LAW AND OBJECTIVITY

Kent Greenawalt

Objectivity In Law

Tara Smith

Objectivity In Law:

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 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 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 **Judicial Review in an** Objective Legal System Tara Smith, 2015-08-07 How should courts interpret the law While all agree that courts must be objective people differ sharply over what this demands in practice fidelity to the text To the will of the people To certain moral ideals In Judicial Review in an Objective Legal System Tara Smith breaks through the false dichotomies inherent in dominant theories various forms of originalism living constitutionalism and minimalism to present a new approach to judicial review She contends that we cannot assess judicial review in isolation from the larger enterprise of which it is a part By providing careful clarification of both the function of the legal system as well as of objectivity itself she produces a

compelling firmly grounded account of genuinely objective judicial review Smith's innovative approach marks a welcome advance for anyone interested in legal objectivity and individual rights Meta-ethics, Moral Objectivity and Law Veronica Rodriguez-Blanco, 2004 The book shows the relevance of meta ethical and metaphysical considerations to determine the nature of law and the connection between objective moral and legal judgements The investigation analyses the legal theories of Ronald Dworkin I rgen Habermas and Michael Moore The conclusion of the scrutiny is that the discussed views fail to explain the plausible links between objective moral and legal judgements. The lesson to learn from the failure of these philosophical perspectives is that we need to revise fundamental meta ethical conceptions within law In addition to the view that meta ethical and metaphysical considerations play a central role in our understanding of objective moral and legal judgements we enforce the idea that it is necessary to revise our meta ethical and metaphysical premises in jurisprudence Epistemic and meta ethical abstinence in legal theory in this way is challenged by a number of criticisms The outcome of our reflection is that in legal theory as in many other disciplines we need to take truth and objectivity seriously Objectivity in Law and Morals II André Ferreira Leite de Paula, Andrés Santacoloma Santacoloma, Gonzalo Villa Rosas, 2016 Objectivity and truth are highly contested issues in contemporary Legal and Moral Philosophy There are a full range of approaches from the very skeptic and pessimistic positions to the most contemplative and optimistic conceptions which defend their possibility not only within the theoretical but also within the practical thought Any possible approach should be diverse enough in order to integrate among others the concepts of facts existence justifiability language emotions disagreement and a degree of relatedness between law and morals This book addresses these topics from various points of view It is comprised of a selection of the papers presented at the Second Special Workshop Truth and Objectivity in Law and Morals held at the 27th World Congress of the IVR in Washington D C USA 2015 The compilation is divided into four parts that focus on objectivity and truth in law legal reasoning and Kelsen's Theory of Law as well as objectivity and truth in morals

Objectivity 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 Objectivity in Ethics and Law Michael S. Moore, 2004 This volume collects six of Michael Moore s influential studies on moral and legal objectivity Presented in an accessible format the essays are brought together by a thought provoking introduction Contents Introduction ETHICS Moral reality Moral reality revisited Good without God LAW Law as justice The plain truth about legal truth Legal reality a naturalist approach to legal ontology NAME INDEX 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 Objectivity in Jurisprudence, Legal Interpretation and Practical Reasoning Villa-Rosas, Gonzalo, Fabra-Zamora, Jorge L., 2022-10-18 This thought provoking book explores the multifaceted phenomenon of objectivity and its relations to various aspects of jurisprudence legal interpretation and practical reasoning Featuring contributions from an international group of researchers from differing legal contexts it addresses topics relevant not only from a theoretical point of view but also themes directly connected with legal and judicial practice

Positive Law and Objective Values Andrei Marmor, 2001 This book presents a comprehensive defence of legal positivism on the basis of a novel account of social conventions Marmor argues that the law is founded on constitutive conventions and that consequently moral values cannot determine what the law is On the basis of a theory of social conventions and an analysis of law s authoritative nature the book sets out the scope of law in relation to moral and other critical values The book also maintains however that moral values are objective It comprises a detailed analysis of the concept of objectivity arguing that many aspects of the law and of moral values are metaphysically objective **Judicial Review in an Objective** Legal System Tara Smith, 2015-07-30 This book grounds judicial review in its deepest foundations the function authority and **Common Law Judging** Douglas E. Edlin, 2020-03-06 Are judges supposed to be objectivity of a legal system as a whole objective Citizens scholars and legal professionals commonly assume that subjectivity and objectivity are opposites with the corollary that subjectivity is a vice and objectivity is a virtue These assumptions underlie passionate debates over adherence to original intent and judicial activism In Common Law Judging Douglas Edlin challenges these widely held assumptions by reorienting the entire discussion Rather than analyze judging in terms of objectivity and truth he argues that we should instead approach the role of a judge's individual perspective in terms of intersubjectivity and validity Drawing upon Kantian aesthetic theory as well as case law legal theory and constitutional theory Edlin develops a new conceptual framework for the respective roles of the individual judge and of the judiciary as an institution as well as the relationship between them as integral parts of the broader legal and political community Specifically Edlin situates a judge s subjective responses within a form of legal reasoning and reflective judgment that must be communicated to different audiences Edlin concludes that the individual values and perspectives of judges are indispensable both to their judgments in specific cases and to the independence of the courts According to the common law tradition judicial subjectivity is a virtue not a vice **The Philosophy of Law** Christopher Berry Gray,1999 This encyclopedia offers systematic and sustained coverage of the many dimensions of legal thought and gives expression to the breadth and depth of the philosophy of law **Essays on Ayn Rand's Atlas Shrugged** Robert Mayhew,2009-01-01 This is the first scholarly study of Atlas Shrugged covering in detail the historical literary and philosophical aspects of Ayn Rand s magnum opus Topics explored in depth include the history behind the novel s creation publication and reception its nature as a romantic novel and its presentation of a radical new philosophy

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 Defending Objectivity Margaret Archer, William Outhwaite, 2004-07-31 Andrew Collier is the boldest defender of objectivity in science knowledge thought action politics morality and religion The diverse contributions range from social and political thought to philosophy **Truth and Objectivity in Law and Morals** Hajime Yoshino, Andrés Santacoloma Santacoloma, Gonzalo Villa Rosas, 2016 This volume contains a selection of papers presented at the special workshop Truth and Objectivity in Law and Morals held at the 26th World Congress of the IVR The papers deal with diverse but correlated issues such as the search for truth in and through legal argumentation the intelligible character of rules inside theories of interpretation which guarantee the coherence and the integrity of law the role of hermeneutic analysis in the construction of the objectivity of law the procedural and contextual aspects of objectivity in legal reasoning the role of objectivity in the distinction between the context of justification and the context of discovery the problem about truth of normative propositions and legal statements the incompatibility of non factualism with the traditional account of validity and legality as well as the possibility of objectivity in morals **Institutionalized Reason Matthias** Klatt, 2012-02-23 Matthias Klatt is Professor for Public Law EU Law Public International Law and Jurisprudence at the University of Hamburg Book Jacket

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Table of Contents Objectivity In Law

- 1. Understanding the eBook Objectivity In Law
 - The Rise of Digital Reading Objectivity In Law
 - Advantages of eBooks Over Traditional Books
- 2. Identifying Objectivity In Law
 - Exploring Different Genres
 - o Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Objectivity In Law
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Objectivity In Law
 - Personalized Recommendations
 - Objectivity In Law User Reviews and Ratings
 - Objectivity In Law and Bestseller Lists
- 5. Accessing Objectivity In Law Free and Paid eBooks
 - o Objectivity In Law Public Domain eBooks
 - Objectivity In Law eBook Subscription Services
 - Objectivity In Law Budget-Friendly Options
- 6. Navigating Objectivity In Law eBook Formats
 - o ePub, PDF, MOBI, and More
 - Objectivity In Law Compatibility with Devices
 - Objectivity In Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Objectivity In Law
 - Highlighting and Note-Taking Objectivity In Law
 - Interactive Elements Objectivity In Law
- 8. Staying Engaged with Objectivity In Law

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Objectivity In Law
- 9. Balancing eBooks and Physical Books Objectivity In Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Objectivity In Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Objectivity In Law
 - Setting Reading Goals Objectivity In Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Objectivity In Law
 - o Fact-Checking eBook Content of Objectivity In Law
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - o Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - $\circ \ \ Integration \ of \ Multimedia \ Elements$
 - Interactive and Gamified eBooks

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