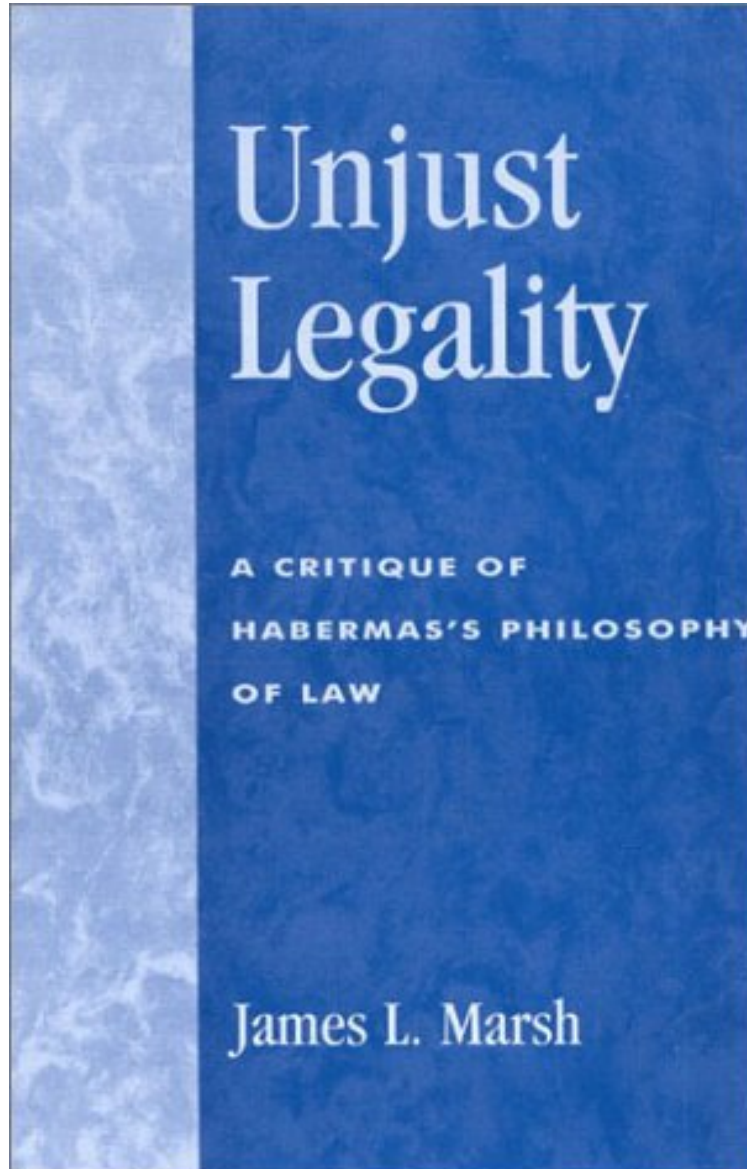


(Free) Unjust Legality: A Critique of Habermas's Philosophy of Law (New Critical Theory)

Unjust Legality: A Critique of Habermas's Philosophy of Law (New Critical Theory)

James L. Marsh

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James L. Marsh : Unjust Legality: A Critique of Habermas's Philosophy of Law (New Critical Theory) before purchasing it in order to gage whether or not it would be worth my time, and all praised Unjust Legality: A Critique of

Habermas's Philosophy of Law (New Critical Theory):

This book is an interpretation and critique of Habermas's philosophy of law in his *Between Facts and Norms*. The main point is that, while Habermas is insightful in laying out a new conceptual and methodological foundation for the philosophy of law, the book is flawed by a fundamental contradiction: that between the notion of a democracy ruled by law and capitalism. Because capitalism is essentially undemocratic both in its internal economic workings and its intended, structural effect on culture and politics, it must adversely affect the most important institutions in western democratic society, the legislature, judiciary, state administration, and public sphere. As a result, instead of a nation effectively 'of, by, and for the people,' there exists one that is essentially 'of, by, and for capital.'

Professor Marsh, a self-styled 'disillusioned Habermasian,' offers a careful, somber 'reality check' to the comparatively favorable vision of contemporary society that Habermas presents in his significant work, *Between Facts and Norms*. At the same time, the ultimate, and in fact quite successful, aim of Marsh's analysis is the positive one of reworking Habermas' own best insights back in the direction of a genuinely critical theory of modern society.... (William L. McBride, Purdue University) Marsh has produced an outstanding and accessible text that provides a badly needed left critique of Habermas' philosophy of law. (Science Society) Marsh displays an impressive mastery of Habermas's texts that few others have attained. His commentary on *Between Facts and Norms* is exceptionally clear and jargon-free, not to mention chock full of illuminating examples and references to the real world. Above all, its sympathetic treatment of the basic project of Habermas's masterpiece is judiciously balanced by a critique of Habermas's failure to consistently carry that project through to the end.... (David Ingram, Loyola University, Chicago) Marsh displays an impressive mastery of Habermas's texts that few others have attained. His commentary on *Between Facts and Norms* is exceptionally clear and jargon-free, not to mention chock full of illuminating examples and references to the real world. Above all, its sympathetic treatment of the basic project of Habermas's masterpiece is judiciously balanced by a critique of Habermas's failure to consistently carry that project through to the end. (David Ingram, Loyola University, Chicago) Professor Marsh, a self-styled 'disillusioned Habermasian,' offers a careful, somber 'reality check' to the comparatively favorable vision of contemporary society that Habermas presents in his significant work, *Between Facts and Norms*. At the same time, the ultimate, and in fact quite successful, aim of Marsh's analysis is the positive one of reworking Habermas' own best insights back in the direction of a genuinely critical theory of modern society. (William L. McBride, Purdue University) About the Author James L. Marsh is professor of philosophy at Fordham University in Bronx, New York. He is the author of several books such as *Modernity and Its Discontents* and *Critique, Action, and Liberation*.