

Which Justice?

Recent Theories of Justice: (beyond Rawls and Rorty and Sandel and Amyarta Sen and Iris Marion Young)

s.a. journals: Theory and Event; differences, GLQ, Race and Class, New Left Review, Journal of Global Ethics; Social Justice, Contemporary Justice Review, boundary 2; Critical Inquiry, and other journals publishing in the areas of restorative justice, environmental justice, and social movement theory.

Note: This reading list does not include readings from law enforcement, criminal justice, critical legal studies, or legal policy publications.

Badiou, Alain. "Truths and Justice." Metapolitics. 96-105.

Butler, Judith. "Doing Justice to Someone: Sex Reassignment and Allegories of Transsexuality," GLQ, 7.4 (2001): 621-36.

---. "Deconstruction and the Possibility of Justice: Comments on Bernasconi, Cornell, Miller, Weber." Cardozo Law Review. 11:5/6 (1990): 1715-18.

\*Carroll, David. "Rephrasing the Political with Kant and Lyotard: From Aesthetic to Political Judgements," Diacritics 14.3 (1984): 74-88.

Chase, Cynthia. "Deconstruction as the Possibility of Justice: The Critical Function of the Concept of Democracy." Cardozo Law Review. 11:5/6 (1990): 1719-22.

Chow, Rey. "Ethics After Idealism." In Ethics After Idealism. Indiana UP, 1998.

Connolly, William. Ethos of Pluralization, Univ. Minnesota Press, 1995. (White, Sustaining Affirmation, 129.)

Cornell, Drucilla, Beyond Accommodation: Ethical Feminism, Deconstruction, and the Law. Rowman and Littlefield, 1999 (1991).

---. The Philosophy of the Limit: Justice and Legal Interpretation. Routledge, 1992.

---. "Rethinking Legal Ideals After Deconstruction." Law's Madness. Ed. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey. Univ. Michigan Press, 2003.

---. "Violence of the Masquerade: Law Dressed up as Justice," orig. pub. with many other comparable essays in special issue on human rights in Cardozo Law Review. 11:5/6 (1990): 1047-1064.

Culler, Jonathan. "Resisting Theory." Cardozo Law Review. 11:5/6 (1990):1565-84.

Dalmayr, Fred. "Hermeneutics and the Rule of Law." Cardozo Law Review. 11:5/6 (1990):1449-70.

D'Amato, Anthony, "Ultimate Injustice: When a Court Misstates the Facts," Cardozo Law Review. 11:5/6 (1990): 1313-48.

DeMartino, G. "Realizing Class Justice." Rethinking Marxism. 15.1 (2003): 1-31.

Derrida, "The Force of Law: The 'Mystical Foundation of Authority,'" Deconstruction and the Possibility of Justice, ed. Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson, Routledge, 1992, 3-67; orig. pub. with many other comparable essays in special issue on human rights in Cardozo Law Review. 11:5/6 (1990): 921-1045.

Dillon, Michael. "Another Justice." Political Theory. 27.2 (1999): 155-75.

Foucault, Michel. "Illegality and Delinquency." Discipline and Punish: The Birth of the Prison. Trans. Alan Sheridan. Vintage, 1977 (1975). 257-92.

Fraser, Nancy. "From Redistribution to Recognition? Dilemmas of Justice in a 'Postsocialist' Age," Justice Interruptus: Critical Reflections on the "Postsocialist" Condition, Routledge, 1997, 11-40. (orig. pub. New Left Review, 212 (\*1995): 68-93.)

---. "Culture, Political Economy, and Difference: On Iris Young's Justice and the Politics of Difference," Justice Interruptus: Critical Reflections on the "Postsocialist" Condition, Routledge, 1997, 189-206. (orig. pub. Jnl. Of Pol. Philo., 3.2 (1995): 166-80.

Gates, Henry Louis. "Statistical Stigmata," Cardozo Law Review. 11:5/6 (1990): 1275-90.

Heller, Agnes. "Rights, Modernity, Democracy," Cardozo Law Review. 11:5/6 (1990): 1377-92.

Keenan, Thomas. "The Impossibility of Justice." Fables of Responsibility: Aberrations and Predicaments in Ethics and Politics. Stanford UP, 1997. (orig. pub. as "Deconstruction and the Impossibility of Justice," Cardozo Law Review. 11:5/6 (1990): 1675-86.

LaCapra, Dominick. "Violence, Justice, and the Force of Law," Cardozo Law Review. 11:5/6 (1990): 1065-78.

\*Lyotard, Jean François. PostmodernCondition, U.Minnesota Pr., 1984, 66

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Mouffe, Chantal. "Which Ethics for Democracy?" in The Turn to Ethics. Ed. Marjorie Garber, et al. Routledge, 2000. 85-94.

Moyn, Samuel, "This Seeming Brow of Justice," The Nation, 11-18-09 (online; 12-7-09 print ed), review of Michael Sandel's Justice, and Amartya Sen's The Idea of Justice.

\*Nancy, The Creation of the World, or, Globalization. Trans. François Ruffoul and David Pettigrew. 2007.

Rancière, Jacques. "Should Democracy Come? Ethics and Politics in Derrida." In Derrida and the time of the Political. Ed. Pheng Cheah and Suzanne Guerlac. Duke UP, 2008. 274-88.

Rosenfeld, Michel, "Deconstruction and Legal Interpretation: Conflict, Indeterminacy and the Temptations of the New Legal Formalism," Cardozo Law Review. 11:5/6 (1990): 1211-59.

Saled, Renata. The Spoils of Freedom. Opening Out. Routledge, 1994. Argues that there is a split between law and justice (impossible); Keenan, Fables, 201, n 45.

Smith, Barbara Herrnstein, "Judgment after the Fall," Cardozo Law Review. 11:5/6 (1990): 1291-1312.

Spivak, Critique of Postcolonial Reason. 199, 246-7, 426-7, 395-8;

Taylor, Mark C. "Desire of Law - Law of Desire," Cardozo Law Review. 11:5/6 (1990): 1269-74.

Watson, Stephen. "On the Critical Tribunal," Cardozo Law Review. 11:5/6 (1990): 1449-70.

Weber, Samuel. "In the Name of the Law." Cardozo Law Review. 11:5/6 (1990): 1515-39.

Wolfe, Alan. "Algorithmic Justice," Cardozo Law Review. 11:5/6 (1990): 1393-1408.

Ziarek, Ewa Płonowska, An Ethics of Dissensus: Postmodernity, Feminism, and the Politics of Radical Democracy, Stanford UP, 2001, p. 63-67, 83-5, 92-4, 104-8, 115-17, 205-8.