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| 1. Record Nr.           | UNICAMPANIASUN0062907                                     |
| Autore                  | Coviello, Nicola  |
| Titolo                  | 13: Della trascrizione 1 / per l'avvocato Nicola Coviello |
| Pubbl/distr/stampa      | 503 p. ; 23 cm  |
| Edizione                | [Napoli : Marghieri]                                      |
| Descrizione fisica      | Biblioteca Lauria.  |
| Soggetti                | trascrizione  |
| Lingua di pubblicazione | Italiano  |
| Formato                 | Materiale a stampa  |
| Livello bibliografico   | Monografia  |
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| Autore                  | Ben-Dor Oren  |
| Titolo                  | Constitutional limits and the public sphere : a critical study of Bentham's contitutionalism / / Oren Ben-Dor |
| Pubbl/distr/stampa      | Oxford ; ; Portland, Oregon : , : Hart Publishing, , 2000   |
| ISBN                    | 1-4725-6220-8<br>1-280-80761-X<br>9786610807611<br>1-84731-016-8  |
| Edizione                | [1st ed.]   |
| Descrizione fisica      | 1 online resource (350 p.)  |
| Disciplina              | 342/.001  |
| Soggetti                | Constitutional law - Philosophy<br>Utilitarianism<br>Electronic books.  |
| Lingua di pubblicazione | Inglese   |
| Formato                 | Materiale a stampa  |
| Livello bibliografico   | Monografia  |
| Note generali           | Description based upon print version of record.   |
| Nota di bibliografia    | Includes bibliographical references (pages [313]-325) and index.  |
| Nota di contenuto       | Chapter 1. Introduction -- Part 1. A Reconstruction of Bentham's  |

Constitutionalism. Chapter 2. Sovereignty and the Nature of the Normativity of Law ; Chapter 3. The Relativity and Plurality of Sovereignty ; Chapter 4. The Role of the People in determining Constitutional Limits I ; Chapter 5. The Role of the People in determining Constitutional Limits II ; Chapter 6. The Public Opinion Tribunal - an Analysis of Consensus Formation and the Evolution of Communities -- Part 2. Utility, Indeterminacy and Harm. Chapter 7. The Dynamic Connection between Ethics and Politics ; Chapter 8. Contemporary Attempts to Bridge the Gap between Ethics and Politics.

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## Sommario/riassunto

"The place of utility as a critical theory of human existence has been largely discredited and its potential undermined in the course of modern debates in ethical, political and legal theory. The central intuition that guides the argument of this book is that both the technical and reductionist methodology associated with utilitarianism do not do justice to the theory which identifies the maximisation of pleasure as the most fundamental self-interest of man. Enlarging upon this intuition, the book is mainly concerned with critical constitutionalism. Based on a close reading of Bentham's unpublished and recently published texts, the argument in the first part shows that a critical analysis of constitutionally limited government formed a central theme of Bentham's utilitarian enterprise. The theme of the author's reconstruction is that, for Bentham, constitutional limits signified socially dynamic relationships within the public sphere and between this sphere and a centralised coercive authority. Because this relationship is socially dynamic, the ever-changing communal-based conception of harm constantly transforms the relationship between law and the community which it governs. This feature reappears in many layers of Bentham's thought, such as his theory of sovereignty, the duty to obey the law, and the motivational basis for forming and transforming a conception of harm within the public sphere. Even the most revisionist of Bentham scholars fail to capture this central unifying theme in Bentham's writings. The second part of the book further develops this reconstruction. It argues that an underdeveloped insight of critical importance characterised Bentham's utilitarianism. This insight helps to elucidate the transient and dynamic connection of ethics to politics. In critically reviewing five contemporary accounts of this connection, utility is shown to have closer affinities with communitarianism. However as a critical theory, utility has more in common with the Habermasian notion of communication and intersubjectivity than with Humean conventionalism. The utilitarian critic is in a position to transcend not only the simple hedonism with which utilitarianism has always been associated, but also the historically-ridden perspectives which potentially dogmatise the range of human possibilities under a received conception of harm."--Bloomsbury Publishing.

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