

**1. Define the concepts of applying and distinguishing a case. When Lord Denning considered the case of *Limpus v London General Omnibus Co* did he apply it or distinguish it? Demonstrate how you know.**

To apply a case is to extract the relevant principles from similar and applicable higher court cases, such as appeal courts, and follow what has been ruled in subsequent cases in the lower courts, such as district courts. Appeal court decisions are termed 'binding' upon the lower court, or 'stare decisis', meaning to 'stand by' what has previously been decided.

To distinguish a case is to still extract and reference relevant principles from similar higher court cases, but is to also note the difference in material facts of the precedent case to lower court cases and how such authorities, though of a similar manner, would not be applicable.

Lord Denning applied the case of *Limpus v London General Omnibus Co*. The principles he extracted were as follows:

- a) If a servant's conduct was done so for the purposes of his 'master,' namely his employer, the employer would be liable;
- b) If the servant acted on his own, in order to effect a purpose of his own, the employer would not be held liable.
- c) In this case, as the driver of the omnibus did obstruct a rival omnibus during the course of his service and caused injury, therefore that such service was done for his master's purpose, the employer was held liable.

In this case, Mr Plenty was:

- a) Driving a milk truck for his employer, and therefore his conduct was done so for the purposes of his 'master';
- b) Not acting on his own in order to effect a purpose of his own;
- c) During the course of driving, allowed a boy on the truck he knew he should not have allowed, and caused injury to the boy during the course of his service for his master's purpose, therefore the employer is held liable.

**2. What does the term *ratio decidendi* mean? Can you identify the *ratio decidendi* of this case. Explain how you identified it.**

*Ratio decidendi*, quite literally, means the 'rationale for the decision,' but has been defined more fully as 'the proposition of law in which decides the case in the light or context of the material facts'. It is the binding element of the case.

The identified reasons for Lord Denning's decisions are as follows:

- An employer should be liable for their employee's conduct during the course of employed action and the fact that an employee, during the course of employed action, does something they should not do does not automatically exempt employers from liability
- The boy on the milk truck was a trespasser, because the actual business did not permit him to be there despite what the individual employee had allowed
- Just because there is a trespasser on a vehicle does not mean that the employer does not owe a liability to the trespasser: the 2 previous case precedents have now been abandoned, particularly in respect of children

# Essays On Ethics And Method

**John McMillan**



## **Essays On Ethics And Method:**

**Essays on Ethics and Method** Henry Sidgwick, 2000

Essays on Ethics and Method Henry Sidgwick, 2000-12-21

Essays on Ethics and Method is a selection of the shorter writings of the great nineteenth century moral philosopher Henry Sidgwick. Sidgwick's monumental work *The Methods of Ethics* is a classic of philosophy; this new volume is a fascinating complement to it. These essays develop further Sidgwick's ethical ideas, respond to criticism of the *Methods*, and discuss rival theories. Other aspects of Sidgwick's thought are also illuminated, in particular his interests in method, verification, and proof. The essays show Sidgwick to be a forerunner of twentieth century analytical philosophy; they illustrate his emphasis on common sense and ordinary language and exemplify not only his care, clarity, and precision but also the wit and humour that are not prominent in his longer works. Marcus Singer provides a substantial editorial introduction to Sidgwick and his intellectual context. The volume will be a rich resource for anyone interested in moral philosophy or the development of modern analytical philosophy.

**British Ethical Theorists from Sidgwick to Ewing** Thomas Hurka, 2014-11-06

Thomas Hurka presents the first full historical study of an important strand in the development of modern moral philosophy. His subject is a series of British ethical theorists from the late nineteenth century to the mid twentieth century who shared key assumptions that made them a unified and distinctive school. The best known of them are Henry Sidgwick, G. E. Moore, and W. D. Ross; others include Hastings Rashdall, H. A. Prichard, C. D. Broad, and A. C. Ewing. They disagreed on some important topics, especially in normative ethics. Thus some were consequentialists and others deontologists. Sidgwick thought only pleasure is good, while others emphasized perfectionist goods such as knowledge, aesthetic appreciation, and virtue. But all were non-naturalists and intuitionists in metaethics, holding that moral judgements can be objectively true, have a distinctive subject-matter, and are known by direct insight. They also had similar views about how ethical theory should proceed and what are relevant arguments in it. Their disagreements therefore took place on common ground. Hurka recovers the history of this underappreciated group by showing what its members thought, how they influenced each other, and how their ideas changed through time. He also identifies the shared assumptions that made their school unified and distinctive and assesses their contributions critically, both when they debated each other and when they agreed. One of his themes is that their general approach to ethics was more fruitful philosophically than many better known ones of both earlier and later times.

**Encyclopedia of Ethics** Lawrence C. Becker, Charlotte B. Becker, 2013-10-18. The editors, working with a team of 325 renowned authorities in the field of ethics, have revised, expanded, and updated this classic encyclopedia. Along with the addition of 150 new entries, all of the original articles have been newly peer-reviewed, and revised bibliographies have been updated throughout, and the overall design of the work has been enhanced for easier access to cross-references and other reference features. New entries include Cheating, Dirty Hands, Gay Ethics, Holocaust, Journalism, Political Correctness, and many more.

**Encyclopedia of Ethics: P-W** Lawrence C. Becker, Charlotte B. Becker, 2001. A revised, expanded, and updated

edition with contributions by 325 renowned authorities in the field of ethics All of the original articles have been newly peer reviewed and revised bibliographies have been updated throughout and the overall design of the work has been enhanced for easier access to cross references and other reference features      **The Natural Method** Eddy Nahmias, Thomas W.

Polger, Wenqing Zhao, 2020-08-04 Prominent philosophers explore themes in the work of Owen Flanagan focusing on debates about the nature of mind the self and morality Owen Flanagan s work offers a model for how to be a naturalistic and scientifically informed philosopher who writes beautifully and deeply about topics as varied as consciousness and Buddhism moral psychology and dreaming identity and addiction literature and neuroscience In this volume leading philosophers Flanagan s friends colleagues and former students explore themes in his work focusing on debates over the nature of mind the self and morality Some contributors address Flanagan s work directly others are inspired by his work or methodology Their essays are variously penetrating and synoptic cautious and speculative      **How Hume and Kant Reconstruct**

**Natural Law** Kenneth R. Westphal, 2016-04-08 Kenneth R Westphal presents an original interpretation of Hume s and Kant s moral philosophies the differences between which are prominent in current philosophical accounts Westphal argues that focussing on these differences however occludes a decisive shared achievement a distinctive constructivist method to identify basic moral principles and to justify their strict objectivity without invoking moral realism nor moral anti realism or irrationalism Their constructivism is based on Hume s key insight that though the laws of justice are artificial they are not arbitrary Arbitrariness in basic moral principles is avoided by starting with fundamental problems of social co rdination which concern outward behaviour and physiological needs basic principles of justice are artificial because solving those problems does not require appeal to moral realism nor to moral anti realism Instead moral cognitivism is preserved by identifying sufficient justifying reasons which can be addressed to all parties for the minimum sufficient legitimate principles and institutions required to provide and protect basic forms of social co rdination including verbal behaviour Hume first develops this kind of constructivism for basic property rights and for government Kant greatly refines Hume s construction of justice within his metaphysical principles of justice whilst preserving the core model of Hume s innovative constructivism Hume s and Kant s constructivism avoids the conventionalist and relativist tendencies latent if not explicit in contemporary forms of moral constructivism

*Methods in Medical Ethics* Jeremy Sugarman, Daniel P. Sulmasy, 2010-10-15 Medical ethics draws upon methods from a wide array of disciplines including anthropology economics epidemiology health services research history law medicine nursing philosophy psychology sociology and theology In this influential book outstanding scholars in medical ethics bring these many methods together in one place to be systematically described critiqued and challenged Newly revised and updated chapters in this second edition include philosophy religion and theology virtue and professionalism casuistry and clinical ethics law history qualitative research ethnography quantitative surveys experimental methods and economics and decision science This second edition also includes new chapters on literature and sociology as well as a

second chapter on philosophy which expands the range of philosophical methods discussed to include gender ethics communitarianism and discourse ethics In each of these chapters contributors provide descriptions of the methods critiques and notes on resources and training Methods in Medical Ethics is a valuable resource for scholars teachers editors and students in any of the disciplines that have contributed to the field As a textbook and reference for graduate students and scholars in medical ethics it offers a rich understanding of the complexities involved in the rigorous investigation of moral questions in medical practice and research      *Collingwood on Philosophical Methodology* Karim Dharamsi, Giuseppina D'Oro, Stephen Leach, 2019-01-17 This book discusses Collingwood's conception of the role and character of philosophical analysis It explores questions such as is there anything distinctive about the activity of philosophizing If so what distinguishes philosophy from other forms of inquiry What is the relation between philosophy and science and between philosophy and history For much of the twentieth century philosophers philosophized with little self awareness Collingwood was exceptional in the attention he paid to the activity of philosophizing This book will be of interest both to those who are interested in Collingwood's philosophy and more generally to all who are interested in the question what is philosophy

**The Age of Reasons** Wendy Motooka, 2013-05-13 Wendy Motooka contends that the Age of Reason was actually an Age of Reasons Joining imaginative literature moral philosophy and the emerging discourse of the new science she seeks to historicise the meaning of eighteenth century reason and its supposed opposites quixotism and sentimentalism Reading novels by the Fieldings Lennox and Sterne alongside the works of Adam Smith Motooka argues that the legacy of sentimentalism is the social sciences This book raises our understanding of eighteenth century British culture and its relation to the rational culture of economics that is growing ever more prevasive today      [The SAGE Encyclopedia of Qualitative Research Methods](#) Lisa M. Given, 2008-08-19 Qualitative research is designed to explore the human elements of a given topic while specific qualitative methods examine how individuals see and experience the world Qualitative approaches are typically used to explore new phenomena and to capture individuals thoughts feelings or interpretations of meaning and process Such methods are central to research conducted in education nursing sociology anthropology information studies and other disciplines in the humanities social sciences and health sciences Qualitative research projects are informed by a wide range of methodologies and theoretical frameworks The SAGE Encyclopedia of Qualitative Research Methods presents current and complete information as well as ready to use techniques facts and examples from the field of qualitative research in a very accessible style In taking an interdisciplinary approach these two volumes target a broad audience and fill a gap in the existing reference literature for a general guide to the core concepts that inform qualitative research practices The entries cover every major facet of qualitative methods including access to research participants data coding research ethics the role of theory in qualitative research and much more all without overwhelming the informed reader Key Features Defines and explains core concepts describes the techniques involved in the implementation of qualitative methods and presents an

overview of qualitative approaches to research Offers many entries that point to substantive debates among qualitative researchers regarding how concepts are labeled and the implications of such labels for how qualitative research is valued Guides readers through the complex landscape of the language of qualitative inquiry Includes contributors from various countries and disciplines that reflect a diverse spectrum of research approaches from more traditional positivist approaches through postmodern constructionist ones Presents some entries written in first person voice and others in third person voice to reflect the diversity of approaches that define qualitative work Key Themes Approaches and Methodologies Arts Based Research Ties to Computer Software Data Analysis Data Collection Data Types and Characteristics Dissemination History of Qualitative Research Participants Quantitative Research Ties to Research Ethics Rigor Textual Analysis Ties to Theoretical and Philosophical Frameworks The SAGE Encyclopedia of Qualitative Research Methods is designed to appeal to undergraduate and graduate students practitioners researchers consultants and consumers of information across the social sciences humanities and health sciences making it a welcome addition to any academic or public library

*Methodology and Moral Philosophy* Jussi Suikkanen, Antti Kauppinen, 2018-10-31 Many ethicists either accept the reflective equilibrium method or think that anything goes in ethical theorizing as long as the results are plausible The aim of this book is to advance methodological thinking in ethics beyond these common attitudes and to raise new methodological questions about how moral philosophy should be done What are we entitled to assume as the starting point of our ethical inquiry What is the role of empirical sciences in ethics Is there just one general method for doing moral philosophy or should different questions in moral philosophy be answered in different ways Are there argumentative structures and strategies that we should be encouraged to use or typical argumentative patterns that we should avoid This volume brings together leading moral philosophers to consider these questions The chapters investigate the prospects of empirical ethics outline new methods of ethics evaluate recent methodological advances and explore whether different areas of moral philosophy are methodologically continuous or independent of one another The aim of *Methodology and Moral Philosophy* is to make moral philosophers more self aware and reflective of the way in which they do moral philosophy and also to encourage them to take part in methodological debates

*Encyclopædia of Religion and Ethics: Sacrifice-Sudra* James Hastings, John Alexander Selbie, Louis Herbert Gray, 1920 Scope theology philosophy ethics of various religions and ethical systems and relevant portions of anthropology mythology folklore biology psychology economics and sociology

**Religious Methods and Resources in Bioethics** P.F. Camenisch, 2013-03-09 A volume on religious theological methods in biomedical ethics inevitably of whether the methodological dimension can be distinguished from the various other things that go on in ethical discourse It is difficult to answer this question definitively since many elements in moral conversation can be interpreted in different ways Barbara Hilkert Andolsen illustrates this issue in this volume when she defines one of her crucial categories gender justice as being both procedural and substantive normative This difficulty of finally separating

the methodological from the normative arises in many areas of contemporary ethical writing both feminist and otherwise Nevertheless it seems that in many cases we can separate out the method ological issues with considerable precision Albert Jonsen and James Childress achieve just such a sharp focus in their essays This does not mean that a careful dissecting of their papers would not reveal normative elements lurking about their methodological points It is simply to say that the issues they analyze and the positions they take are at least prima facie overwhelmingly method ological They are much more about how we think about ethical matters than they are about what we think about them

**Encyclopaedia of Religion and Ethics** James Hastings, John Alexander Selbie, Louis Herbert Gray, 1928 **The Influence of Darwin on Philosophy and Other Essays in Contemporary Thought** John Dewey, 2007 This critical edition of The Influence of Darwin on Philosophy and Other Essays in Contemporary Thought presents the results of John Dewey's patient construction throughout the previous sixteen years of the radically new view of the methods and concerns of philosophical inquiry It was a view that he continued to defend for the rest of his life R. G. Collingwood: A Research Companion James Connelly, Peter

Johnson, Stephen Leach, 2014-11-20 R G Collingwood is an important 20th century historian archaeologist and philosopher whose works are the subject of continued interest analysis and study There is an unquestionable need to support this research activity with the provision of a reference guide which is fully up to date informed and authoritative The Companion therefore lists all primary and secondary material relevant to the study of Collingwood in all his fields of expertise historical theory philosophy and archaeology It also provides a guide to archive material relevant to his life together with sources and locations The resulting volume is an essential companion to the understanding of the life and thought of R G Collingwood

**The Invention of Altruism** Thomas Dixon, 2008-05-08 This volume explores how Victorian philosophers scientists clergymen and novelists debated the meaning of the new term altruism Including a reappraisal of Charles Darwin's ideas and insights into the rise of popular socialism this study is highly relevant to contemporary debates about altruism evolution religion and ethics Essays in Contemporary Economics George C. Bitros, Nicholas C. Kyriazis, 2014-11-27 This book is a

collection of original essays grouped into four parts under the headings Greece and European integration Issues in the Methodology of Economics Institutions and the Free Market Economy and Insights for Today from Ancient Greece The essays appeal to both researchers in the corresponding fields of knowledge and also to policy makers who are looking for ideas and approaches to confront present day challenges In particular given the present state of turmoil in the European Union the international economy and democracies in general most of the essays offer new insights for economic and social policies

*The Methods of Bioethics* John McMillan, 2018-11-30 This is the first book in bioethics that explains how it is that you actually go about doing good bioethics Bioethics has made a mistake about its methods and this has led not only to too much theorizing but also fragmentation within bioethics The unhelpful disputes between those who think bioethics needs to be more philosophical more sociological more clinical or more empirical continue While each of these claims will have some

point they obscure what should be common to all instances of bioethics Moreover they provide another phantom that can lead newcomers to bioethics down blind alleyways stalked by bristling sociologists and philosophers The method common to all bioethics is bringing moral reason to bear upon ethical issues and it is more accurate and productive to clarify what this involves than to stake out a methodological patch that shows why one discipline is the most important This book develops an account of the nature of bioethics and then explains how a number of methodological spectres have obstructed bioethics becoming what it should In the final part it explains how moral reason can be brought to bear upon practical issues via an empirical Socratic approach



The Top Books of the Year Essays On Ethics And Method The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous engrossing novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the fascinating narratives that have charmed audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This touching tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can succeed. Uncover the Best : Taylor Jenkins Reid's "The Seven Husbands of Evelyn Hugo" This spellbinding historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reid's captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens' "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is an exceptional and thrilling novel that will keep you guessing until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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