

# DOWNLOAD PDF OUR PAPALIST SUPREME COURT : IS REFORMATION THINKABLE (OR POSSIBLE)? SANFORD LEVINSON

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*Sanford V. Levinson, Our Papalist Supreme Court: Is Reformation Thinkable (or Possible)?, in Law And The Sacred (Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey, eds.; Stanford, CA: Stanford University Press, ).*

Probing these facts leads into serious questions about the nature of liberalism and the legal system it supports. How this is so is the theme of this essay. The central claim of these deconstructors of law is that our legal system is either inconsistent or incoherent, in a way that allows anything to be argued, given a sufficiently skilled advocate and a sufficiently powerful client. More importantly for the law, an incoherent system implies the same result through the use of arguments by analogy. While there are legal propositions no one defends, for example that the Congress has no power to create an air force, the reason for this fact lies in the absence of a constituency that supports them. When supported by a powerful constituency, even the most counterintuitive judgments receive competent professional support: If so, he presumably has a similar power to order the assassination of political rivals he considers security risks. Phillip Johnson, for example has used deconstructive argument to support the agenda of the Religious Right. Pervasive perplexities in American Constitutional law, which trumps ordinary law, support legal skepticism. Despite our official majoritarianism, fear of majority tyranny has pervaded American constitutional discourse since Madison. We are all aware of being members of minorities, ethnic and other, including a minority of one. But it is not possible to protect every aggrieved minority in every way they believe they need protection, and no one has come up with a satisfactory account which minorities are to be protected and which not. The bare fact that some group has lost a political fight makes it one sense a disadvantaged minority. The history of American Equal Protection jurisprudence is that of an endless series of attempts, always unsuccessful, to answer this question. Exceptions to this skeptical result include on the one side, freed slaves and their descendants, protection of whom was a central purpose of the Fourteenth Amendment, though it never mentions them; and, on the other side, pedophiles, who so far as I can see have no patrons in the legal world. Moreover, since government always restricts liberty, we need to know what sort of liberty most needs protection. The Plurality Opinion in *Planned Parenthood v. The controversial decision in Citizens United v. Federal Election Commission* shows that we have reached an impasse even in the domain of freedom of political speech, which is at or near the core of our idea of freedom. Not a single member of the Court drew the obvious, to me at least, distinction between a non-profit corporation engaged in political advocacy and a for-profit corporation that might contribute to both sides of a campaign so as to have a friend in government whoever wins. Newspapers and magazines are organized as corporations, sometimes for profit, and churches take corporate form as well. Contributing money to causes in which one believes is an important form of political speech. Nor is there any clear distinction between supporting or opposing a candidate, and supporting or opposing the policies for which he or she stands. And we are all more likely to see corruption when money favors a cause in which we do not believe. In his informative discussion of the case as a landmark of corporate law, Reuven S. Avi-Yonah fails to consider the possibility that an advocacy corporation might be a different sort of entity from a business corporation. Limiting the role of money in the politics of a society as generally dominated by commercial interests as is our own is a Sisyphean task, one that poses questions of value and prudence that the fetishism of the corporate form covers up. While the record of liberal societies on religious freedom, even in the narrowest sense, is less than perfect, the liberal hope of establishing peace and mutual respect among diverse religious groups remains a point of liberal pride, as well as a model for solving other conflicts. If the liberal strategy fails in the domain of religious difference, then there is no reason to expect that it will succeed elsewhere for example in dealing with questions of environmental degradation, sex and gender issues, or wealth distribution. The issue is whether, apart from revelation, this point of view can be brought down from earth. The liberal program of peace and mutual respect among persons holding disparate worldviews is therefore at risk, as Stanley Fish, Thomas Nagel, and Michael Sandel among others have shown in detail. In the Religion Clauses

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of the First Amendment believers are offered a deal: Since Vatican II, the Roman Catholic Church, previously a hold-out against such a consensus has joined the ranks of the advocates of religious freedom “in the view of many theologians returning to a sounder tradition. The most important perceived threat is the tendency to reduce freedom of religion to freedom of worship, neglecting the right of persons of faith to maintain charitable and educational institutions expressive of their shared faith. At no point have the Council, the Pope or the Bishops maintained that religious truth does not matter. Nor is the question of the legitimate range of belief and practice within the Church at issue. At the same time that the idea of freedom of religion has triumphed, serious cracks in the consensus have appeared. Many contemporary legal scholars have concluded that the American attempt to establish a regime of religious freedom has been a failure. As a result, some of them conclude, we need a fundamental rethinking of the whole concept is required, whether carried on by the judiciary or the people at large. Some of them, however, hold that not only that we have failed to reach an appropriate regime for religion, but also that such a balance cannot be attained in principle. Even the American tradition of religious freedom looks dubious when we examine the historical record. Yet Originalism except in the vaguest sense is next to useless in interpreting the Religion Clauses. For the Framers had no intentions concerning federal employment discrimination regulation or nationally mandated health insurance, let alone the possible conflicts with religious conscience such programs might engender. The issue of the political role of religion was at the time of the founding almost exclusively a matter for the States. For this reason also, the absence of religious references in the Constitution has no secularist implications: Nor is there any reason to suppose that the Fourteenth Amendment implied any collective decision about the role of religion in American life. So the appeal of neutrality persists. The function of a theory of religious freedom is to mediate among a variety of competing religious and secular positions and interests, or to explain how government ought to deal with these competing positions and interests. To perform this function, however, the theory will inevitably privilege, or prefer in advance, one of these positions while rejecting or discounting others. But a theory that privileges one of the competing positions and rejects others a priori is not a theory of religious freedom at all “or at least it is not the sort of theory that modern proponents of religious liberty have sought to develop. The places where the impossibility of neutrality makes a difference in practice are multiple. First, religions and ideologies differ not only in their views of God, but also in their views of the role of religious belief and religious institutions in society. Second, the American government is now far more activist on than when the First Amendment was laid down. Third, the liberal Harm Principle and the liberal distinction between private and public are both porous. Finally, our religious conflicts and ambivalence toward religion have an impact on the crucial question of definition. The combination of a multiplicity of competing religious and ideological outlooks, an activist state, porous principles for regulating the resulting conflicts, and disagreement about what religion actually is means that religious and associated cultural conflict is a permanent feature of contemporary liberal societies. The Varieties of Contemporary Religion The multitude of religions and ideologies that interact in a contemporary world means a multitude of approaches to religious freedom issues: Among Christians of all allegiances, there are Constantinian theologians who welcome state support for Christianity and Yoderians who see such support as a source of corruption. Some writers stress the freedom of individuals to choose their religious allegiance; others the freedom of religious communities to define and maintain their identities. The ecology movement, though it crosses confessional boundaries, has a strong spiritual dimension, which does not prevent its advocates from demanding the right to shape public policy. And there are always limits to tolerance: It is sometimes forgotten that religious liberty is the central value and animating purpose of the Religion Clauses of the First Amendment. The separation of church and state—a phrase that does not appear in the First Amendment or in the debates surrounding its adoption—is a more problematical, a more contingent, ideal than is religious liberty. The main components of religious liberty are the autonomy of religious institutions, individual choice in matters of religion, and the freedom to put a chosen faith if any into practice. Both free exercise and nonestablishment directly protect religious liberty: The separation of church and state is a different matter; sometimes separation enhances religious liberty and sometimes separation diminishes it. To

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spell the argument out more fully: While I agree with McConnell, his is not the only philosophy of religious liberty on offer. In real life, no one is friendly to hostile to religion just as such. In particular he has not shown a willingness to stand up to the secular Left: Just as there are many varieties of liberalism there are many varieties of conservatism, each of which has a different take on religion. Conservatives of both varieties influenced by St. Rushdoony which calls for the universal application of Biblical law It has had some influence in religiously and politically conservative circles, but it has hardly won the day even there. Critics have charged Justice Stevens with hostility to religion, and with some justice. After the complaint of anti-religious bias had been made against him, Stevens, in a case brought by a Christian student group denied access to the facilities of Hastings Law School, observed: Other groups may exclude or mistreat Jews, blacks, and womenâ€”or those who do not share their contempt for Jews, blacks, and women. A free society must tolerate such groups. It need not subsidize them, give them its official imprimatur, or grant them equal access to law school facilities. So we ought to tolerate religion as we might tolerate the use of recreational drugs or prostitution. But we should discourage in non-coercive ways, consigning it to the proverbial closet and hope, that, in a better state of society, it will go away. On the one hand, they resist authoritative statements concerning such issues, which would brand dissenters as heretics, open at least in principle to persecution. On the other hand, they cannot accept the equation of truth with whatever a sufficiently large and persistent majority comes to believe, precluding all claims of minority rights. An institution like the United States Supreme Court, which acts as a religious authority, though on no conceivable premises counting as such, papers over a deep contradiction in liberal consciousness. The Court purports to speak for principles controlling the ad hoc accommodations that characterize political life, and hence demands insulation from the cut-and-thrust of ordinary debate, but at the same time engages in exactly such accommodations. Its work is surrounded by an aura of sanctity that no one believes in when h its decisions seriously infringe his moral or material interests IV. The Activist State and the Specter of Secularism A state that has relatively little impact on the life of society has relatively little impact on religion, and hence the internal ambiguities of religious freedom can remain unexposed. To be sure, if all property is the creature of the law, and hence of the government, then the night watchman state is as activist as the most extremely socialist one. On such premises, it is constitutionally questionable that churches and religious societies should be allowed legally secured property rights. But for present purposes, it suffices that people see the question, how activist should the state be? The question, whether the state will crowd out religious association therefore arises. It might seem that religious freedom is so firmly secured in the American ethos that the relatively marginal questions addressed by lawyers and judges should not trouble us. But militant secularism is a reality. Some forms of government support for health, education, and welfare may be morally and religiously uncontroversial, so that government might act as charitable donor on behalf of all citizens. But, in the sphere of education, neutrality is impossible. There are no morally and religiously neutral discussions of human origins, human sexuality, or American history. Silence about religion in discussions of these matters â€” what may be called passive secularism â€” implies that religion is an optional add-on to otherwise complete human life, and is therefore the very reverse of neutral. It is also the very reverse of neutral to read the Bible as a work of literature, ignoring the fact that the Biblical writers present their statements as the Word of God, and many contemporary Americans accept their claim. In the case of human origins, the most important question is not primarily theological but anthropological: Social Darwinism in some form is likely to be part of this package. Or are we created in the image of God, whatever thus might exactly mean?

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### Chapter 2 : Full text of "Philippine magazine"

*Our Papalist Supreme Court: Is Reformation Thinkable (or Possible)? The Scholarship of Sanford Levinson*] *Tulsa Law Review. Q&A with Sanford V. Levinson: "A.*

First and foremost, this involved a sustained engagement with the work of G. Hegel, a thinker who makes extraordinary claims for the self-grounding, self-explicating authority of his project. Seemingly resistant to the usual interpretive strategies, Hegel is notorious for presenting his readers with unique challenges, or threats. As the history of Hegel scholarship attests, grappling with a philosopher by steadfastly refusing to do so is a chaotic endeavor at best. Of course, Derrida has inspired somewhat similar reactions. Like Hegel, he is frequently accused of redefining the standards of argumentation to such a degree that he cannot help but have the last word, pre-empting commentary or criticism before it is ever formulated. Does this mean that the only recourse one has in the face of the Hegelian monolith is to seek to outdo it by undertaking an even more radical transformation of conceptuality, or is it simply the case that Derrida was profoundly influenced by his Idealist predecessor? Derrida wrote a great deal about his relationship with Hegel. The result is a call to view language not as an infinite resource of signification or performance, formation or destruction, but as a dynamic whose transgressive potential paradoxically depends precisely on its essentially finite character. As Derrida never tires of reminding us, merely reversing the terms of an oppositional hierarchy does not necessarily even alter the dynamic at work, much less explain why it takes the form it does or what its pretensions to a totalizing authority may be. One of the best-known Hegelians of the twentieth century, Theodor W. Adorno, describes the challenge in the following way: All criticism of the details, according to Hegel, remains partial and misses the whole, which in any case takes this criticism into account. Conversely, criticizing the whole as a whole is abstract, "unmediated," and ignores the fundamental motif of Hegelian philosophy: Three Studies 2 The bind in which Adorno situates the would-be explicator of Hegel must be taken seriously. The problem is that from the perspective of the whole, the dialectic is driven by nothing but interruption and resistance. These efforts to critique Hegel only end up confirming his authority, which is one reason that Hegelian scholarship has a tendency to assume an almost comical form in which one commentator after another accuses his peers of unwittingly quoting Hegelian doctrine at the very moment they claim to take leave of it. The history of spirit is its own act Tat ; for spirit is only what it does, and its act is to make itself--in this case as spirit--the object of its own consciousness, and to comprehend itself in its interpretation of itself to itself. This comprehension is its being and principle, and the completion of an act of comprehension is at the same time its alienation and transition. To enter into an evaluation of this dynamic is necessarily to become part of a process in which meaning and the act of making something meaningful are supposed to coincide in the praxis of a self that aims to grasp itself as an entity with an unlimited interpretive grasp. The discourse of spirit is the discourse in which signification becomes both possible and actual in and through self-referential self-clarification. Historical praxis is this, and nothing else. Hegel offers the promise of systematicity as such, the promise of a systematizing force that can pre-posit all the standards on the basis of which it will call itself meaningful and be called meaningful by its other. Importantly, this system does not just prefigure the evaluations it will inspire; it pre-judges them, as well. To prove that you have really begun to read Hegel, you have to be able to demonstrate that he has been expecting you. In other words, you confirm your ability to say something about Hegel by becoming part of a process in which the very possibility of making sense of your own activities depends on the extent to which you can show that you are always-already written and read by your object text, by the textyouâ€™perhapsfancifullyâ€™imagine that you selected, rather than the other way around. Even to aim at willfully misunderstanding Hegel in order to elude the self-interpretive dynamic with which he confronts us does not help. Even to engage minimally with this thought is already to become part of its own auto-evaluating structure. Austin is eminently familiar to his allies and detractors alike. The topic is vast, encompassing a host of questions about the linguistic dimensions of contracts and compacts that have

occupied philosophers and political theorists since the eighteenth century. In much of his later work on law and justice, Derrida grapples with the issue of performance in precisely these terms. In his analysis of the end of *Ulysses*, for example, Derrida takes up the Fichtean notion of self-positing and argues: Before the Ich in Ich bin affirms or negates, it poses itself or pre-poses itself: In other words, any proposition "be it part of a discourse about language or not" presupposes a pre-positional force that never takes the form of a subject or object of representation. The reflexivity of linguistic concepts and the self-representation of language are among the most challenging problems in contemporary theory. For the purposes of our discussion, the question is whether the issues Derrida raises about pre- or proto-performance constitute a genuine stumbling block for the self-interpretive praxis of the Hegelian subject, fundamentally challenging either its ability to be a discourse about the self or its ability to be a self-interpretive discourse. In other words, is the problem that the self cannot comprehend itself "that its acts of self-reflection can never catch up with its acts of self-positing" or is the problem that the self cannot comprehend itself and is fated to discover that its models of semantic coherence apply to anything but its own determinations? To this end, it will be helpful to turn to the theory of poetry he offers in his *Lectures on Aesthetics*. Cut off from any material restraints, any restrictions on form and content, poetry appear[s] as that particular art in which art itself begins. The pinnacle of art and its collapse, poetry forces Hegel to rethink his account of self-determination as linguistic praxis. Predictably, this occurs in his discussion of lyric, traditionally the verse of the self and the first member of his tripartite genre scheme, which is rounded out by epic and drama. Having stressed that it makes no difference whether we read or hear poetry since its medium "language" is essentially non-phenomenal, Hegel nonetheless insists that because lyric is the highpoint of artistic subjectivity, the expression of interiority as such, it must be grasped as an act of a self in a way that epic and drama cannot be. The important thing to realize is that a lyric act of self, unlike the deeds of the self-interpretive spirit described in the *Philosophy of History* or the *Philosophy of Right*, must remain stillborn. For the model of self-interpretive subjectivity, the self is nothing other than its own acts of self-interpretation, yet lyric, the poetry of the self, must be language that acts in such a way that the action can never be grasped as the coordination of a self and an act. To think about this even as a claim for the agency of language replacing the agency of a willful entity would be misleading. In setting the imagination free, poetry reveals that the imagination talks only to itself. The point is not that the lyrical imagination speaks nonsense or remains silent. With the simultaneous triumph and dissolution of art in poetry, we encounter a language that, in contradistinction to the prose of spirit, does not present itself as a discourse that understands itself in and as its own acts of self-understanding. This is a language that never offers a grammar or syntax that could serve as a model for relations between agents and their deeds or between subjects and objects. The inactive praxis of lyric confronts us with a paratactic discourse in which hierarchy and synthesis have no place. In the final instance, it is a war against both art and thinking: The language of radical non-self-understanding, lyric poetry cannot self-clarify or self-interpret in the course of articulating itself as the product of its own articulations. Lyric presents the subject as that which does violence to itself, but not, as the commonplaces about subject philosophy would have it, by treating itself as an object. Lyric fails to demonstrate that its own self-interpretation begins and ends with the acts by which it makes its own significance self-evidently meaningful to itself. On the most basic level, this means that the self-interest of self "the notion of the self as even minimally self-related or self-concerned" has lost its inevitability. Interpretation and attempts to coordinate reference and signification continue unabated in poetry, but it is no longer evident that such efforts are primarily waged in the service of a self that performs them. The question for our study of the relationship between Hegel and Derrida is whether the negativity at work in this dynamic requires us to alter our customary picture of dialectical negation. The voice that speaks in his oeuvre is in retreat from the paradigm of self-determination as self-representation; and subjectivity, such as it appears, makes no claim to being either the cause or the effect of the referential powers of language. For Derrida, this experience is the experience of linguistic finitude. This does not mean that it is an encounter with a discourse that fails to refer to or perform anything and everything.

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## Chapter 3 : Levinson - FUTURE CITIZENSHIP

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John Garwood and W. The author of over articles and book reviews in professional and popular journals, Levinson is also the author of four books: His edited or co-edited books include a leading constitutional law casebook, *Processes of Constitutional Decisionmaking* 5th ed. A Collection , revised paperback edition, , which includes reflections on the morality, law, and politics of torture from a variety of disciplinary perspectives. He is also a regular participant on the popular blog, *Balkinization*. He is married to Cynthia Y. Publications Books *Our Undemocratic Constitution*: Oxford University Press, University of Chicago Press, *Torture: A Collection* Oxford, U. Oxford University Press, editor. *Wrestling with Diversity* Durham, NC: Duke University Press, *Processes of Constitutional Decisionmaking: Cases and Materials* Gaithersburg, N. Little, Brown, 3rd ed. Siegel, Supplement , with Paul Brest. *Legal Canons* New York: New York University Press, editor, with J. Princeton University Press, editor. University of Chicago Press, Northwestern University Press, editor, with Steven Mailloux. *Constitutional Faith* Princeton, NJ: Princeton University Press, Pantheon Books, editor, with Philip Green. *Arms and Constitutional Design: An Essay for Laurence Tribe* [Symposium: Political Party and Senatorial Succession: No vice, Boston Globe, July 1, , at D1. *Twenty-Year Legacy of South Dakota v. Government from Reflection and Choice?? Afterword*, 55 *Drake Law Review* *It is Time to Repair the Constitution? The Processes of Constitutional Change: Law and the Humanities: Thomas Law Journal* *Between Blue and Gray: The Pedagogy of the First Amendment: Thinking About Polygamy* [Symposium: Some Reflections, 37 *Connecticut Law Review* *The Painful Lessons of Abu Ghraib: Torture in Iraq*, *Daedalus*, Summer , at 5. *Speaking in the Name of the Law: Thomas Law Review* *Why I Still Won? Looking Abroad When Interpreting the U. On the Limits to the? Consent of the Governed? The Scholarship of Frank I. Michelman*], 39 *Tulsa Law Review* *The Supreme Court and Affirmative Action: The Debate on Torture: Afterword* [Legal Scholarship Symposium: What Are the Facts of *Marbury v. Now Vee May Perhaps to Begin. Identifying the Status of the Arguments in Owen Fiss? Groups and the Equal Protection Clause? Gore and the French Revolution: One Person, One Vote: The Lawyer as Moral Counselor: What is the Constitution? Gore*, *Chronicle of Higher Education*, Jan. *Democracy in a New America?: Some Reflections on a Title* [symposium issue,? *Democracy in a New America? Compelling Collaboration with Evil? A Comment on Crosby v. Was the Emancipation Proclamation Constitutional? Legal Historicism and Legal Academics: The Law of Presidential Elections: Issues in the Wake of Florida ? A Time Bomb, Writ: Diversity* [ Owen J. *A Court Insulated from American Life? Interpreting Law and Music: The Lying Crowd of Jews? Is It Time for? Is American Progressive Constitutionalism Dead? Taking Legal Reasoning Seriously? Transitions*, *Yale Law Journal* *Does the Left Fear Popular Sovereignty? Raoul Berger Pleads for Judicial Activism: A Comment*, 74 *Texas Law Review* *Why Select a Favorite Case? Allocating Honor and Acting Honorably: To Keep and Bear Arms: Taking Text and Structure Really Seriously: New York University Press, Is Liberal Nationalism an Oxymoron? An Essay for Judith Shklar, Ethics* *Constitutional Protestantism in Theory and Practice: Identifying the Compelling State Interest: Due Process of Lawmaking? On Positivism and Potted Plants: Some Reflections on Multiculturalism,? Equal Concern and Respect,? Identifying the Jewish Lawyer: Parliamentarianism, Progressivism, and Some Reservations About Professor West?*

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## Chapter 4 : Springer Series in - calendrierdelascience.com

*Table of Contents The Sacred in Law: An Introduction Martha Umphrey, Austin Sarat, Lawrence Douglas The Profanity of Law Nomi Stolzenberg Pragmatic Rule and Personal Sanctification in Islamic Legal Theory Marion Holmes Katz Our Papalist Supreme Court: Is Reformation Thinkable (or Possible)?*

Thus perhaps as many as four hundred million people might be counted victims of historical political killing, not including homicides. Rummel attributes most democide to communist regimes, second most to totalitarian and authoritarian ones, and least to democracies. Still fresh in American memories are the Hitlerite holocaust, Stalinist purges, Japanese aggression, and Maoist murders. Eckhardt and successors calculate that between and twentieth century war-related killing totals at least 62 million people, including 62 million civilian and 43 million military victims. At least thirty wars were being fought in television screens flash periodically with images of bloodshed from throughout the world, some rooted in ancient animosities and recent atrocities exacerbated by present incapacities to satisfy needs. One horrific crisis follows another as mass media momentarily focus upon one and then move to the next. The bloodshed takes many forms, all rooted in readiness to kill: Sometimes foreign antagonisms lead to killing of Americans at home as in the bombing of the World Trade Center in New York by opponents of United States support for the State of Israel, leaving six dead and one thousand injured. Or killings abroad as in simultaneous truck bombings of American Embassies in Nairobi and Dar Es Salaam in that left 12 Americans and Africans dead, with some 5, injured. In such a context of primal beliefs, philosophical heritage, patriotic socialization, media reinforcement, cultural conditioning, and global bloodshed it is not surprising that most American political scientists and their students emphatically reject the possibility of a nonkilling society. When the question is raised in a university setting in the first class meeting from introductory course to graduate seminar the basic objections of human nature, economic scarcity, and necessity to defend against sexual and other assaults customarily appear. Although responses are culturally patterned, variations and extensions are virtually inexhaustible. Each time the question is raised something new can be expected. Human beings are power-seeking, selfish, jealous, cruel and crazy; to kill in self-defense is biologically driven and an inalienable human right. Humans are economically greedy and competitive; social differences and clashing interests make killing inevitable. Other things are worse than killing—psychological abuse and economic deprivation. A nonkilling society would be totalitarian, freedom would be lost; it would be attacked and subjugated by foreign aggressors. Nonkilling as a political principle is immoral; killing to save victims of aggression must always be considered just. Killing criminals for punishment and deterrence benefits society. Weapons cannot be dis-invented; lethal technologies will always exist. No example of a nonkilling society is known in history; it is simply unthinkable. This is not to imply classroom unanimity. Some American students hold that since humans are capable of creativity and compassion a nonkilling society might be realized through education. Others think that nonkilling conditions might be achieved in small scale societies, but not in large societies and not globally. This is also not to imply that American views are distinctively more violent than those of professors and students of political science in other countries. To find out will require systematic comparative research. But pessimism is probably predominant throughout the present world political science profession. I need some time to think it over. The question is taken as needful of reflection and further thought. He then calls upon members of the conference to take the question seriously since science and civilization advance by questioning the seemingly impossible. Both surprisingly agree that the goal of politics and political science is the realization of a nonviolent society. How can nonkilling politics prevent, stop, and remove the lethal aftereffects of murderous atrocities? Under the assumption of nonviolent possibility, questions are raised that are needful of serious scientific inquiry. We know that human beings are not violent by nature, but First, humans by nature are not compelled to kill. Second, economic scarcity must not be used to justify killing—men are not the slaves of matter. Then unanimously every hand is raised to affirm yes. These positive responses in Korea and Colombia are

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remarkable given the violent contexts of their expression. For decades Colombian society has been plagued by the seemingly intractable lethality of military, police, paramilitary, guerrilla, and criminal killers. Diverse social responses[ edit ] When the question of the possibility of a nonkilling society is posed without prior discussion in various groups, countries, and cultures, diverse social predispositions to agree or disagree within and across groups are manifested. The promise of systematic global inquiry is made clear. In Vilnius, Lithuania, at a May peer review seminar on "New Political Science" composed of political scientists from former Soviet sphere countries, sponsored by the Open Society Institute, eight reply no, one yes. In March in an introductory political science seminar for graduate students at Seoul National University, twelve respond no, five yes, and two reply yes and no. Among an observer group of women from Japan, twelve answer no, eleven yes, and one yes and no. Among a group of young gang members known as sicarios little knives , including hired killers, sixteen answer no, six yes. When asked for reasons for their judgments, a killer says, "I have to kill to take care of my two daughters. There are no jobs. Center for Nonviolent Social Change, forty answer yes, three no. In Omsk, Russia, in February , among literature students aged seventeen to twenty-six, answer no, 34 yes, and 3 reply yes and no. Is a nonkilling society possible? Why is it plausible to think that humans are capable of universal respect for life? Nonkilling Human Nature[ edit ] Although we might begin with a spiritual basis, first consider a completely secular fact. Most humans do not kill. Of all humans now aliveâ€”and of all who have ever livedâ€”only a minority are killers. Consider the homicide statistics of any society. Consider also killing in war. Granted that women kill, that some have fought in wars and revolutions, that in some societies women and even children have engaged in ritual torture and murder of defeated enemies, and that women are being recruited for killing in several modern armies. But most women have not been warriors or military killers. Add to this the minority combat role of men. Only a minority of men actually fight in wars. Of these only a minority directly kill. Among killers, most experience reluctance and subsequent remorse. Perhaps as few as two percent can kill repeatedly without compunction. The human family further evidences nonkilling capability. If human beings are by nature killers, if even half of humanity were inescapably homicidal, then the family in its various forms could not exist. Fathers would kill mothers; mothers, fathers; parents, children; and children, parents. All of these occur but they do not constitute a natural law of lethality that controls the fate of humankind. If it were so, world population long ago would have spiraled into extinction. To the contrary, despite appalling conditions of material deprivation and abuse, the human family has continued to create and sustain life on an unprecedented scale. A nonkilling global puzzle to challenge ingenuity and evidence for successive attempts at solution is to calculate how many humans have ever lived and how many have and have not been killers. One estimate of total human lives from 1 million B. Figures from 1 million B. But even this crude and inflated estimate of killings would suggest that at least ninety-five percent of humans have not killed. Contemporary United States homicide rates of around 10 per , suggest that only about. Counting all aggravated assaults as attempted murders per , in would add. Perhaps less than two or even one percent of all homo sapiens have been killers of fellow humans. The percentage of killers in specific societies, of course, may vary greatly according to culture and era Keeley Nevertheless the survival and multiplication of humankind testifies to the dominance of vitality over lethality in human nature. Spiritual Roots[ edit ] Grounds for confidence in the realizability of a society without killing are present in the spiritual traditions of humankind. Granted that religions have been invoked to justify horrific slaughter from human sacrifice and genocide to atomic annihilation Thompson Go find another human and kill him or her! This is why Max Weber deems spiritual commitment to be incompatible with the political imperative to kill. Jainism and Hinduism share the precept of ahimsa paramo dharma nonviolence is the supreme law of life. The core of this teaching, although with qualification, is continued in Islam: Humanist traditions also hold forth the desirability and possibility of a nonkilling society. In Confucianism, when morality among rulers prevails, no death penalty will be needed Fung In modern socialist thought when workers refuse to support killing each other, wars will cease. An anti-WWI manifesto proclaims: All class conscious members of the Industrial Workers of the World are conscientiously opposed to shedding the life blood of human beings, not for

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religious reasons, as are the Quakers and Friendly Societies, but because we believe that the interests and welfare of the working class in all countries are identical. While we are bitterly opposed to the Imperialist Capitalist Government of Germany we are against slaughtering and maiming the workers of any country. Humanist respect parallels religious reverence for life. What significance does the presence of a nonkilling ethic in world spiritual and humanist traditions have for the realizability of nonkilling societies? On the one hand it reveals divine intent to plant profound respect for life in the consciousness of humankind. On the other, it demonstrates human capacity to receive, respond to, or to create such a principle. If humans are incurably killers by nature, neither reception, nor transmission, nor creation of such a principle would be plausible. Even if a nonkilling spiritual ethic were invented by elites to discourage revolution, by the oppressed to weaken oppressors, or by killers to escape retribution it implies that humans to whom it is addressed are capable of responding positively to it. Its expression is not just a luxury benevolently bestowed by killers. Irrepressibly surviving into the contemporary era, it continues to inspire liberation from lethality in post-crusades Christianity, post-conquest Islam, post-holocaust Judaism, post-militarist Buddhism, and post-colonial traditions of indigenous peoples.

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## Chapter 5 : calendrierdelascience.com: Sitemap

*Law and the sacred The sacred in law: an introduction / Martha Merrill Umphrey, Austin Sarat, Lawrence Douglas -- The profanity of law / Nomi Stolzenberg -- Pragmatic rule and personal sanctification in Islamic legal theory / Marion Holmes Katz -- Our papalist Supreme Court: is reformation thinkable (or possible)?*

Kaplan in the late s, and was designed to serve as a medium for expressing and explaining important generalisations about the syntax of human languages and thus to serve as a vehicle for independent linguistic research. An equally important goal was to provide a restricted, mathematically tractable notation that could be interpreted by psychologically plausible and computationally efficient processing mechanisms. The formal architecture of LFG provides a simple set of devices for describing the common properties of all human languages and the particular properties of individual languages. This volume presents work conducted over the past several years at the Xerox Palo Alto Research Center, Stanford University, and elsewhere. The different sections link mathematical and computational issues and the analysis of particular linguistic phenomena in areas such as wh-constructions, anaphoric binding, word order and coordination. Paul Hoyningen-Huene University of Pittsburgh Press, Many texts on logic are written with a mathematical emphasis, and focus primarily on the development of a formal apparatus and associated techniques. In other, more philosophical texts, the topic is often presented as an indulgent collection of musings on issues for which technical solutions have long since been devised. What has been missing until now is an attempt to unite the motives underlying both approaches. Filled with examples, exercises, and a straightforward look at some of the most common problems in teaching the subject, this work is eminently suitable for the classroom. Roberta Ferrario and Viola Schiaffonati CSLI, The philosopher Patrick Suppes has developed a unique and influential approach to studying the foundations of science—he combines an understanding of the main principles of scientific theories in axiomatic terms and formal models with a hands-on approach. While moving the study of the philosophy of science out of the parlor and into the lab, he often comes up with original results from the psychology of learning to the theory of measurement and quantum mechanics. Ryding Georgetown University Press, This new edition, updated and with additional exercises, equips those who work, travel, and study in Arab countries with an educated form of spoken Arabic that functions flexibly in the face of various regional colloquial variants in the Arab world. Because the Arabic language has a number of very different spoken vernaculars, being able to speak and be understood in all Arab countries has become a challenge for English speakers. Ryding and Mehall have designed a course that teaches a standardized variant of spoken Arabic that is close to, but more natural than, the literary Modern Standard Arabic. With a non-grammar-based approach, this book fosters communicative competence in Arabic on all levels and develops speaking proficiency without abandoning Arabic script. It has proven to be clear, effective, and relevant to the needs of Americans living and working in the Arab East. Task-based lessons feature basic dialogues between Americans and Arabs, explanations of new structures, vocabulary expansion, and exercises; and provide gradual access to the sounds and script of Arabic by emphasizing listening and reading comprehension first, then slowly adding oral exercises and activities until the student has achieved basic proficiency. Not intended for self-instruction for beginners, Formal Spoken Arabic Basic Course with MP3 Files assumes some previous knowledge of Modern Standard Arabic, Arabic script and phonology, and previous or simultaneous instruction in orthography. This new edition includes a CD of MP3 audio exercises that are keyed to the text and drill students on listening and speaking. Lessons cover topics including: Designed to provide beginners in Arabic with maximum linguistic and cultural exposure in a short period about hours of contact time, this book consists of sixteen lessons with dialogs and exercises dealing with day-to-day scenarios: The lessons help the reader to navigate situations at gas stations, marketplaces, restaurants, and in their own households. FSA uses the shared features of the various urban colloquial dialects, defaulting to Levantine terms common to Lebanon, Syria, and Jordan where the spoken dialects diverge. Each lesson includes cultural notes on American-Arab interactions, notes on

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learner strategies for managing Arabic conversations with a limited amount of language, and grammar explanations in clear, non-technical language. Although the main dialogue for each lesson is presented in Arabic script, transcriptions are used to accelerate spoken performance. Originally created for diplomats, this is an expanded and enhanced edition of a work originally developed by the U. Travelers heading for posts in the Arab world who quickly need to gain a basic ability to converse in day-to-day situations will find Formal Spoken Arabic FAST Course an invaluable companion. Written by authors with varied academic backgrounds, the contributions are intended for an interdisciplinary audience. The first part of this volume addresses issues relevant for multi-agent systems: Proofs as formal objects form the subject of Part II. Part III focuses on representations and formal methods in linguistic theory, addressing the areas of comparative and temporal expressions, modal subordination, and compositionality. The formation and interpretation of these chapters are widely recognized as important matters for understanding the compositional history of Isaiah, emerging religious thought in the Persian period, and scribal techniques for late biblical materials. The essays in this volume explore these and other important issues of Isaiah 24â€™27 in light of the abundant recent research on these chapters. In addition, this volume outlines new directions forward for research on these pivotal chapters and their place in Isaiah and the prophetic literature generally. Cook, Wilson de A. Dempsey, Janling Fu, Christopher B. Miller University of Pittsburgh Press, In the middle of the eighteenth century, English literature, composition, and rhetoric were introduced almost simultaneously into colleges throughout the British cultural provinces. Professorships of rhetoric and belles lettres were established just as print was reaching a growing reading public and efforts were being made to standardize educated taste and usage. The provinces saw English studies as a means to upward social mobility through cultural assimilation. In the educational centers of England, however, the introduction of English represented a literacy crisis brought on by provincial institutions that had failed to maintain classical texts and learned languages. Once again, English departments that are primarily departments of literature see these basic writing courses as a sign of a literacy crisis that is undermining the classics of literature. The Formation of College English reexamines the civic concerns of rhetoric and the politics that have shaped and continue to shape college English. Richard Pipes Harvard University Press, Here is the history of the disintegration of the Russian Empire, and the emergence, on its ruins, of a multinational Communist state. In this revealing account, Richard Pipes tells how the Communists exploited the new nationalism of the peoples of the Ukraine, Belorussia, the Caucasus, Central Asia, and the Volga-Ural area--first to seize power and then to expand into the borderlands. The Formation of the Soviet Union acquires special relevance in the post-Soviet era, when the ethnic groups described in the book once again reclaimed their independence, this time apparently for good. In a Preface to the Revised Edition, Pipes suggests how material recently released from the Russian archives might supplement his account. Reviews of this book: Reviews of the First Edition: Richard Pipes has not only accomplished this task Formation Process of the Archaeological Record embodies a vision that the cultural past is knowable, but only when the nature of the evidence is thoroughly understood. It shows how the past is accessible in practice by identifying variability introduced by the diverse effects of people and nature that in some sum, form the archaeological record. For students, it is intended as both an introduction and guide in method and theory, field work, and analysis. Practicing archaeologists will find it a valuable checklist of sources of variability when observations on the archaeological record are used to justify inferences. Tani Barlow Duke University Press, The essays in Formations of Colonial Modernity in East Asia challenge the idea that notions of modernity and colonialism are mere imports from the West, and show how colonial modernity has evolved from and into unique forms throughout Asia. Although the modernity of non-European colonies is as indisputable as the colonial core of European modernity, until recently East Asian scholarship has tried to view Asian colonialism through the paradigm of colonial India for instance , failing to recognize anti-imperialist nationalist impulses within differing Asian countries and regions. Demonstrating an impatience with social science models of knowledge, the contributors show that binary categories focused on during the Cold War are no longer central to the project of history writing. By bringing together articles

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previously published in the journal positions: Chapters address topics such as the making of imperial subjects in Okinawa, politics and the body social in colonial Hong Kong, and the discourse of decolonization and popular memory in South Korea. This is an invaluable collection for students and scholars of Asian studies, postcolonial studies, and anthropology. Chiu, Chungmoo Choi, Alan S. Christy, Craig Clunas, James A. Minnesota Archive Editions uses digital technology to make long-unavailable books once again accessible, and are published unaltered from the original University of Minnesota Press editions. Yaktovil is an elaborate healing ceremony employed by Sinhalas in Sri Lanka to dispel the effects of the eyesight of a pantheon of malevolent supernatural figures known as yakku. Anthropology, traditionally, has articulated this ceremony with the concept metaphor of "demonism. His investigation of yaktovil and yakku within the Sinhala cosmology is also an inquiry into the ways in which anthropology, by ignoring the discursive history of the rituals, religions, and relationships it seeks to describe, tends to reproduce ideological-often, specifically colonial-objects. To do this, Scott describes the discursive apparatus through which yakku are positioned in the moral universe of Sinhala, traces the appearance of yakku and yaktovil in Western discourse, evaluates the contribution of these figures and this ceremony in anthropology, and attempts to show how the larger anthropology of Buddhism, in which the anthropology of yaktovil is embedded, might be reconfigured. Finally, he offers a rereading of the ritual in terms of the historically selfconscious approach he proposes. The result points to a major rethinking of the historical nature not only of the objects, but also of the concepts through which they are constructed in anthropological discourse. Drawing on the insights of critical indigenous and ethnic studies, postcolonial theory, critical geography, ethnography, and social history, this volume emphasizes the significance of U. Simply put, this book is a feast for the intellect"â€”Thomas M. A highly imagination and significant book. Formations of Violence is an important addition to the literature on political violence. Morgan University of Alabama Press, The Formative Period in Alabama, is a beautifully crafted history of the evolution of the state written by Thomas Perkins Abernethy in The work shows how Alabama grew out of the Mississippi Territory and discusses the economic and political development during the years just before and just after Alabama became a state. Friction with the Creeks escalated into war and, with their defeat at the Battle of Horseshoe Bend, the successful move began to wrest land from the Indians for white settlement. The availability of good land, the promise of transportation of goods along the waterways, and the opening of the Federal Road brought rapid population growth to an area blessed and cursed with forceful leaders. Although climate and geography make our northern condition apparent, Canadians often forget about the north and its problems. Nevertheless, for the generation of historians that included Lower, Creighton, and Morton, the northern rivers, lakes, forests, and plains were often seen as primary characters in the drama of nation building. For many politicians and developers, "to make something" of the North came to mean thinking of the North as an empty hinterland waiting to be exploited, and today, hydroelectric projects, mining, milling, pulp and paper, and other industries have changed much of the North beyond recognition. One of the first parts of the North to be aggressively industrialized was northern Manitoba. Particularly after , they saw resource development in the North as a strategy to expand the provincial economy from its agricultural base. He follows the many twisting paths established by developers and politicians as they chased their goal of economic growth, and recounts the ultimate costs of development in economic, ecological, and political terms. What models should we use to sculpt ourselves if we no longer look to divine grace or received authorities? Deftly uncovering the roots of this question in Rhineland mysticism, Pietist introspection, and the rise of the bildungsroman, Jennifer A. Herdt reveals bildung, or ethical formation, as the key to post-Kantian thought. This was no simple process of secularization, in which human beings took responsibility for something they had earlier left in the hands of God. Rather, theorists of bildung, from Herder through Goethe to Hegel, championed human agency in self-determination while working out the social and political implications of our creation in the image of God. While bildung was invoked to justify racism and colonialism by stigmatizing those deemed resistant to self-cultivation, it also nourished ideals of dialogical encounter and mutual recognition. Herdt reveals how the project of forming

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humanity lives on in our ongoing efforts to grapple with this complicated legacy. By tracing the evolution of Central Asian warfare and diplomacy through a series of historical examples, ranging from the ancient Xiongnu people and medieval Mongol Empire to the fall of the Soviet Union, historian Christopher Mott argues that the original system of informal relationships, indirect rule, and rapid military movement did not entirely fade from the region with the eclipse of the nomadic powers during the Middle Ages. In fact, many states like China, Iran, and Russia had already been influenced by nomadic people, and in so doing adapted their own diplomatic and military policies accordingly. *A Short History of Diplomacy and Warfare in Central Asia* is an engaging study of the nature of non-Western imperialism and great-power strategy. In addition, the book demonstrates that regional histories can show us the variety of political possibilities in the past and how they were adapted to changing circumstances—a point made even more important by the rapid changes facing global security and new forms of empire building. Steve Martinot Temple University Press, *The relationship between the existentialist Jean-Paul Sartre and the post-structuralist Jacques Derrida has never been fully examined until now. In Forms in the Abyss, Steve Martinot finds, between these two important philosophical thinkers of the twentieth century, "a common uncommonality" by which he sees them confront each other as "kindred souls" despite their vast differences. Martinot argues that a bridge between these two thinkers can be constructed. He demonstrates that one can use the critical tools provided by Derrida, and the forms of discourse and reasoning developed by Sartre, to set the two in dialogue with each other. In the process, Martinot develops a theory of dialogue that incorporates both ethics and form and contributes a new way of thinking about critical and social theory. More importantly, he adds a new ethical and political imperative to postmodern thought that many critics have often found missing in the works of thinkers like Derrida.*

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## Chapter 6 : Uncategorized | Philip Devine's Blog | Page 2

*The sacred in law: an introduction / Martha Merrill Umphrey, Austin Sarat, Lawrence Douglas --The profanity of law / Nomi Stolzenberg --Pragmatic rule and personal sanctification in Islamic legal theory / Marion Holmes Katz --Our papalist Supreme Court: is reformation thinkable (or possible)?*

Medieval Jewry in Western Europe Henri Zukier 87 The Conspiratorial Imperative. Nation, Religion, and Judaism. Left-Wing Themes and Conspiracy Social Conflict and Conspiracy in Nuremberg Hostility Toward and Fear of Minorities. The Conspiracy Mentality and Resentment Remarks on Resentment and Its Consequences Conspiracy as Strategy and Means to Mobilize the Masses Cathexis Hole and Cathexis Fillings. The Economy of Cathexis: Conspiracy Theory in Conflict Escalation Pruitt The Neighborhood Controversy The Crisis at VB. The Process of Escalation Impact of Conspiracy Theory on Conflict. Origins of Conspiracy Theory in Conflict. Blame-Placing Schemata and Attributional Research The Attribution Paradigm in Social Psychology. Research on Defensive Attributional Tendencies. Informational and Motivational Influences on Attributions: Disjunctive Versus Conjunctive Interpretations. Research on Attributional Errors The Theory of Lay Epistemology. The Epistemic Process and Conspiracy Theories Extremist Political Positions and Perceptions of Conspiracy: Even Paranoids Have Real Enemies. History and Social Psychology-A Synopsis. Nicole Jacques-Chaquin, , Bd. Magenta, FO Paris, France. Chapter 1 The Temptation of Conspiracy Theory, or: Something happens to them that they feel they did not deserve. Their suffering is described as an injustice, a wrong, an evil, bad luck, a catastrophe. Because they themselves live correctly, act in an upright, just manner, go to the right church, belong to a superior culture, they feel that this suffering is undeserved. In the search for a reason why such evil things happen to them, they soon come upon another group, an opponent group to which they then attribute certain characteristics: This group obviously causes them to suffer by effecting dark, evil, and secretly worked out plans against them. Thus the world around them is no longer as it should be. It becomes more and more an illusion, a semblance, while at the same time the evil that has occurred, or is occurring and is becoming more and more essential, takes place behind reality. Their world becomes unhinged, is turned upside down, in order to prevent damage to or destruction of their own group religion, culture, nation, race they must drive out, render harmless, or even destroy those - called "conspirators" - carrying out their evil plans in secret. Such orgies of persecution and annihilation against imagined or imaginary enemies accompany the history of Europe from, at the latest, the era of the persecution of the Jews and the Inquisition of the High Middle Ages up through the genocides of the recent past. In comparison to the belief in conspiracies-which is called the theory of conspiracy- belief in magic and witches associated with the so-called primitive cultures and with the European folk-culture seems harmless, especially in regard to the consequences for the conspirators. Without the aid of his paper on paranoid delusion of conspiracy it would not have been possible for me to work out the difference between individual and collective delusion in the area of conspiracy theories. I was also able to profit from the valuable cooperation of Ruth Groh on this particular point. Such theories of conspiracy represent a permanent temptation for us all. At the level of everyday perception, only healthy common sense can prevent us from taking the step that leads to the belief in such explanatory models for specific phenomena - a step taken more easily than the reverse. At the scientific level, only considerations from the realm of behavior and history theory, supported by a glance at the psychodynamics of conspiracy theory, can convince us that we are dealing with systems of collective delusion. They are, at the most irrational insofar as their logic, and their coherence and their causal nexus are superior to reality. No other area of historical study invites cooperation between the science of history and social psychology-indeed even psychopathology-more urgently than that dealing with theories of conspiracy. Bearing in mind such a cooperation, I would like to define the term conspiracy theory as broadly as possible and approach a theory of such conceptions by way of a taxonomy. At the head of these efforts toward the discovery of the motives giving rise to such models and patterns of interpretation as conspiracy theories, I

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would like to place two quotations as mottos. The second motto is to be found in Shakespeare: Initial Approach to a Definition of the Term In the attempt to determine conspiracy theories or constructs of conspiracy theories, I wish to select formulas that allow treatment of both their most crude and most sublime forms. In the case of the witch-delusion, for example, real and ideal type would have coincided were it not for the devil as an irritating, that is, metaphysical element. Men make their history themselves, but that which results as history is not their history in the sense that it is what they intended. To put it another way, in the realm of history, reference subject and action subject are not identical. Histories are processes that do not conform to the active purpose of those involved; they are processes without a reference subject, which means that we are not the active subjects of that which happens to us. This is so because the historical process generates The Temptation of Conspiracy Theory, Part I 3 complex systems and these are by definition not at the disposal of the active subject. Structurally speaking, history requires, therefore, not an active subject but merely a reference subject: If rules of action cannot be gained from past history then future history is a *forteriori* not "makeable" in the sense of the undisturbed realization of intentions. If this is so, then history is also a *forteriori*, not plannable in the way presupposed by conspiracy theories. Such theories - this would be their first definition in terms of a theory of actionpresuppose that the intentions of active subjects imagined as conspirators have been realized in the course of history without disruption, or will be realized if another group does not counter them by gaining information on their machinations and preventing the realization of their intentions. Conspirators are so powerful that they master the course of history. In a sense they are perfect, that is to say more powerful, clever, and competent than normal mortals. They have common attributes. Among these can be counted, above all, their unusually strong sense of solidarity, which, compared to that of all other groups, constitutes a type of countersolidarity. However, conspirators are also weak - and herein lies a paradox of all conspiracy theories - even incapable of using their power to their own advantage. This, however, is only the case when one recognizes the specific weak point among the conspirators. This applies to vampires, the typical loners of folk-cultural imagination, also to the devil, the conspirator par excellence of the elite cultural religious imagination. As for the time perspective, we can differentiate between conspiracy theories that refer more to the past, others that refer more to the present, and again others that refer to the future. More frequently, however, their time perspective is continuous: The conspirators planned and carried out evil in the past, they are successfully active at the present, and will triumph in the future if they are not disturbed in their plans by those with information about their sinister doings. The geography of conspiracy theories can be subdivided into a universalist one-the conspirators are everywhere-and a local-regional one-the conspirators are only active in a certain place or area. In regard to their Ubiquitousness, it would seem that conspirators have no problems regarding logistics. If they did exist, they would be highly sought and well-paid professors in military academies throughout the world. The historical context-history is after all, a scientific discipline of the context E. Thompson, -plays a decisive role in the genesis and elaboration of conspiracy theories in two ways. First, reality must be appropriate to them in the sense of "welcome structures" Althusser and "welcome orientation" Kruglanski. They must not only suit reality, but what is more, they must at the same time be attracted to reality. Then they must be logically coherent with the prevailing interpretation pattern of a group, nation, culture, religion, that is, with their religious, political, sociocultural, and so forth, ideas. Both these points are of importance for their high historical variability. Looked at formally, their spectrum ranges from interpretation patterns or everyday theories through regular paradigms to scientific constructs of great plausibility, 4 Dieter Groh which betray their conspiratorial-theoretical core only to the professional eye. In the case of the witch pattern, we are dealing with elaborate "theories" in an historicaltheological context; in the case of the boom in "theories" after the French Revolution we are dealing with historical-theological and historical-philosophical drafts, which attribute the revolutionary events to a conspiracy by Freemasons and Jacobins. Conspiracy theories are not only logically consistent, they can also be equipped with everything normally associated with a scientific paradigm as understood by modern history of science i. Kuhn would reject but Paul Feyerabend accept. In regard to the content, this can involve magic notions such as that

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someone has an evil eye capable of bringing disaster to others, and so this individual must belong to a group to which one can further ascribe such and other evil characteristics and of which one can believe that they had conspired to bring harm. In the case of magic notions we are dealing with "theories" that outdo reality in logical consistency and coherence and thus are compatible with our scientific thinking in as far as these notions arise from a similar conviction of the existence of causality. With conspiracy theories, we are dealing with a specific kind of irrationality associated with a stubborn, highly rational, and highly operational logic. In my opinion, this logic can only be refuted in the realm of the theory of action and history, and the motives exposed from a sociopsychological point of view. If this is really so, then in the strict sense, conspiracy theories cannot be scientifically refuted - at least not as long as one maintains the scientific-historical assumption of paradigms as developed and refined by Thomas S. It remains to be seen whether the "way out of the quarrel of justification" indicated by Jiirgen MittelstraB can help us in this matter. Perhaps the only empirical and scientific evidence for the fact that there are no conspiracies in the sense of conspiracy theories is that despite the many pernicious conspiracies that have accompanied history in the last 1, years we are still alive and can discuss the reasons for and form of such conspiracies in a symposium. The way in which the fiendish or evil group actually "conspires" need not necessarily be very concrete in the eyes of those who feel harmed or threatened. It is unimportant whether it is a foreign group or one constituted by being isolated within their own; whether they are real persons or-at least at the beginning-only imagined ones who later by means of a social alchemy become incarnate; the core of a conspiracy theory is to be sought in the realm of the social imaginary as understood by Castoriadis Obviously, when looked at from the point of view of theories of action and history, all conspiracy theories are constructed according to the same pattern. As for the psychodynamics, there exists one that applies on the one hand to all conspiracy theories as described for example by Arie Kruglanski Chapter 13 from the point of view of the theory of attribution. On the other hand, each individual conspiracy theory presents its own specific psychodynamics as tentatively sketched by Norman Cohn The Temptation of Conspiracy Theory, Part I 5 , pp. Structurally, conspiracy theories can be reduced to images of a Manichaeian world view of "cosmic childishness" Erik H. They allow clear identification of the perpetrator of events experienced as disaster, calamity, flaw, digression from the "right" path, and so on. Jung-and I am not one-would speak of an archetype.

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### Chapter 7 : Full text of "Power and democracy in America"

Sanford Levinson, *Our Papalist Supreme Court: Is Reformation Thinkable (or Possible)?*, in *LAW AND THE SACRED* (Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey, eds.; Stanford, CA: Stanford University Press, ).

The analysis focuses on mitigation in sentences of battered women who killed their abusers and examines the manifestation of agency and victimization in the mitigation structure. My thesis is that these women are perceived by courts solely as victims who lack agency and autonomy. Three main themes emerge from the analysis: Secondly, many cases are categorized by courts as unique cases. An alternative analysis to that offered by the courts, one that seeks to reframe the mitigation process, is introduced in this chapter. Violence directed at women by their intimate partners is an acute social problem in our society. It has been estimated that nearly three in ten Canadian women who have ever been married or lived in a common-law relationship have been physically or sexually assaulted by a marital partner at some point during the relationship Chewter, The discussion will focus on the unique situation within the criminal justice system of battered women who kill their violent male partners,<sup>2</sup> and how the justice system perceives these women and deals with their acts of killing. The analysis will focus on sentencing of battered women who killed their abusers or other men and were convicted of manslaughter. The main thesis is that these women are perceived by courts solely as victims who lack agency and autonomy. The common narrative in the mitigation of the sentences is the mental state of the women, which is perceived as a product of the abuse they suffered at the hands of their abusers. Another is the reinforcement of the stereotypical image of battered women as passive, submissive and psychologically

Victimization and Agency in the Discourse of Battered Women Who Kill 5 defective. Additionally, there has been limited academic attention aimed at studying the sentencing of battered women who kill in Canada. This chapter is aimed at further closing this gap in research. By exploring this topic, two goals can be achieved. First, analysis of sentencing decisions can serve as a tool for developing a consistent sentencing model that responds to the characteristics of battered women who kill and to their legal needs. Secondly, the sentencing phase is an essential component to be explored in order to achieve equality within the legal system for these women. As a background to the analysis, I provide a three-part preface, beginning with an examination of the doctrine of self-defence and the constraints it created for battered women who killed their abusers. I then look at the development of BWS while describing its nature and the goals it aimed to achieve. The various distortions of the testimony on BWS and the feminist critique of the way it is used in courts are discussed in the second part of the chapter. Questions of agency and victimization in the discourse of battered women who kill constitute part three of the chapter. Prior to the introduction of BWS in the case of Lavallee, battered women who killed used several defences, among them provocation, insanity and self-defence. An examination of this defence constitutes the main focus of this part of the chapter. Consequently, before the introduction of BWS, women who were on trial for killing their abusers faced substantial hurdles when pleading self-defence in their cases. The law of self-defence in Canada imposes two requirements in s. First, the accused must act under a reasonable apprehension of suffering imminent death or bodily harm at the hands of the assailant. Secondly, the accused must believe, on reasonable grounds, that she, or he, cannot otherwise escape the danger. Many battered women feel they are in imminent danger

Victimization and Agency in the Discourse of Battered Women Who Kill 7 and kill their abusers while the latter are sleeping, for instance, or walking away from them. The second element of the law of self-defence is the reasonableness of the act. Juries often fail to comprehend the nature of abusive relationships. They cannot capture the full picture of the abuse and the terror and may, furthermore, deny the extent of it. Feminist scholars indicate that the failure of the law to accommodate battered women who kill their violent male partners is not based solely on the legal construction of the doctrine of self-defence. Gender stereotypes that view women as subjective, emotional, passive and weak make it hard for battered women to be viewed as rational and reasonable actors and to claim that their resort to killing was reasonable given the circumstances of their lives. The broader social and cultural context

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is also an important component in analyzing the reaction of battered women to violence. The failure of the police, the criminal justice system and other social services to provide adequate protection to battered women and to respond to their particular needs makes them particularly vulnerable to violence, and can also serve to explain the reasonableness of their act. Julie Stubbs and Julia Tolmie put it as follows: The effect, in each case, is to ensure that the realities of battered women are heard and seen in courts and thus to provide battered women who kill their violent male partners with equal access to the claim of self-defence. BWS aims to dispute prevailing misconceptions about domestic violence, such as the characterization of violence within the relationship as rare; the assumption that battered women can always leave; and the view that battered women are either exaggerating when describing the violence or even enjoying it. By explaining the harmful effects of continuous abuse on a woman, BWS also seeks to eliminate stereotypes of battered women as masochistic and unreasonable actors. Proponents of BWS perceived this evidence to be a tool that could provide a forum for educating judges, lawyers and jurors about the experiences of abused women and the way women are affected by this abuse. It was aimed to provide the court with the unique circumstances and the particular characteristics of the lives of battered women and thus, to challenge the structure of the legal rule of self-defence; to contextualize the experiences of battered women; to provide the jurors with the perspectives *Victimization and Agency in the Discourse of Battered Women Who Kill* 9 of abused women, and consequently to achieve equality for battered women within the justice system. Angelique Lyn Lavallee was charged with the second-degree murder of her common-law husband, Kevin Rust, after shooting him in the back of the head while he was leaving her bedroom. According to the evidence at trial, Rust had abused Lavallee during their relationship. Lavallee claimed to act in self-defence while relying on s. At trial, the defence introduced expert evidence on BWS. Lavallee was acquitted by a jury, but the verdict was overturned by a majority of the Manitoba Court of Appeal, which sent the case back for retrial. Madame Justice Wilson not only accepted the role of BWS in exposing the difference between battered women who kill in self-defence and other defendants who act in self-defence, but also included the broader societal, cultural and economic context in her analysis. Use of the testimony has focused on the helplessness theory, which represents the passivity of the woman. Battered women have been described as passive, as unable to respond adequately to the circumstances and, more importantly, as having no control of their actions. Another weakness of BWS is its association with victimization. The realities of battered women, however, tell us a much more complicated story, in which oppression and resistance, and victimization and agency, coexist. Various scholars have challenged the association of battered women solely with the notion of victimization, and have described their acts as representing both agency and victimization. For these scholars, agency represents much more than the act of leaving the abuser and terminating the relationship and, thus, it is a multifaceted notion consisting of many other forms of reactions to intimate violence Schuller, , p. Portraying all battered women as victims, BWS reinforces uniformity when there are diverse abusive relationships; it strengthens similarity where there are different women experiencing different realities and reacting to the abuse in different ways. Because the syndrome implies that there is a typical battered woman, who is required to be helpless, passive, gentle and weak, women who are stereotypically viewed as strong, assertive and tough face hurdles convincing a jury that they acted in self-defence. A related issue is the existence of gender bias in the criminal justice system. Dominance of male-oriented legal doctrines, historic discrimination and marginalization of women in the legal arena, and stereotypes of women and of victims are all factors to be considered in cases of battered women defendants. An additional importance of this doctrine was the educational message it sent to society regarding domestic violence. However, as demonstrated, BWS was transformed into a stereotypical depiction of battered women, explaining their behaviour by using notions of passivity and victimization rather than contextualizing their responses and situating the reactions within a social and cultural framework. The following excerpt demonstrates this point. My purpose in introducing highlights of this discourse is to contextualize my own analysis of cases of battered women and to situate it within a broader theoretical framework that, hopefully, will illuminate certain ideas and notions. In

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mainstream liberal theories, societal and cultural contexts, socialization and social relations, gender aspects, and other sociological elements are not central to the formation of the notion of autonomy and so, do not occupy an important part of the liberal discourse of this concept. By adopting the paradigm of relational autonomy, for McLeod and Sherwin, society will not just seek to offer more rights to women but will rather seek to change their social situations. Understanding autonomy in such a way will assist in viewing the broader framework within which decisions are made, and not only focusing on the individual state of mind. The use of the concept of agency in this feminist discourse coincides with that of autonomy. However, some feminist scholars have made a distinction between these two concepts. Although the distinction is discussed within a discourse of health care for women, it is valuable and applicable to the discourse of violence against women. For these scholars, agency can exist where autonomy is not present. Individuals who lack autonomy due to oppression do not necessarily lack agency since they act, react and respond within oppressive conditions. Themes of victimization and agency are central in the discussion of domestic violence in general, and of battered women in particular. As was discussed earlier, the dichotomy between agent and victim is manifested heavily in the discussion of abused women and their responses to violence. Leaving, on the other hand, is viewed as an act against the violence, and thus as a product of an agent and autonomous person. On this point, Elizabeth Schneider contends: Emphasizing exit is based on a notion of agency that requires battered women to leave abusive relationships in order to demonstrate resistance. Martha Mahoney further explains this concept of agency. In our society agency and victimization are each known by the absence of the other: In this concept, agency does not mean acting for oneself under conditions of oppression it means being without oppression, either having ended oppression or never having experienced it at all. To regard separation from the abuser as the only form of agency is to fail to acknowledge that battered women act in various ways against the violence, and are making choices within the context of oppression and abuse<sup>15</sup> Dutton, , pp. According to the notions of autonomy and agency as constructed by liberal theories, acts such as gathering information, funds and support from family and friends, protecting the children from the abuser, going to counselling, or trying to work on the relationship will not be recognized by society as forms of agency. However, these responses should be contextualized and understood as part of a broader system of social and political inequality. Here, employing the analysis that distinguishes autonomy from agency, as discussed by Sherwin, Mosher and Bell, may serve to dismantle the false dichotomy between agency and victimization that prevents battered women from being perceived as agents who are making reasonable and rational choices. Equating exit from abusive relationships with agency also ignores the fact that many battered women do leave the abuser. However, as mentioned earlier, lack of external help, such as availability of shelters or child care arrangements, prevents many women from successfully separating from the abuser and escaping the violence. The association of victimization with staying with the abuser implies that women can always leave. Furthermore, it ignores the important fact that battered women who leave, or have decided to leave their abusers, are being exposed to greater danger to their lives. According to this notion, when a battered woman leaves or decides to leave an abusive relationship, the quest of the abuser for control over the woman is at risk. Mahoney puts it as follows: Stereotypes of battered women as pathological, passive, dependent and helpless also help conceal their resistance and strength and, consequently, weaken their agency. Expert testimony on battered women, as discussed earlier, also works to strengthen these negative images. Studies on the way battered women defendants are perceived by the judiciary suggest that these women are not viewed as actors or agents, but solely as victims. Martha Shaffer, for example, analyzed the post-Lavallee cases in Canada in which women who were charged with a criminal offence had raised BWS as part of their defence or as a mitigating factor in sentencing Shaffer, As part of her research, the author analyzes sentencing decisions in cases of battered women convicted of killing their violent partners. Consequently, the legitimacy of their actions is not even part of the legal discussion. This means that every case is examined through a narrow lens, without considering the broader societal framework and the societal nature of the 18 RUTHY LAZAR problem of domestic violence. The sentencing in each case, thus, is dependent on the compliance of the

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battered woman defendant to stereotypical notions of victimization. Perceiving battered women solely as victims and portraying them as suffering from psychological disorders, the courts provide a narrow account of agency and fail to acknowledge the variety of responses of battered women to violence. It shifts the focus from the broader societal framework, which is often characterized by racism, discrimination and sexism, to the woman herself, and places the blame for her criminality on her problematic mental condition Pollack, The purpose of sentencing, as presented in s. A relevant Victimization and Agency in the Discourse of Battered Women Who Kill 19 section to the discussion of sentencing in general and to the discussion presented in this work in particular is s.

### Chapter 8 : Law and the Sacred : Austin Sarat :

*Our Papalist Supreme Court: Is Reformation Thinkable (or Possible)?, in Law And The Sacred (Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey, eds.; Stanford, CA: Stanford University Press, ).*

### Chapter 9 : Highlands Splits on Attorney Choice - Red Bank Register Archive

resultâ€”how do we know when we are being manipulated and is that manipulation inevitable in all storytelling? 3. Final essay due by 5pm, Friday 10th March, Prof. Heinzelman's office: Parlin (40pts).