

# LAW AND OBJECTIVITY

*Kent Greenawalt*

# Law And Objectivity

**Aharon Barak**



## **Law And Objectivity:**

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 *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 Objectivity in Law and Legal Reasoning Jaakko Husa, Mark Van Hoecke, 2013-01-28 Legal theorists consider their discipline as an objective endeavour in line with other fields of science Objectivity in science is generally regarded as a fundamental condition informing how science should be practised and how truths may be found Objective scientists venture to uncover empirical truths about the world and ought to eliminate personal biases prior commitments and emotional involvement However legal theorists are inevitably bound up with a given legal culture Consequently their scholarly work derives at least in part from this environment and their subtle interaction with it This book questions critically in novel ways and from various perspectives the possibilities of objectivity of legal theory in the twenty first century It transpires that legal theory is unavoidably confronted with varying conceptions of law underlying ideologies approaches to legal method argumentation and discourse etc which limit the possibilities of objectivity in law and in legal reasoning The authors of this book reveal some of these underlying notions and discuss their consequences for legal theory **Objectivity and the Rule of Law** Matthew H. Kramer, 2007 Kramer lucidly addresses some of the principal questions in this vital area of philosophical enquiry 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      *The Judge in a Democracy* Aharon Barak, 2006 Publisher Description      **Law**

Enrique Villanueva, Instituto de Investigaciones Jurídicas (México City), 2007 Interpretivist theories of law Nicos Stavropoulos

How facts make law Mark Greenberg On the normative significance of brute facts Ram Neta On practices and the law Mark Greenberg Supervenience value and legal content Enrique Villanueva Reasons without values Mark Greenberg Theory practice and ubiquitous interpretation the basics Martin Stone Law as a reflective practice Scott Hershovitz On reflective practices and substituting for God Martin Stone Metasemantics and objectivity Ori Simchen Can objectivity be grounded in semantics Michael S Moore A hybrid theory of claim rights Gopal Sreenivasan Is the will theory of rights superseded by the hybrid theory Horacio Spector In defense of the hybrid theory Gopal Sreenivasan      **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      *Statelessness*

William Conklin, 2014-12-01 Statelessness is a legal status denoting lack of any nationality a status whereby the otherwise normal link between an individual and a state is absent The increasingly widespread problem of statelessness has profound legal social economic and psychological consequences but also gives rise to the paradox of an international community that claims universal standards for all natural persons while allowing its member states to allow statelessness to occur In this powerfully argued book Conklin critically evaluates traditional efforts to recognize and reduce statelessness The problem he argues rests in the obligatory nature of law domestic or international By closely analysing a broad spectrum of court and tribunal judgments from many jurisdictions Conklin explains how confusion has arisen between two discourses the one discourse inside the other as to the nature of the international community One discourse a surface discourse describes a community in which international law justifies a state's freedom to confer withdraw or withhold nationality This international community incorporates state freedom over nationality matters bringing about the de jure and effective stateless condition The other discourse an inner discourse highlights a legal bond of socially experienced relationships Such a bond judicially referred to as effective nationality is binding upon all states and where such a bond exists harm to a stateless person represents harm to the international community as a whole      *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

**A Companion to Ayn Rand** Allan Gotthelf, Gregory Salmieri, 2021-11-08 The first volume to offer a comprehensive scholarly treatment of Rand s entire corpus including her novels her philosophical essays and her analysis of the events of her times this Companion provides vital orientation and context for scholars and educated readers grappling with a controversial and understudied thinker whose enduring influence on American and world culture is increasingly recognized The first publication to provide an in depth scholarly treatment ranging over the whole of Rand s corpus Provides informed contextual analysis for scholars in a variety of disciplines Presents original research on unpublished material and drafts from the Rand archives in California Features insightful and fair minded interpretations of Rand s controversial positions

**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      *Objectivity in Law and Morals* Brian Leiter, 2007-09-10 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      **Library of Congress**

**Subject Headings** Library of Congress, 2006      *Bruno Latour* Kyle McGee, 2014-06-23 The first extended study of Bruno Latour s legal theory this book presents a critical reconstruction of the whole of Latour s oeuvre to date from *Laboratory Life* to *An Inquiry into the Modes of Existence* Based on the powerful insights into normative effects that actor network theory makes possible the book advances a new theory of legal normativity and the force of law rethinking Latour s work on technology the image and referential scientific inscriptions among others and placing them within the ambit of legality The book also captures and deepens the contrast between the modern legal institution and the value of law as a mode of existence and provides a fulsome theoretical account of legal veridiction Throughout Latour s thought is put into dialogue with important progenitors and adversaries as well as historical and contemporary strands of legal and political philosophy But the thread of legality is not confined to Latour s reflections on the making of law rather it cuts through the whole of his

highly diverse body of work The empire of mononaturalism augured by modern philosophies of science is thoroughly juridical as such the actor network theory that promises to undo that empire by freeing the value of the sciences from its epistemological clutches is unthinkable without the device of the trial and the descriptive semiotics of normativity that sustain ANT The democratization of the sciences and the vibrancy of ecologized politics that become possible once the bifurcation of nature into essential primary and disposable secondary qualities is disabled and once the modern Constitution is called into doubt also have important legal dimensions that have gone largely unexamined Bruno Latour The Normativity of Networks remedies this and other omissions evaluating Latour s thought about law while carrying it in striking new directions This book introduces legal scholars and students to the thought of the philosopher and sociologist Bruno Latour whilst also presenting a critical analysis of his work in and around law This interdisciplinary study will be of interest to those researching in Law Philosophy and Sociology     Fundamental Mathematical Modeling of Additive Manufacturing Juha Jeronen,Tero Tuovinen,Matti Kurki,2023-12-07 This book elucidates the fundamental thermomechanical behaviour inherent in the 3D printing process within a laser based powder bed fusion L PBF system It presents foundational concepts and provides in depth derivations of the governing equations The analysis encompasses arbitrary anisotropic linear viscoelastic materials accounting for thermal effects The authors leverage the theory of axially moving materials a framework previously employed in the analysis of production processes within the process industry They introduce a coordinate frame that moves in tandem with the printing laser adopting an Eulerian perspective towards the in motion solid Designed for graduate students and researchers this book is poised to foster a profound comprehension and spur innovative technological advancements in the realm of additive manufacturing     **Politics, Theology and History** Raymond Plant,2001-01-29 This book examines the moral foundations of liberal societies through the role of Christian belief in public policy     **Principles of Criminal Law** Andrew Ashworth,Jeremy Horder,2013-05-16 Provides a refined analysis of the theoretical foundations which shape the statutory provisions and case law Page 4 of cover     *Law Unlimited* Margaret Davies,2017-01-20 This book engages with a traditional yet persistent question of legal theory what is law However instead of attempting to define and limit law the aim of the book is to unlimit law to take the idea of law beyond its conventionally accepted boundaries into the material and plural domains of an interconnected human and nonhuman world Against the backdrop of analytical jurisprudence the book draws theoretical connections and continuities between different experiences spheres and modalities of law Taking up the many forms of critical and socio legal thought it presents a broad challenge to legal essentialism and abstraction as well as an important contribution to more general normative theory Reading crystallising and extending themes that have emerged in legal thought over the past century this book is the culmination of the author s 25 years of engagement with legal theory Its bold attempt to forge a thoroughly contemporary approach to law will be of enormous value to those with interests in legal and socio legal theory     *Library of Congress Subject Headings* Library of Congress.

Cataloging Policy and Support Office,2006



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