

Annual Review of Law and Social Science
Norms, Normativity, and
the Legitimacy of Justice
Institutions: International
Perspectives

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compliance, policing, trust, law

Abstract

This article reviews the international evidence on the potential nature, sources, and consequences of police and legal legitimacy. In brief, I find that procedural justice is the strongest predictor of police legitimacy in most of the countries under investigation, although normative judgements about fair process may—in some contexts—be crowded out by public concerns about police effectiveness and corruption, the scale of the crime problem, and the association of the police with a historically oppressive and underperforming state. Legitimacy tends to be linked to people's willingness to cooperate with the police, with only a small number of national exceptions. There is also a fair amount of evidence that people who say they feel a moral duty to obey the law tend also to report complying with the law in the past or intending to comply with the law in the future. The main argument is, however, that international enthusiasm for testing procedural justice theory is outpacing methodological rigor and theoretical clarity. On the one hand, the lack of attention to methodological equivalence is holding back the development of a properly comparative cross-national analysis. On the other hand, the literature would benefit from (a) greater delineation between legitimation (the bases on which citizens judge the rightfulness of an institution) and legitimacy (the acceptance or rejection of the rightfulness of an institution and the normatively grounded duty to obey), (b) stronger

Normativity And Legitimacy Normativity And Legitimacy

**Marta Peris-Ortiz, José Álvarez-
García, Carlos Rueda-Armengot**

Normativity And Legitimacy Normativity And Legitimacy:

Normativity and Legitimacy Riccardo Dottori, 2001 This volume contains the Proceedings of the Second Meeting Italian American Philosophy that took place in New York from 12 to 15 October 1999 together with two contributions given during the First Meeting It is the first volume of a Yearbook for Philosophical Hermeneutics The Dialogue actually aiming to promote the dialogue between analytic and hermeneutic philosophy Normativity and legitimacy are the two key concepts which have been at the base of the confrontation between the thought of the Frankfurt School and most of the American philosophy They can offer the possibility for further discussions and developments within the fields of aesthetics logic and language philosophy epistemology ethics philosophy of law and politics They also represent the ground on which the two different aspects of contemporary philosophy that one of hermeneutic dealing with historical legitimacy and the one of analytics dealing with rational determination of norms could together establish a productive dialogue Legitimacy Beyond the State N. P. Adams, Antoinette Scherz, Cord Schmelzle, 2021-05-13 This volume addresses the normative legitimacy of the international order asking how we can make sense of legitimacy claims of increasingly diverse global governance institutions and practices and how their legitimacy relates to and differs from state legitimacy State legitimacy is a central concern of modern political thought but is inadequate when applied to institutions that differ from the state in type level of governance scope and much else We need a new tailored approach to the legitimacy of institutions beyond the state especially international and transnational institutions Such an approach includes foundational questions what does it mean for institutions to be legitimate that have radically different purposes means interests capacities constituents and roles from states And what standards do such institutions have to meet in order to count as legitimate The contributions to this volume seek to advance the debate on these questions at both abstract and more concrete levels They range from conceptual questions about the nature of legitimacy and international institutions to rule of law to the legitimacy of the UN Security Council the International Criminal Court and occupying military forces in the face of challenges specific to their nature and context Together they demonstrate both the promise and challenges of theorizing legitimacy beyond the state The chapters in this book were originally published as a special issue of the journal Critical Review of International Social and Political Philosophy Global Governance, Legitimacy and Legitimation Magdalena Bexell, 2017-10-02 Rules set by global governance organizations affect communities across the world Such organizations increasingly seek to obtain legitimacy in the eyes of groups beyond their member state elites This book advances scholarly debate on the politics of legitimacy and legitimation in global governance It brings together researchers from different subfields of International Relations in order to highlight trends and contradictions in the contemporary politics of legitimacy across areas of sustainable development humanitarian relief responsible investment sustainable fisheries and labour standards The chapters explore legitimation efforts by various forms of global governance bodies such as intergovernmental organizations public private partnerships and

fully private bodies The book demonstrates that different governance forms beyond the nation state share deep legitimacy challenges and engage in continuous legitimation attempts Questions on the audiences of such legitimation attempts are particularly pivotal in understanding the politics of legitimacy Audiences are not predetermined but constituted through interaction between legitimation efforts and the reactions to those of targeted and other groups mirroring broader global power relations This book was published as a special issue of Globalizations

Property Rights and Indian Economies Terry Lee Anderson, 1992 Most research on American Indian economies seeking to explain why Indians have remained near the bottom of the economic ladder has concentrated on resource endowments This approach has focused policy attention on creating government programs to expand resource exploitation either by encouraging non Indians to develop reservation resources or by directly enhancing reservation physical and human capital stocks However these policies have ignored institutions and the important role of local customs and privileges This book explicitly considers this institutional context and focuses on the rules that determine who controls physical and human resources and who benefits from their use Applying the analytical tools from economics law anthropology and political science the authors consider the three main ingredients necessary for successful economies stable government minimal bureaucracies and the rule of law Legal Authority Beyond the State Patrick Capps, Henrik Palmer Olsen, 2018-03 These specially commissioned essays by prominent lawyers and philosophers analyse a range of approaches to legal authority beyond the state *Critical Legal Positivism* Kaarlo Tuori, 2017-03-02 This profound and scholarly treatise develops a critical version of legal positivism as the basis for modern legal scholarship Departing from the formalism of Hart and Kelsen and blending the European tradition of Weber Habermas and Foucault with the Anglo American contributions of Dworkin and MacCormick Tuori presents the normative and practical faces of law as a multilayered phenomenon within which there is an important role for critical legal dogmatics in furthering law's self understanding and coherence Its themes also resonate with importance for the development of the European legal system

First Do No Harm: Medical Ethics in International Humanitarian Law Sigrid Mehring, 2014-11-27 Although working on the sidelines of armed conflicts physicians are often at the centre of attention First Do No Harm Medical Ethics in International Humanitarian Law was born from the occasionally controversial role of physicians in recent armed conflicts and the legal and ethical rules that frame their actions While international humanitarian human rights and criminal law provide a framework of rights and obligations that bind physicians in armed conflicts the reference to medical ethics in the laws of armed conflict adds an extra legal layer In analysing both the legal and the ethical framework for physicians in armed conflict the book is invaluable to practitioners and legal scholars alike

International Commercial Courts Stavros Brekoulakis, Georgios Dimitropoulos, 2022-04-21 The book presents international commercial courts from a comparative perspective and highlights their role in transnational adjudication

Governing through Regulation Eric Windholz, 2017-06-26 Over the past forty years numerous theoretical advances have been made From Ayres and Braithwaite's

ground breaking work on responsive regulation we have seen models of smart regulation regulatory governance and regulatory capitalism emerge to capture the growing prevalence and importance of regulation in modern liberal Western capitalist societies Important advances also have been made in the practice of regulation with regulators evolving from traditional enforcement focussed command and control models to being modern regulators with a suite of diverse and innovative regulatory tools at their disposal The book presents and critically examines these theoretical and practical developments from the perspective of governments who design regulations and the regulators that deploy them In doing so the book examines the various forces and interests that influence and shape the regulatory endeavour and the practical challenges facing governments and regulators when deciding whether and how to regulate This volume is a study of regulation in context in the context of the public policy it is designed to deliver the law that enables shapes and holds it to account and the evolving societal and institutional frameworks within which it takes place Aimed to provide innovative cross disciplinary conceptual frameworks that regulators regulatees those whom regulation is intended to benefit and academics might employ to better understand and undertake the regulatory endeavour This will be of great interest to researchers educators advanced students and practitioners working in the fields of political science public management and administration and public policy

International Court Authority Mikael Rask Madsen, 2018-06-28 An innovative interdisciplinary and far reaching examination of the actual reality of international courts International Court Authority challenges fundamental preconceptions about when why and how international courts become important and authoritative actors in national regional and international politics A stellar group of scholars investigate the challenges that international courts face in transforming the formal legal authority conferred by states into an actual authority in fact that is respected by potential litigants national actors legal communities and publics Alter Helfer and Madsen provide a novel framework for conceptualizing international court authority that focuses on the reactions and practices of these key audiences Eighteen scholars from the disciplines of law political science and sociology apply this framework to study thirteen international courts operating in Africa Latin America and Europe as well as on a global level Together the contributors document and explore important and interesting variations in whether the audiences that interact with international courts around the world embrace or reject the rulings of these judicial institutions Alter Helfer and Madsen s authority framework recognizes that international judges can and often do everything they should do to ensure that their rulings possess the gravitas and stature that national courts enjoy Yet even when imbued with these characteristics the parties to the dispute potential future litigants and the broader set of actors that monitor and respond to the court s activities may fail to acknowledge the rulings as binding or take meaningful steps to modify their behaviour in response to them For both specific judicial institutions and more generally the book documents and explains why most international courts possess de facto authority that is partial variable and highly dependent on a range of different audiences and contexts and thus is highly fragile An introduction

situates the book's unique approach to conceptualizing international court authority within theoretical debates about the authority of global institutions. International Court Authority also includes critical reflections on the authority framework from legal theorists, international relations scholars, a philosopher, and an anthropologist. The book's conclusion questions a number of widely shared assumptions about how social and political contexts facilitate or undermine international courts in developing de facto authority and political power.

Parochialism, Cosmopolitanism, and the Foundations of International Law Mortimer N. S. Sellers, 2012. This book examines the boundary between parochial and cosmopolitan justice. To what extent should international law recognize or support the political, historical, cultural, and economic differences among nations? Ten lawyers and philosophers from five continents consider whether certain states or persons deserve special treatment, exemptions, or heightened duties under international law. This volume draws the line between international law, national jurisdiction, and the private autonomy of persons.

International Adjudication on Trial Sivan Shlomo Agon, 2019-09-12. Is the World Trade Organization (WTO) dispute settlement system (DSS) effective? How exactly is the effectiveness of this adjudicative system to be defined and measured? Is its effectiveness all about compliance? If not, what goals beyond compliance is the WTO DSS expected to achieve? Has it fulfilled these objectives so far, and how can their achievement and the system's effectiveness be enhanced in the future? Building on a theoretical model derived from the social sciences, this book lays down the analytical framework required to answer these questions while crafting a revealing insider's account of the WTO DSS, one of the most important and debated sites of the evolving international judiciary. Drawing on interviews with WTO adjudicators, WTO Secretariat staff, ambassadors, trade delegates, and trade lawyers, the book offers an elaborate analysis of the various goals steering the DSS's work, the diverse roles it plays, the challenges it confronts, and the outcomes it produces. Through this insider look at the WTO DSS and detailed examination of landmark trade disputes, the book uncovers the oft-hidden dynamics of WTO adjudication and provides fresh perspective on the DSS's operation and the undercurrents affecting its effectiveness. Given the pivotal role the WTO DSS has assumed in the multilateral trading regime since its inception in 1995 and the systemic pressures it has recently come to face, this book makes an important contribution towards understanding and measuring the benefits as well as the costs this adjudicative body generates while providing valuable insights into current debates on its reform.

[Handbook of Fragile States](#) David Carment, Yiagadeesen Samy, 2023-08-14. This timely Handbook examines the causes, costs, and consequences of state fragility, advancing key debates in the field. Demonstrating the multidimensionality of fragility by applying diverse theories and methodologies, it provides new insights on effective policy development and application in the context of fragile states.

Judges as Guardians of Constitutionalism and Human Rights Martin Scheinin, Helle Krunke, Marina Aksenova, 2016-04-29. There are many challenges that national and supranational judges have to face when fulfilling their roles as guardians of constitutionalism and human rights. This book brings together academics and judges from different jurisdictions in an endeavour to uncover the intricacies of the judicial function. The

contributors discuss several points that each represent contemporary challenges to judging analysis of judicial balancing of conflicting considerations the nature of courts legitimacy and its alleged dependence on public support the role of judges in upholding constitutional values in the times of transition to democracy surveillance and the fight against terrorism and the role of international judges in guaranteeing globally recognized fundamental rights and freedoms This book will be of interest to human rights scholars focusing on the issues of judicial oversight as well as constitutional law scholars interested in comparative perspectives on the role of judges in different contexts It will also be useful to national constitutional court judges and law clerks aiming to familiarise themselves with judicial practices within other jurisdictions

The Political Theory of Modus Vivendi John Horton, Manon Westphal, Ulrich Willems, 2018-07-10 This book focuses on the idea of a modus vivendi as a way of governing political life and addressing problems characterized by pluralism or deep rooted diversity The individual essays illustrate both the merits and the limitations of a political theory of modus vivendi how it might be interpreted and developed specific challenges entailed by articulating it in a convincing form what its institutional implications might be and how it relates to other seminal issues and concepts in political theory such as legitimacy toleration the social contract etc The book makes a significant contribution to the discussion on the scope and limits of liberal political theory and on how to deal politically with deep rooted diversity

The Regulation of Financial Planning in Australia Angelique Nadia Sweetman McInnes, 2019-08-20 This book investigates the legitimacy of the current Australian Financial Services Licensee Authorised Representative AFSL AR licensing model as specified in the Commonwealth Corporations Act 2001 The book rectifies the deficiency in scholarly attention to this matter by developing a new conceptualised framework for the financial planning discipline It takes into account theories in agency legislation legitimacy and the independent individual regulatory regimes in other professions thereafter integrating this framework with the financial planning theory to examine the legitimacy or what was found to be the illegitimacy of licensing advisers via multiple third party conflicted commercially oriented licensees This book makes a very useful reference to understanding financial planning licencing model in Australia

Achieving Competitive Advantage through Quality Management Marta Peris-Ortiz, José Álvarez-García, Carlos Rueda-Armengot, 2015-06-26 This book examines the ways in which quality management methods tools and practices help improve an organization's performance and achieve sustainable competitive advantages This volume includes quality techniques and tools such as the EFQM Model SERVPERF model E S Qual scale and the ISO 9001 certification and provide a wide variety of empirical studies in different economic sectors In the current economic environment characterized by economic turmoil and fierce competition quality management has become a key strategy for organizations to overcome today's challenges Organizations benefit from implementing quality management systems by following two approaches First they implement quality practices aimed at ensuring customer satisfaction by considering consumer expectations and establishing strategies accordingly Second organizations improve processes by establishing efficient and effective process management

systems that improve productivity lower costs reduce unnecessary expenses eliminate all non value added activities and ultimately maximize excellence and customer satisfaction Quality management thereby provides tools techniques and methods for continuous process improvement in both the professional and academic worlds which when implemented by organizations in times of crisis enable more effective administration of activities undertaken by managers Containing contributions from various academics and scholars this new book provides cutting edge research methods and techniques providing a reference manual for academics scholars practitioners and policy makers

Legislative Authority and Interpretation in the European Union Martijn van den Brink,2024-07-12 Although legislation has in the past decades become the legal cornerstone of European integration the EU legislature remains systematically neglected in EU legal scholarship This book explores the virtues of the legislative process and the nature of legislative acts and asks how moving the legislature from the sidelines to the centre of legal analysis changes our understanding of the EU Court of Justice s role The first part of the book examines how the CJEU should exercise its authority relative to the legislature The author argues that as the legislature lends democratic legitimacy to EU law and is a better lawmaker than the judiciary that judicial deference to the legislature s choices is required in all but exceptional circumstances The second part of the book sets forth a theory of legislative interpretation that enables judicial officials to respect the wishes of the legislature This theory shows first that the legislature can aggregate the intentions of individual legislators into a coherent legislative intent and second how this legislative intent can be identified from the publicly available legislative material

Beyond the Crisis Mark Dawson, Henrik Enderlein, Christian Joerges,2015 This volume examines the many open political legal and economic questions related to the functioning and fundamental structure of the Union as a whole and the economic and monetary union

Sustainable Value Chain Management François Maon, Sankar Sen,2016-04-01 The way organizations manage their value chain has changed dramatically over the past decade Today organizations take account of economic issues but they also adopt a broader perspective of their purpose including social and environmental issues Yet despite its global spread sustainable value chain management remains an uncertain and poorly defined ambition with few absolutes The social and environmental issues that organizations should address easily can be interpreted as including virtually everything Current literature on the topic seeks to understand the effects and management of initiatives dealing with diversity human rights safety philanthropy community and environment However the penetration of social and environmental considerations into value chain management is described as desire lacking reality thereby making the idea a patchy success The objective of this research anthology is to investigate different angles of sustainable value chain management The book s 27 chapters fill holes and explore new fields the chapters are organised in five sections Sustainable value chains context drivers and barriers Sustainable value chains managing activities Sustainable value chains managing networks and collaboration Sustainable value chains integrative perspectives and Sustainable value chains specific sectorial and industry perspectives

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