

PHILOSOPHY OF LAW

ANDREI MARMOR

PRINCETON FOUNDATIONS OF
CONTEMPORARY PHILOSOPHY

Philosophy Of Law Princeton Foundations Of Contemporary Philosophy

Wilfrid J. Waluchow, Stefan Sciaraffa



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Philosophy of Law Andrei Marmor, 2014-12-21 In *Philosophy of Law* Andrei Marmor provides a comprehensive analysis of contemporary debates about the fundamental nature of law an issue that has been at the heart of legal philosophy for centuries What the law is seems to be a matter of fact but this fact has normative significance it tells people what they ought to do Marmor argues that the myriad questions raised by the factual and normative features of law actually depend on the possibility of reduction whether the legal domain can be explained in terms of something else more foundational in nature In addition to exploring the major issues in contemporary legal thought *Philosophy of Law* provides a critical analysis of the people and ideas that have dominated the field in past centuries It will be essential reading for anyone curious about the nature of law

Philosophical Foundations of Language in the Law Andrei Marmor, Scott Soames, 2013-01-31 This collection brings together the best contemporary philosophical work in the area of intersection between philosophy of language and the law Some of the contributors are philosophers of language who are interested in applying advances in philosophy of language to legal issues and some of the participants are philosophers of law who are interested in applying insights and theories from philosophy of language to their work on the nature of law and legal interpretation By making this body of recent work available in a single volume readers will gain both a general overview of the various interactions between language and law and also detailed analyses of particular areas in which this interaction is manifest The contributions to this volume are grouped under three main general areas The first area concerns a critical assessment in light of recent advances in philosophy of language of the foundational role of language in understanding the nature of law itself The second main area concerns a number of ways in which an understanding of language can resolve some of the issues prevalent in legal interpretation such as the various ways in which semantic content can differ from law's assertive content the contribution of presuppositions and pragmatic implicatures in understanding what the law conveys the role of vagueness in legal language for example The third general topic concerns the role of language in the context of particular legal doctrines and legal solutions to practical problems such as the legal definitions of inchoate crimes the legal definition of torture or the contractual doctrines concerning default rules Together these three key issues cover a wide range of philosophical interests in law that can be elucidated by a better understanding of language and linguistic communication

New Essays on the Normativity of Law Stefano Bertea, George Pavlakos, 2011-08-10 An important part of the legal domain has to do with rule governed conduct and is expressed by the use of notions such as norm obligation duty and right These require us to acknowledge the normative dimension of law Normativity is accordingly to be regarded as a central feature of law lying at the heart of any comprehensive legal theoretical project The essays collected in this book are meant to further our understanding of the normativity of law More specifically the book stages a thorough discussion of legal normativity as approached from three strands of legal thought that are particularly influential and which play a key role in

shaping debates on the normative dimension of law the theory of planning agency legal conventionalism and the constitutivist approach While the essays presented here do not aspire to give an exhaustive picture of these debates an aspiration that would be by its very nature unrealistic they do provide the reader with some authoritative statements of some widely discussed families of views of legal normativity In pursuing this objective these essays also encourage a dialogue between different traditions of study of legal normativity stimulating those who would not otherwise look outside their tradition of thought to engage with new ideas and ultimately to arrive at a more comprehensive account of the normativity of law

A Culture of Engagement Cathleen Kaveny, 2016-03-01 Religious traditions in the United States are characterized by ongoing tension between assimilation to the broader culture as typified by mainline Protestant churches and defiant rejection of cultural incursions as witnessed by more sectarian movements such as Mormonism and Hassidism However legal theorist and Catholic theologian Cathleen Kaveny contends there is a third possibility a culture of engagement that accommodates and respects tradition It also recognizes the need to interact with culture to remain relevant and to offer critiques of social political legal and economic practices Kaveny suggests that rather than avoid the crisscross of the religious and secular spheres of life we should use this conflict as an opportunity to come together and to encounter challenge contribute to and correct one another Focusing on five broad areas of interest Law as a Teacher Religious Liberty and Its Limits Conversations about Culture Conversations about Belief and Cases and Controversies Kaveny demonstrates how thoughtful and purposeful engagement can contribute to rich constructive and difficult discussions between moral and cultural traditions This provocative collection of Kaveny s articles from Commonweal magazine substantially revised and updated from their initial publication provides astonishing insight into a range of hot button issues like abortion assisted suicide government sponsored torture contraception the Ashley Treatment capital punishment and the role of religious faith in a pluralistic society At turns masterful and inspirational A Culture of Engagement is a welcome reminder of what can be gained when a diversity of experiences and beliefs is brought to bear on American public life

Pragmatics and Law Alessandro Capone, Francesca Poggi, 2016-05-02 This volume highlights important aspects of the complex relationship between common language and legal practice It hosts an interdisciplinary discussion between cognitive science philosophy of language and philosophy of law in which an international group of authors aims to promote enrich and refine this new debate Philosophers of law have always shown a keen interest in cognitive science and philosophy of language in order to find tools to solve their problems recently this interest was reciprocated and scholars from cognitive science and philosophy of language now look to the law as a testing ground for their theses Using the most sophisticated tools available to pragmatics sociolinguistics cognitive sciences and legal theory an interdisciplinary international group of authors address questions like Does legal interpretation differ from ordinary understanding Is the common pragmatic apparatus appropriate to legal practice What can pragmatics teach about the concept of law and pervasive legal phenomena such as testimony or legal

disagreements *Global Responsible Intergenerational Leadership* Julia M. Puauschunder, 2018-01-01 Today's grand policy dilemmas from climate change to over indebtedness to demographic shifts have momentous long term implications Future generations will be constrained by our present decisions to an extent that is without precedent in advanced capitalist democracies This book is an extensively researched and reasoned appeal in favor of intergenerational fairness the ability to provide to future generations an at least as favorable standard of living as that enjoyed today Intergenerational equity is an essential consideration in finding lasting solutions to the multifaceted crises of our time As an implicit contract and transfer between living and future generations intergenerational equity avoids discriminating against future generations The book aims to theoretically define intergenerational equity and to frame it as a natural behavioral law capturing human ethicality bounds It follows a long and distinguished tradition of scholarly discourse in turning to natural law for solutions to major social predicaments Outlining some of the causes of the current intergenerational imbalances regarding climate change and over indebtedness it sets the basis for understanding their drivers and implications A central proposition is that the natural human drive towards intergenerational fairness can be the basis for the necessary behavioral responses the human imbued moral compass of natural law can be a useful complement if not alternative to public policy This book fills an important gap Despite a resurgence of literature the economic and social dimensions of intergenerational equity remain underexplored Existing literature misses a holistic ethical framework of decision making failures that addresses intergenerational concerns Whilst evolutionary grounded intergenerational fairness has not been recognized as a natural behavioral law a human imbued drive being bound by human fallibility Practical implications and recommendations in advancing an agenda for the advancement of intergenerational equity are provided Attention is drawn to the problem of providing the required leadership to promote the idea of intergenerational equity as a guiding principle in corporate social and policy action This book contributes both theoretical and practical insights and will be of interest to economists sociologists public policy makers and corporate executives tasked with tackling the most pressing contemporary challenges of mankind *Philosophical Foundations of the Nature of Law* Wilfrid J. Waluchow, Stefan Sciaraffa, 2013-03-14 This volume examines power sharing agreements their legitimacy and their compatibility with human rights law Providing a clear accessible introduction to the political science and human rights law on the issue the book is an invaluable guide to all those engaged with transitional justice peace agreements and human rights Intergenerational Responsibility in the 21st Century Julia M. Puauschunder, 2019-10-03 Intergenerational responsibility is multi faceted This edited volume reflects intergenerational aspects in light of spatial age and racial segregation global warming and the aging Western world population Intergenerational global governance is addressed in the era of globalization and migration The intergenerational glue intergenerational crises resilience strategies and intergenerational responses to external shocks serve as innovative global responsibility implementation guidelines in the international arena Fostering intergenerational harmony through

intergenerational income mobility and intergenerational opportunities environmental protection and sustainable development aids alleviate the most pressing contemporary challenges of humankind Overall this interdisciplinary and applied contribution to the scholarship on intergenerational responsibility supports the leadership and management of global governance agency in the private and public sectors *Systematic Theology as a Rationally Justified Public Discourse about God* Michael Agerbo Mørch, 2023-01-23 For centuries it has been discussed whether systematic theology is a scientific discipline But it is not obvious what is meant by either systematic theology or scientific discipline Michael Agerbo Mørch presents an understanding of systematic theology as a tripartite discipline and science as a rationally justified public discourse about a given topic Systematic theology is shown to meet the most generally accepted criteria for scientific work since its theories can be tested and even falsified in an intersubjective setting This can be done by the most proper tool we have for assessing and comparing scientific theories which is coherence theory Therefore even though systematic theology is a distinct and normative discipline it is not compromising for its theories because it can present its theses in a transparent way that can be checked and criticized by peers and compared to relevant alternatives As such the book shows that systematic theology is a scientifically strong discourse that meets accepted criteria to the same degree as other disciplines

Corporate and Financial Intergenerational Leadership Julia Margarete Puaschunder, 2019-12-03 Intergenerational predicaments of climate change over indebtedness and demographic aging of the Western world population put pressure on future generations As such this book explores how corporate and financial social responsibility can leverage intergenerational harmony The concept of responsibility is shown to underlie the international emergence of Corporate Social Responsibility CSR while the book also describes the rise of Socially Responsible Investment SRI in the international arena and the intrinsic socio psychological motives of socially responsible investors As shown here in this age of climate change over indebtedness and demographic aging future corporate and financial intergenerational leadership may continue to embrace social responsibility in order to ensure a sustainable future for humankind **The Oxford Handbook of the Sources of International Law** Jean d'Aspremont, Samantha Besson, Sévrine Knuchel, 2017-10-19 The question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from And more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end This is the static question of the pedigree of international legal rules and the boundaries of the international legal order Second what are the processes through which these rules are made This is the dynamic question of the making of these rules and of the exercise of public authority in international law The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law It provides an accessible and systematic overview of the key issues and debates around the sources of international law It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing

to understand one of its most foundational questions This Handbook features original essays by leading international law scholars and theorists from a range of traditions nationalities and perspectives reflecting the richness and diversity of scholarship in this area

The Philosophy of Law Christopher Berry Grey,2013-07-04 From articles centering on the detailed and doctrinal exposition of the law to those which reside almost wholly within the realm of philosophical ethics this volume affords comprehensive treatment to both sides of the philosophico legal equation Systematic and sustained coverage of the many dimensions of legal thought gives ample expression to the true breadth and depth of the philosophy of law with coverage of The modes of knowing and the kinds of normativity used in the law Studies in international constitutional criminal administrative persons and property contracts and tort law including their historical origins and worldwide ramifications Current legal cultures such as common law and civilian European and Aboriginal Influential jurisprudents and their biographies All influential schools and methods

The Cambridge Companion to Legal Positivism Torben Spaak,Patricia Mindus,2021-02-04 Legal positivism is one of the fundamental theories of jurisprudence studied in law and related fields around the world This volume addresses how legal positivism is perceived and makes the case for why it is relevant for contemporary legal theory The Cambridge Companion to Legal Positivism offers thirty three chapters from leading scholars that provide a comprehensive commentary on the fundamental ideas of legal positivism its history and major theorists its connection to normativity and values its current development and influence as well as on the criticisms moved against it

The Concept of Law (lex) in the Moral and Political Thought of the 'School of Salamanca' Danaë Simmermacher,Kirstin Bunge,Marko J. Fuchs,Anselm Spindler,2016-10-05 Scholarship on the moral and political philosophy of the School of Salamanca has either long been emphasizing the discontinuity between medieval and modern philosophy and the way this discontinuity is represented in the works of these authors or discussing issues of moral justification that are often seen as the heart of early modern practical philosophy This volume offers a fresh perspective by focusing on the concept of law This allows for an in depth analysis of a variety of normative issues in the authors moral and political thought It also suggest a more continuous picture of the transition from medieval to modern philosophy and proposes a more nuanced view of the importance of political concepts in the authors s practical philosophy

The Oxford Handbook of the History of Ethics Roger Crisp,2013-01-31 This original and comprehensive volume explores the history of philosophical ethics in the western tradition from Homer until the present day Leading experts in the field use their expertise and specialist knowledge to illuminate key subjects and ideas in contemporary ethics and survey the history of the discipline

The Ontological Foundation of Ethics, Politics, and Law Francesco Belfiore,2013-03-25 The revised edition of The Ontological Foundation of Ethics Politics and Law adds new concepts and discusses the views of additional thinkers The author refers to his basic ontological conception of the human mind or spirit as an evolving conscious triadic entity composed of intellect sensitivity and power each exerting a bidirectional selfish and moral activity Through this approach the notions of good morality society

and law are derived from the structure and functioning of the mind It follows that the solutions presented are the results of a discovery and not the consequence of a choice Otherwise stated ethics politics and law are given an ontological foundation For each topic considered Belfiore shows how his thought can reinterpret the views of other philosophers This new edition enriched in concepts and quotations appears as an innovative and highly stimulating contribution to the philosophical branches of ethics politics and law and will be of interest to both graduate students and philosophy scholars

Proceedings and Addresses of the American Philosophical Association American Philosophical Association, 2012
List of members in v 1 **Vagueness and Law** Geert Keil, Ralf Poscher, 2016-12-01 Vague expressions are omnipresent in natural language As such their use in legal texts is virtually inevitable If a law contains vague terms the question whether it applies to a particular case often lacks a clear answer One of the fundamental pillars of the rule of law is legal certainty The determinacy of the law enables people to use it as a guide and places judges in the position to decide impartially Vagueness poses a threat to these ideals In borderline cases the law seems to be indeterminate and thus incapable of serving its core rule of law value In the philosophy of language vagueness has become one of the hottest topics of the last two decades Linguists and philosophers have investigated what distinguishes soritical vagueness from other kinds of linguistic indeterminacy such as ambiguity generality open texture and family resemblance concepts There is a vast literature that discusses the logical semantic pragmatic and epistemic aspects of these phenomena Legal theory has hitherto paid little attention to the differences between the various kinds of linguistic indeterminacy that are grouped under the heading of vagueness let alone to the various theories that try to account for these phenomena Bringing together leading scholars working on the topic of vagueness in philosophy and in law this book fosters a dialogue between philosophers and legal scholars by examining how philosophers conceive vagueness in law from their theoretical perspective and how legal theorists make use of philosophical theories of vagueness The chapters of the book are organized into three parts The first part addresses the import of different theories of vagueness for the law referring to a wide range of theories from supervenient to contextualist and semantic realist accounts in order to address the question of whether the law can learn from engaging with philosophical discussions of vagueness The second part of the book examines different vagueness phenomena The contributions in part 2 suggest that the greater awareness to different vagueness phenomena can make lawyers aware of specific issues and solutions so far overlooked The third part deals with the pragmatic aspects of vagueness in law providing answers to the question of how to deal with vagueness in law and with the professional political moral and ethical issues such vagueness gives rise to *Politics of the Islamic Tradition* Mohammed Moussa, 2015-10-05 Over the last two centuries the Muslim world has undergone dramatic transformations impacting the Islamic tradition and throwing into question our understanding of tradition The notion of tradition as an unmoving edifice is contradicted by the very process of its transmission and the complex role human beings play in creating and sustaining traditions is evident in the indigenous

mechanisms of change within the Islamic tradition Politics of the Islamic Tradition locates the work of Egyptian cleric Muhammad al Ghazali within the context of this dynamic Islamic tradition with special focus on his political thought Al Ghazali inherited a vast and diverse heritage which he managed to reinterpret in a changing world An innovative exploration of the change and continuity present within Muslim discourses this book brings together disparate threads of the Islamic tradition religious exegesis the contemporary Arab Middle East the Islamic state and idea of renewal in al Ghazali s thought As well as being one of the first complete treatments of al Ghazali s works this book provides an original critical approach to tradition and its capability for innovation and change countering the dichotomy between tradition and modernity that typically informs most scholarly studies on contemporary Islam Offering highly original insights into Islamic thought and engaging with critical notions of tradition this book is essential reading for students and scholars of Islamic Politics and History

Moral Psychology in History: From the Ancient to Early Modern Period Virpi Mäkinen, Simo Knuuttila, 2024-10-09

This book provides a comprehensive study of major issues of moral psychology throughout history from ancient to early modern philosophy The volume focuses primarily on the Western history of philosophy but also deals with Jewish and Islamic heritage The Introduction chapter lays out the historical background in broad strokes giving the reader the lay of the land when it comes to the terms of analysis and their overall development within the Western tradition of moral psychology The book continues by studying and analyzing moral anthropology moral agency and motivation virtues and social and political commitments taking a thematic approach in a specific time period and focus on the most unique and or fruitful discussions about a particular historically situated discussion when it comes to thinking about questions and or problems in the field of moral psychology Aimed at both a layman and academic audience this book is of great interest to a broad readership

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