

OBJECTIVITY IN LAW AND MORALS

Edited by
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CAMBRIDGE STUDIES IN
PHILOSOPHY AND LAW

Objectivity In Law And Morals

Charles G. Finney



Objectivity In Law And Morals:

Objectivity in Law and Morals Brian Leiter, 2000-10-02 The seven original essays included in this volume offer a sophisticated perspective on issues about the objectivity of legal interpretation and judicial decision making They examine objectivity from both metaphysical and epistemological perspectives and develop a variety of approaches constructive and critical to the fundamental problems of objectivity in morality This is the first volume to consider the intersection between objectivity in ethics and the objectivity in law It presents a state of the art survey of live issues in metaethics and examines their relevance to theorizing about law and adjudication *Truth and Objectivity in Law and Morals II* André Ferreira Leite de Paula, Andrés Santacoloma Santacoloma, Gonzalo Villa Rosas, 2016 Objectivity and truth are highly contested issues in contemporary Legal and Moral Philosophy There are a full range of approaches from the very skeptic and pessimistic positions to the most contemplative and optimistic conceptions which defend their possibility not only within the theoretical but also within the practical thought Any possible approach should be diverse enough in order to integrate among others the concepts of facts existence justifiability language emotions disagreement and a degree of relatedness between law and morals This book addresses these topics from various points of view It is comprised of a selection of the papers presented at the Second Special Workshop Truth and Objectivity in Law and Morals held at the 27th World Congress of the IVR in Washington D C USA 2015 The compilation is divided into four parts that focus on objectivity and truth in law legal reasoning and Kelsen s Theory of Law as well as objectivity and truth in morals **Objectivity and the Rule of Law** Matthew Kramer, 2007-06-11 What is objectivity What is the rule of law Are the operations of legal systems objective If so in what ways and to what degrees are they objective Does anything of importance depend on the objectivity of law These are some of the principal questions addressed by Matthew H Kramer in this lucid and wide ranging study that introduces readers to vital areas of philosophical enquiry As Kramer shows objectivity and the rule of law are complicated phenomena each comprising a number of distinct though overlapping dimensions Although the connections between objectivity and the rule of law are intimate they are also densely multi faceted Truth and Objectivity in Law and Morals Hajime Yoshino, Andrés Santacoloma Santacoloma, Gonzalo Villa Rosas, 2016 **Objectivity in Ethics and Law** Michael S. Moore, 2004 This volume collects six of Michael Moore s influential studies on moral and legal objectivity Presented in an accessible format the essays are brought together by a thought provoking introduction Contents Introduction ETHICS Moral reality Moral reality revisited Good without God LAW Law as justice The plain truth about legal truth Legal reality a naturalist approach to legal ontology NAME INDEX Positive Law and Objective Values Andrei Marmor, 2001 This book presents a comprehensive defence of legal positivism on the basis of a novel account of social conventions Marmor argues that the law is founded on constitutive conventions and that consequently moral values cannot determine what the law is The Ethics of Deference Philip Soper, 2002-10-24 Differs from standard approaches by focusing on the language of deference instead of obedience

Essays in Legal Philosophy Eugenio Bulygin, 2015-07-09 Eugenio Bulygin is a distinguished representative of legal science and legal philosophy as they are known on the European continent no accident given the role of the civil law tradition in his home country Argentina Over the past half century Bulygin has engaged virtually all major legal philosophers in the English speaking countries including H L A Hart Ronald Dworkin and Joseph Raz Bulygin's essays several written together with his eminent colleague and close friend Carlos E Alchourrón reflect the genre familiar from Alf Ross's *On Law and Justice* Hans Kelsen's *Pure Theory of Law* and Georg Henrik von Wright's *Norm and Action* Bulygin's wide ranging interests include most of the topics found under the rubric of analytical jurisprudence interpretation and judicial reasoning validity and efficacy of law legal positivism and the problem of normativity completeness and consistency of the legal system the nature of legal norms and the role of deontic logic in the law The reader will take delight in the often agreeably unorthodox character of Bulygin's views and in his hard hitting arguments in defence of them He challenges the received opinion on gaps in the law on legal efficacy on permissive norms and on the criteria for legal validity Bulygin's essays have been wellnigh inaccessible in the past appearing in specialized journals often in Spanish or German They are now available for the first time in an English language collection

Objectivity in Law Nicos Stavropoulos, 1996 The question of objectivity in legal interpretation has emerged in recent years as a highly important topic in contemporary jurisprudence This original book addresses the issue of how and in what sense legal interpretation can be objective The author supports the possibility of objectivity in law and spells out the content of objectivity involved He then provides a comprehensive defence against the classical as well as less well known objections to the possibility of objectivity in legal interpretation The discussion is firmly grounded in metaphysics which sets the book apart from other similar discussions in jurisprudence Stavropoulos identifies an important source of resistance to acceptance of the possibility of objectivity in legal interpretation a widely held but faulty semantic He then develops an alternative semantic framework which draws on influential theories in contemporary philosophy The book shows that objectivism is a natural commonsensical position and rejects the currently popular notion that objectivism requires extravagant or bizarre metaphysics Furthermore the discussion presents the opportunity to reinterpret major debates in jurisprudence and to show how influential theories notably H L A Hart's and Ronald Dworkin's bear on that central issue

Law and Interpretation Andrei Marmor, 1995 Interest in interpretation has emerged in recent years as one of the main intellectual paradigms of legal scholarship This collection of new essays in law and interpretation provides the reader with an overview of this important topic written by some of the most distinguished scholars in the field The book begins with interpretation as a general method of legal theorizing and thus provides critical assessment of the recent interpretative turn in jurisprudence Further chapters include essays on the nature of interpretation its objectivity the possible determinacy of legal standards and their nature Concluding with a series of articles on the role of legislative intent in the interpretation of statutes this work offers new and refreshing insights into this old controversy

Finney's Lectures

on Systematic Theology Charles G. Finney, 1878 Moral Values Walter Goodnow Everett, 1918 **Our Knowledge of the Law** George Pavlakos, 2007 In the long standing debate between positivism and non positivism legal validity has always been a subject of controversy While positivists deny that moral values play any role in the determination of legal validity non positivists affirm the opposite thesis In departing from this narrow point of view the book focuses on the notion of legal knowledge Apart from what one takes to constitute the grounds of legal validity there is a more fundamental issue about cognitive validity how do we acquire knowledge of whatever is assumed to constitute the elements of legal validity When the question is posed in this form a fundamental shift takes place Given that knowledge is a philosophical concept for anything to constitute an adequate ground for legal validity it must satisfy the standards set by knowledge In exploring those standards the author argues that knowledge is the outcome of an activity of judging which is constrained by reasons reflexive While these reasons may vary with the domain of judging the reflexive structure of the practice of judging imposes certain constraints on what can constitute a reason for judging Amongst these constraints are found not only general metaphysical limitations but also the fundamental principle that one with the capacity to judge is autonomous or in other words capable of determining the reasons that form the basis of action One sees as soon as autonomy has been introduced into the parameters of knowledge that law is necessarily connected with every other practical domain The author shows in the end that the issue of knowledge is orthogonal to questions about the inclusion or exclusion of morality for what really matters is whether the putative grounds of legal validity are appropriate to the generation of knowledge The outcome is far more integral than much work in current theory neither an absolute deference to either universal moral standards or practice independent values nor a complete adherence to conventionality and institutional arrangements will do In suggesting that the current positivism versus non positivism debate when it comes to determining law s nature misses the crux of the matter the book aims to provoke a fertile new debate in legal theory *The Decennial Publications of the University of Chicago* University of Chicago, 1903 **Canadian Philosophical Reviews** ,2001 **Law and Objectivity** Kent Greenawalt, 1995-06-29 A third involves appropriate levels of generality for legal standards and the claim of some feminists that in its abstractness and generality the law is overly masculine **Law, Morality and Judicial Reasoning** Thomas Bustamante, Saulo de Matos, André L. S. Coelho, 2024-08-28 This book provides a critical outlook on and an inquiry into the practical implications of the works of Professor W J Waluchow one of the most important jurisprudence scholars of the early twenty first century while also reflecting on the interconnections between his legal theory and his theory of constitutional interpretation It also features an interview with Waluchow in which he responds to some of the chapters and shares a first person perspective on his main philosophical ideas how they emerged and how they can be further developed and applied The book makes a valuable contribution to contemporary legal philosophy by asking and providing different answers from prominent legal philosophers and newer scholars in the field to questions such as How does Waluchow s jurisprudence relate to his theories of legal

reasoning and constitutional interpretation On what terms should we understand inclusive legal positivism Can inclusive legal positivism be reconciled with an interpretivist theory of adjudication How does it compare with Raz s model of legal authority Can Waluchow s notion of community constitutional morality be applied to contexts such as international law pluralist legal communities and indigenous laws and Is Waluchow s methodology equipped to provide interpretive directives in unstable and extremely unequal legal systems The chapters all written by experts on jurisprudence including some of the scholars who helped develop the tradition known as inclusive legal positivism offer a unique analysis of Waluchow s most complex and intriguing theses providing not only a valuable exegetical analysis of his work but also a range of answers to the challenge of interpreting legal and constitutional values as well as practical resolutions to persisting controversies in the philosophy of law

Studies in Logical Theory John Dewey,1903 **Engaging Raz** ,2025-05-22 Joseph Raz 1939 2022 was a towering figure in late 20th century and early 21st century analytical philosophy His work in moral political and legal philosophy profoundly influenced the discipline informing debates about practical reasoning value theory foundations of liberalism personal autonomy perfectionism the nature of authority theories of rights free expression multiculturalism the nature of promises the rule of law toleration and pluralism and the nature of law among others This collection the product of two highly selective international conferences held in Raz s honour soon after his passing pays tribute to Raz s enormous influence in moral political and legal philosophy The collected essays all engage with Raz s work but not necessarily as critiques or interpretations of his work The collection is a testament to Raz s impact direct and indirect on a wide range of philosophical issues and on a large and diverse set of philosophical communities The overarching themes tackled in the collection include 1 Normativity and Values 2 Practical Reasoning 3 Agency and Autonomy 4 Rights and Obligations 5 The Public Domain and 6 Authority Contributors include both leading figures and rising stars

The Principles of Moral Science Walter McDonald,1903

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Table of Contents Objectivity In Law And Morals

1. Understanding the eBook Objectivity In Law And Morals
 - The Rise of Digital Reading Objectivity In Law And Morals
 - Advantages of eBooks Over Traditional Books
2. Identifying Objectivity In Law And Morals
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Objectivity In Law And Morals
 - User-Friendly Interface
4. Exploring eBook Recommendations from Objectivity In Law And Morals

- Personalized Recommendations
 - Objectivity In Law And Morals User Reviews and Ratings
 - Objectivity In Law And Morals and Bestseller Lists
5. Accessing Objectivity In Law And Morals Free and Paid eBooks
 - Objectivity In Law And Morals Public Domain eBooks
 - Objectivity In Law And Morals eBook Subscription Services
 - Objectivity In Law And Morals Budget-Friendly Options
 6. Navigating Objectivity In Law And Morals eBook Formats
 - ePub, PDF, MOBI, and More
 - Objectivity In Law And Morals Compatibility with Devices
 - Objectivity In Law And Morals Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Objectivity In Law And Morals
 - Highlighting and Note-Taking Objectivity In Law And Morals
 - Interactive Elements Objectivity In Law And Morals
 8. Staying Engaged with Objectivity In Law And Morals
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Objectivity In Law And Morals
 9. Balancing eBooks and Physical Books Objectivity In Law And Morals
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Objectivity In Law And Morals
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Objectivity In Law And Morals
 - Setting Reading Goals Objectivity In Law And Morals
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Objectivity In Law And Morals

- Fact-Checking eBook Content of Objectivity In Law And Morals
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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Objectivity In Law And Morals :

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