



# CONSERVATISM AND PRAGMATISM

In Law, Politics, and Ethics

Seth Vannatta



# Conservatism And Pragmatism In Law Politics And Ethics

**Brandon Daniel-Hughes**



## **Conservatism And Pragmatism In Law Politics And Ethics:**

*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

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**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 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

*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

*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

### **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

*Ethics in Psychiatry and Psychotherapy* Manuel Trachsel, Cynthia M. A. Geppert, Rebecca Weintraub Brendel, 2022-02-03

**Progressive Constitutionalism** Robin West, 1994 The Fourteenth Amendment guarantees all citizens equal protection under the law as

well as immunity from laws that deprive them of life liberty or property without due process of law In Progressive Constitutionalism Robin West develops an interpretation of this amendment that contrasts with the views conservative and liberal of the Rehnquist Burger and Warren Courts and with the radical antisubordinationist account provided by the critical legal studies movement and many prominent feminist and critical race theorists Her interpretation consists of a substantive argument regarding the Amendment's core meaning and a jurisprudential argument regarding the role of the courts and Congress in fulfilling the Amendment's progressive promise West shows how the equal protection clause far from insulating the private spheres of culture market and home life as is commonly held directly targets abuses of power within those spheres She develops a number of arguments for the modern relevance of this understanding from the failure of the state to provide equal protection against private domestic violence permitting a private sovereignty of patriarchal power within the home to the state's failure to provide equal protection against material deprivation allowing private sovereignty between economically privileged and desperate people in private markets West's argument extends to the liberty prong of the due process clause seen here as a protection of the positive not negative liberty of citizens covering rights in such typically controversial areas as welfare education and domestic safety This interpretation recasts a number of contemporary constitutional issues such as affirmative action and hate speech and points to very different problems notably private unchecked criminal violence and extreme economic deprivation as the central constitutional dilemmas of our day Progressive Constitutionalism urges a substantive institutional and jurisprudential reorientation of our understanding of the Fourteenth Amendment one that would necessarily be pursued through Congressional rather than judicial channels In doing so with attention to history and both feminist and critical race scholarship it should reinvigorate our politics and our constitutional conversations and perhaps point us toward a more just society

Jürgen Habermas: Law and politics (continued). *Ethics* David M. Rasmussen, James Swindal, 2002

**The Oxford companion to philosophy** Ted Honderich, 1995 Entries on philosophers schools of thought subjects theories debates concepts practical issues

**Towards Pragmatic Conservatism** Allen Mendenhall, 2016 Where do pragmatism and conservatism intersect What does pragmatism offer conservatives Seth Vannatta answers these questions in *Conservatism and Pragmatism in Law Politics and Ethics* He argues that as a methodology pragmatism concerns itself with the situated the embedded the contextual the experiential the fallible the social and the customary Chief among its concerns is lived experience It recalls philosophical modes associated with Michael Oakeshott Edmund Burke F A Hayek and Russell Kirk This essay explains and evaluates Vannatta's arguments about pragmatism and conservatism with an eye toward reanimating a pragmatic conservative tradition

*The Oxford Handbook of Power, Politics, and Social Work* Rajendra Baikady, Jaroslaw Przeperski, Sajid S.M., M. Rezaul Islam, 2024 This Handbook examines the impetus for the development growth and relevance of social work as a profession in different political social and cultural contexts Contributions align with overarching contemporary themes such as changing governance structures

around the world digitalization and globalization and decolonization The book is also in line with the advancement of global agendas for social work and social development led by the IASSW ICSW IFSW This contemporary text engages comprehensively with diverse political systems across the world and explores the interactions with and implications for social work policy practice and education in these countries and globally *Reason and Self-Enactment in History and Politics* F.M. Barnard,2006-03-03 Reason and Self Enactment in History and Politics also offers a reappraisal of basic political principles and constructs Barnard argues for bridging differences among a plurality of truths and forming practical judgments through cultivation of a sense of situational appropriateness *Wittgenstein and the Study of Politics* Michael Temelini,2015-01-01 In Wittgenstein and the Study of Politics Michael Temelini outlines an innovative new approach to understanding the political implications of Wittgenstein s philosophy Most political philosophers who have approached Wittgenstein have done so through the idea of therapeutic skepticism implying politics that privilege conservatism or non interference Temelini interprets Wittgenstein differently emphasizing his view that we come to understand the meanings of words and actions through a dialogue of comparison with other cases Examining the work of Charles Taylor Quentin Skinner and James Tully Temelini highlights the ways in which all three despite their differences share a common debt to that dialogical approach A cogent explanation of how Wittgenstein s epistemology and ontology can shed light on political issues and offer a solution to political challenges Wittgenstein and the Study of Politics highlights the importance of Wittgensteinian thinking in contemporary political science political theory and political philosophy *Encyclopedia of Ethics* Lawrence C. Becker,Charlotte B. Becker,2013-10-18 The editors working with a team of 325 renowned authorities in the field of ethics have revised expanded and updated this classic encyclopedia Along with the addition of 150 new entries all of the original articles have been newly peer reviewed and revised bibliographies have been updated throughout and the overall design of the work has been enhanced for easier access to cross references and other reference features New entries include Cheating Dirty hands Gay ethics Holocaust Journalism Political correctness and many more *Encyclopedia of Ethics: P-W* Lawrence C. Becker,Charlotte B. Becker,2001 A revised expanded and updated edition with contributions by 325 renowned authorities in the field of ethics All of the original articles have been newly peer reviewed and revised bibliographies have been updated throughout and the overall design of the work has been enhanced for easier access to cross references and other reference features

## Unveiling the Magic of Words: A Review of "**Conservatism And Pragmatism In Law Politics And Ethics**"

In a global defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their ability to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**Conservatism And Pragmatism In Law Politics And Ethics**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve into the book's central themes, examine its distinctive writing style, and assess its profound impact on the souls of its readers.

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