

PHILOSOPHY
OF LAW

ANDREI MARMOR

PRINCETON FOUNDATIONS OF
CONTEMPORARY PHILOSOPHY

Philosophy Of Law Princeton Foundations Of Contemporary Philosophy

Brendan G. Carr



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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

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

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

Global Responsible Intergenerational Leadership Julia

M. Puaschunder, 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. Puaschunder, 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

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

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

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 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

Barriers to Entailment Gillian K. Russell, 2023-09-13 A barrier to entailment exists if you can't get conclusions of a certain kind from premises of another One of the most famous barriers in philosophy is Hume's Law which says that you can't get normative conclusions from descriptive premises or in slogan form you can't get an ought from an is This barrier is highly controversial and many famous counterexamples were proposed in the last century But there are other barriers which function almost as philosophical platitudes no Universal conclusions from Particular premises no Future conclusions from premises about the Past and no claims that attribute Necessity from premises that merely tell us how things happen to be in the Actual world Barriers to Entailment proposes a unified logical account of five barriers that have played important roles in philosophy in the process showing how to diagnose proposed counterexamples and arguing that the case for Hume's Law is as strong as that for the platitudinous barriers The first two parts of the book employ techniques from formal logic but present them in an accessible way suitable for any reader with some background in first order model theory of the kind that might be taught in a first class in logic Gillian Russell introduces tense modal indexical and deontic formal logics but always avoids unneeded complexity Each barrier is connected to broader philosophical topics universality time necessity context sensitivity and normativity Russell brings out under recognised connections between the domains and lays the groundwork for further work at the intersections The last part of the book transposes the formal work to informal barrier theses in the philosophy of language in the process doing new work on the concept of logical consequence and providing new responses to proposed informal counterexamples to Hume's Law which employ hard to formalise tools from natural language such as speech acts and thick normative expressions

Political Thought in the French Wars of Religion Sophie Nicholls, 2021-05-13 Through its close critical reading of the political treatises and polemical literature produced in France in the sixteenth century this book offers a valuable new contribution to the intellectual history of the Early Modern era Sophie Nicholls analyses the political thought of the theologians and jurists in the Holy League as they pursued their crusade against heresy in the French kingdom during the wars of religion 1562-1629 Contemporaries portrayed the Leaguers as rebellious anarchists who harboured dangerously democratic ideas In contrast Nicholls demonstrates that the intellectuals in the movement were devoted royalists who had more in common with their moderate counterparts the politiques In paying close attention to the conceptual language of politics in this era this book shows how jurists and theologians in the League

presented visions of sovereignty that subtly replenished medieval ideas of kingship and priesthood and endeavoured to replace them with a new synthesis of intellectual tradition and political power In a period when the state was still emerging as an idea analysing League thought in the context of Jesuit and Second Scholastic sources positions the Leaguers in relation to innovative attempts in European Catholic circles to re think the nature of belonging to a political community *Augustine and Modern Law* Richard O. Brooks, 2017-07-05 St Augustine and Roman law are the two bridges from Athens and Jerusalem to the world of modern law Augustine's almost eerily modern political realism was based upon his deep appreciation of human evil arising from his insights into the human personality the product of his reflections on his own life and the history of his times These insights have traveled well through the ages and are mirrored in the pages of Aquinas Luther and Calvin Reinhold Niebuhr and Hannah Arendt The articles in this volume describe the life and world of Augustine and the ways in which he conceived both justice and law They also discuss the little recognized Augustinian contributions to the field of modern hermeneutics the discipline which informs the art of legal interpretation Finally they include Augustine's valuable discussion of church state relations the law of just wars and proper role and limits of coercion and the procreative dimensions of marriage The volume also includes an extremely useful definitive bibliography of Augustine and the law and will leave readers with an increased appreciation of the contributions which Augustine has made to the history of jurisprudence No one can read Augustine and these articles on his view of the law without taking away a new view of the law itself *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 supervaluationist 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

Proceedings and Addresses of the American Philosophical Association American Philosophical Association,2012
List of members in v 1 Great Christian Jurists in Spanish History Rafael Domingo,Javier Martínez-Torrón,2018-05-10 The Great Christian Jurists series comprises a library of national volumes of detailed biographies of leading jurists judges and practitioners assessing the impact of their Christian faith on the professional output of the individuals studied Spanish legal culture developed during the Spanish Golden Age has had a significant influence on the legal norms and institutions that emerged in Europe and in Latin America This volume examines the lives of twenty key personalities in Spanish legal history in particular how their Christian faith was a factor in molding the evolution of law Each chapter discusses a jurist within his or her intellectual and political context All chapters have been written by distinguished legal scholars from Spain and around the world This diversity of international and methodological perspectives gives the volume its unique character it will appeal to scholars lawyers and students interested in the interplay between religion and law **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 unmovable 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

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