system resembles the construction of the literary canon as it is conceived by Harold Bloom and Richard Posner

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

Knowing Democracy - A Pragmatist Account of the Epistemic Dimension in Democratic Politics Michael I. R  ber, 2020-10-06 How can we justify democracy's trust in the political judgments of ordinary people In *Knowing Democracy* Michael R  ber situates this question between two dominant alternative paradigms of thinking about the reflective qualities of democratic life on the one hand recent epistemic theories of democracy which are based on the assumption that political participation promotes truth and on the other hand theories of political judgment that are indebted to Hannah Arendt's aesthetic conception of political judgment By foregrounding the concept of political judgment in democracies the book shows that a democratic theory of political judgments based on John Dewey's pragmatism can navigate the shortcomings of both these paradigms While epistemic theories are overly and narrowly rationalistic and Arendtian theories are overly aesthetic the neo Deweyan conception of political judgment proposed in this book suggests a third path that combines the rationalist and the aesthetic elements of political conduct in a way that goes beyond a merely epistemic or a merely aesthetic conception of political judgment in democracy The justification for democracy's trust in ordinary people's political judgments R  ber argues resides in an egalitarian conception of democratic inquiry that blends the epistemic and the aesthetic aspects of the making of political judgments By offering a rigorous scholarly analysis of the epistemic and aesthetic foundations of democracy from a pragmatist perspective *Knowing Democracy* contributes to the current debates in political epistemology and aesthetics and politics both of which ask about the appropriate reflective and experiential circumstances of democratic politics The book brings together for the first time debates on epistemic democracy aesthetic judgment and those on pragmatist social epistemology and establishes an original pragmatist conception of epistemic democracy

Pragmatic Inquiry and Religious Communities Brandon Daniel-Hughes, 2018-07-25 This book examines the ways in which religious communities experimentally engage the world and function as fallible inquisitive agents despite frequent protests to the

contrary Using the philosophy of inquiry and semiotics of Charles Sanders Peirce it develops unique naturalist conceptions of religious meaning and ultimate orientation while also arguing for a reappraisal of the ways in which the world's venerable religious traditions enable novel forms of communal inquiry into what Peirce termed vital matters Pragmatic inquiry it argues is a ubiquitous and continuous phenomenon Thus religious participation though cautiously conservative in many ways is best understood as a variety of inhabited experimentation Religious communities embody historically mediated hypotheses about how best to engage the world and curate networks of semiotic resources for rendering those engagements meaningful Religions best fulfill their inquisitive function when they both deploy and reform their sign systems as they learn better to engage reality

The Democratic Constitution Brian E. Butler, 2017-08-21 The Supreme Court is seen today as the ultimate arbiter of the Constitution Once the Court has spoken it is the duty of the citizens and their elected officials to abide by its decisions But the conception of the Supreme Court as the final interpreter of constitutional law took hold only relatively recently Drawing on the pragmatic ideals characterized by Charles Sanders Peirce John Dewey Charles Sabel and Richard Posner Brian E Butler shows how this conception is inherently problematic for a healthy democracy Butler offers an alternative democratic conception of constitutional law democratic experimentalism and applies it in a thorough reconstruction of Supreme Court cases across the centuries such as *Brown v Board of Education* *Citizens United v Federal Election Commission* *Lucas v South Carolina Coastal Council* and *Lochner v New York* In contrast to the traditional tools and conceptions of legal analysis that see the law as a formally unique and separate type of practice democratic experimentalism combines democratic aims and experimental practice Butler also suggests other directions jurisprudential roles could take for example adjudication could be performed by primary stakeholders with better information Ultimately Butler argues persuasively for a move away from the current absolute centrality of courts toward a system of justice that emphasizes local rule and democratic choice

The Ethics, Epistemology, and Politics of Richard Rorty Giancarlo Marchetti, 2021-11-04 This book features fourteen original essays that critically engage the philosophy of Richard Rorty with an emphasis on his ethics epistemology and politics Inspired by James and Dewey's pragmatism Rorty urged us to rethink the role of science and truth with a liberal democratic vision of politics In doing so he criticized philosophy as a sheer scholastic endeavor and put it back in touch with our most pressing cultural and human needs The essays in this volume employ the conceptual tools and argumentative techniques of analytic philosophy and pragmatism and demonstrate the relevance of Rorty's thought to the most urgent questions of our time They touch on a number of topics including but not limited to structural injustice rule following Black feminist philosophy legal pragmatism moral progress relativism and skepticism This book will be of interest to a wide range of scholars across disciplines who are engaging with the work of Richard Rorty

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