

Procedural Justice

Allocating to Individuals

by Michael D. Bayles

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Issues of procedural justice pervade society from the allocation of students grades to the imposition of professional discipline, from the determination of eligibility for government benefits to the distribution of salary increases in private employment. No matter what the substantive standards or norms for such decisions, the procedures used can be just or unjust and can affect outcomes in an important way. Philosophers, however, have neglected procedural justice. This book is the first philosophical examination of the justice of procedures for the allocation of burdens and benefits to individuals.

Part I draws on administrative and common law to develop traditional principles. It examines principles of impartiality, opportunity to be heard, the grounds for decisions, and the formal justice of consistency, adherence to precedent, and conformity to rules. Part II presents a theory of procedural justice. It develops a fundamental norm for evaluating procedures, criteria for the legal requirement of procedures, and criteria for the use of decision-making models with different procedural principles.

Part III then applies the theory to professional discipline and employment decisions.

Procedural Justice will interest philosophers concerned with law or ethics. It will also appeal to scholars with a theoretical interest in administrative law. The issues it addresses – what the principles of procedural justice are, when they apply and what they require – touch everyone in modern society.

Contents

Editorial Preface. List of Abbreviations. 1. Introduction. **Part I: Traditional Principles.** 2. Impartiality. 3. Opportunity to be heard. 4. Grounds for Decisions. 5. Formal Justice. **Part II: Theory.** 6. A Theoretical Justification. 7. The Limits of Law. 8. Alternative Decision-Making Models. **Part III: Applications.** 9. Professional Discipline. 10. Employment Decisions. Works Cited. Table of Cases. Index.

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Legal Issues in International Trade

edited by **Petar Šarčević, Hans van Houtte**

The manner in which states and international organizations regulate international trade is so complex that it would be of little practical use to present a comprehensive survey of the subject matter. In fact, no global system which encompasses all the relevant matters presently regulated by various authorities dispersed over the face of the planet yet exists. Consequently, this book highlights specific issues of crucial importance to the development of the liberal international trade regime established under the General Agreement. This volume reflects the topics discussed by experts from international organizations, practitioners and scholars who gathered at the Inter-University Centre in Dubrovnik to explore the new tendencies in trade liberalization triggered by protectionist measures introduced largely outside the framework of GATT, in particular the non-tariff trade-distortion measures instituted after the Tokyo Round. In the fight against the so-called new protectionism, rules are needed which will maintain discipline and guarantee equal opportunities for all the participants involved in international trade. This book shows that such a rule-making process has commenced, yet makes clear that further sophistication will be required in the future.

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