

STUART TODDINGTON



RATIONALITY, SOCIAL ACTION AND MORAL JUDGMENT

Rationality Social Action And Moral Judgement

**Henrik Palmer Olsen, Stuart
Toddington**



Rationality Social Action And Moral Judgement:

Rationality, Social Action and Moral Judgment Stuart Toddington, 1993 The isolation of law as a discipline has ensured that the theoretical preoccupations of legal scholars have remained insulated from the social sciences But the concept of law and its relationship to morality is of crucial significance to social theory and this impressive book examines some of the major sociological and jurisprudential writers on rationality and its relationship to action Analysing the interdependency of philosophy sociology and law it shows that the central methodological problems of the social sciences require an objective morality for their resolution a theory of Natural Law Indeed this challenging investigation illustrates that such a theory is available and that a social science built upon these ethical foundations must serve as the basis of any rational legal praxis

Gewirthian Perspectives on Human Rights Per Bauhn, 2016-03-22 Gewirth's theory of human rights has made a major contribution to philosophy In this edited collection contributors from a broad range of disciplines discuss the theoretical and practical application of Gewirthian theory to current world issues Case studies highlight mental health the LGBT community intellectual disabilities global economic inequality and market instability to provide a truly interdisciplinary study This important contribution to human rights scholarship provides a platform for further discussion of Gewirthian theory It will be of interest to those researching moral legal and political philosophy as well as policy makers social workers and medical staff

Law in its Own Right Henrik Olsen, Stuart Toddington, 2000-01-01 What precisely is the relationship between legality and morality Does legal validity rest upon moral validity Are legal obligations moral obligations For some years now schools of jurisprudential Naturalism and Positivism have become increasingly ambiguous in their responses to these questions Olsen and Toddington argue that equivocation on the central issue here that of obligation has brought legal theory to the point where leading legal positivists and natural lawyers no longer retain significant differences Instead they allege we are left with the remnants of what has always been philosophically a phoney war The authors of this lucid and refreshing analysis of the concept of law arguing from the perspectives of social science and political philosophy show that jurisprudence must acknowledge that the political the moral and the legal are located within a continuum of practical reason and that law's autonomy from morality can not entail its separation from it

Tradition, Rationality, and Virtue Thomas D. D'Andrea, 2017-09-29 Tradition Rationality and Virtue provides the first comprehensive and detailed treatment of the work of Alasdair MacIntyre In this book Thomas D Andrea presents an accessible critical study of the full range of MacIntyre's thought across ethical theory psychoanalytic theory social and political philosophy Marxist theory and the philosophy of religion Moving from the roots of MacIntyre's thought in ethical inquiry this book examines MacIntyre's treatment of Marx Christianity and the nature of human action and discusses in depth the development and applications of MacIntyre's After Virtue project The book culminates in an examination of major internal and external criticisms of MacIntyre's work and a consideration of its future directions

The Legitimacy of The European Union through Legal Rationality Richard

Ball,2013-10-15 Third country nationals TCNs play an important part in the economy of the European Union reflected in the rights granted to them under European Union Law Political expediency is however shaped by world regional and domestic influences that in turn determine policy towards third country nationals and their legal rights to freedom of movement This book examines the concept of political legitimacy within the European Union through the principles of legal rationality focusing in particular on the European Union s policy towards third country nationals Richard Ball argues that for legal doctrine to be rational it must display the requirements of formal instrumental and substantive rationality each mutually exclusive and essential In taking this position of legal rationality the book focuses on free movement rights of TCNs within EU treaties and implementing legislation the Area of Freedom Security and Justice and Association Agreements Ball concludes that the stance of European Union Law towards third country nationals lacks legitimacy and suggests possible new directions that EU policy should take in the future

Social Action Seumas Miller,2001-11-26 Social action is central to social thought This centrality reflects the overwhelming causal significance of action for social life the centrality of action to any account of social phenomena and the fact that conventions and normativity are features of human activity This book provides philosophical analyses of fundamental categories of human social action including cooperative action conventional action social norm governed action and the actions of the occupants of organizational roles A distinctive feature of the book is that it applies these theories of social action categories to some important moral issues that arise in social contexts such as the collective responsibility for environmental pollution humanitarian intervention and dealing with the rights of minority groups Avoiding both the excessively atomistic individualism of rational choice theorists and implausible collectivist assumptions this important book will be widely read by philosophers of the social sciences political scientists and sociologists

Competence and Vulnerability in Biomedical Research Philip Bielby,2008-09-16 Enhanced knowledge of the nature and causes of mental disorder have led increasingly to a need for the recruitment of cognitively vulnerable participants in biomedical research These individuals often fall into the grey area between obvious decisional competence and obvious decisional incompetence and as a result may not be recognised as having the legal capacity to make such decisions themselves At the core of the ethical debate surrounding the participation of cognitively vulnerable individuals in research is when if at all we should judge them decisionally and legally competent to consent to or refuse research participation on their own behalf and when they should be judged incompetent in this respect In this book the author develops a novel justificatory framework for making judgments of decisional competence to consent to biomedical research with reference to five groups of cognitively vulnerable individuals older children and adolescents adults with intellectual disabilities adults with depression adults with schizophrenia and adults with dementia including Alzheimer s disease Using this framework the author argues that we can make morally defensible judgments about the competence or incompetence of a potential participant to give contemporaneous consent to research by having regard to whether a judgment of competence would be more harmful to the

generic rights of the potential participant than a judgment of incompetence The argument is also used to justify an account of supported decision making in research and applied to evaluate the extent to which this approach is evident in existing ethical guidelines and legal provisions The book will be of interest to bioethicists as well as psychiatrists and academic medical lawyers interested in normative questions raised by the concepts of competence and capacity

Max Weber Alan Sica, 2017-09-08 The most profound and enduring social theorist of sociology's classical period Max Weber speaks as cogently to concerns of the new century as he did to those of the past In *Max Weber and the New Century* Alan Sica demonstrated Weber's preeminent position and lasting vitality within social theory by applying his ideas to a broad range of topics of contemporary concern *Max Weber A Comprehensive Bibliography* is a companion volume that offers some 4 600 bibliographic listings of work on Weber making it the most complete guide to the literature in English and a testament to the continued vitality of Weber's thought Sica's work supersedes all previous bibliographical efforts covering the Weber literature both in the quantity and accuracy of its references and the clarity and convenience of its format In order to demonstrate the enormous variety of Weberiana in English Sica has adopted a liberal criterion for inclusion rather than a critical one choosing to mix the best with what may be more routine work Following a preface in which previous bibliographies and bibliographic problems are discussed the volume opens with a series of five specialized bibliographies The first lists Weber's works in English translation The second lists reviews of Weber's major works including those translated into English while the third covers reviews of recent books and other work on Weber The fourth section contains a selection of dissertations and theses relating to Weber or his ideas The fifth includes primary and secondary sources treating Weber on rationality and rationalization processes The last and largest section offers a comprehensive Weber bibliography of works in English This large scale endeavor attempts to identify with accuracy and completeness the entire universe of Weber scholarship in English It will be an essential scholarly tool for sociologists historians economists and students of cultural and intellectual history

Adolescent Rationality and Development David Moshman, 2011-03-01 Frequently cited in scholarly books and journals and praised by students this book focuses on developmental changes and processes in adolescence rather than on the details and problems of daily life Major developmental changes associated with adolescence are identified Noted for its exceptionally strong coverage of cognitive moral and social development this brief inexpensive book can be used independently or as a supplement to other texts on adolescence Highlights of the new edition include expanded coverage of thinking and reasoning a new chapter on metacognition and epistemic cognition expanded coverage of controversies concerning the foundations of morality a new chapter on moral principles and perspective taking a new chapter on the relation of personal and social identity a new chapter addressing current controversies concerning the rationality maturity and brains of adolescents more detail on key studies and methodologies and boldfaced key terms and a glossary to highlight and clarify key concepts Rather than try to cover everything about adolescence at an elementary level

this book presents and builds on the core issues in the scholarly literature thus encouraging deeper levels of understanding The book opens with an introduction to the concepts of adolescence rationality and development and then explores the three foundational literatures of adolescent development cognitive development moral development and identity formation The book concludes with a more general account of rationality and development in adolescence and beyond Appropriate for advanced undergraduate and graduate courses on adolescence or adolescent development offered by departments of psychology educational psychology or human development this brief text is also an ideal supplement for courses on social and or moral development cognitive development or lifespan development The book is also appreciated by scholars interested in connections across standard topics and research programs Prior knowledge of psychology is not assumed

Architectures of Justice Henrik Palmer Olsen, Stuart Toddington, 2016-05-23 Law can be seen to consist not only of rules and decisions but also of a framework of institutions providing a structure that forms the conditions of its workable existence and acceptance In this book Olsen and Toddington conduct a philosophical exploration and critique of these conditions what they are and how they shape our understanding of what constitutes a legal system and the role of justice within it **Law,**

Justice and the State: Problems in law International Association for Philosophy of Law and Social Philosophy. World Congress, 1995 Proceedings of the 16th World Congress of the International Association for Philosophy of Law and Social Philosophy IVR Reykjav k 26 May 2 June 1993 **Revisiting Landmark Cases in Medical Law** Shaun D.

Pattinson, 2018-09-27 Is it lawful for a doctor to give a patient life shortening pain relief Can treatment be lawfully provided to a child under 16 on the basis of her consent alone Is it lawful to remove food and water provided by tube to a patient in a vegetative state Is a woman s refusal of a caesarean section recommended for the benefit of the fetus legally decisive These questions were central to the four focal cases revisited in this book This book revisits nine landmark cases For each a new leading judgment is attributed to an imagined judge Athena who operates within the constraints of the legal system of England and Wales Her judgments accord with an innovative legal theory referred to as modified law as integrity and are linked as a line of precedent The result is a re spinning of extant judicial threads into a web of legal principles with a greater claim to coherence and defensibility than those in the original cases The book will be of great interest to scholars and students of medical law criminal law bioethics legal theory and moral philosophy From Dissonance to Sense Thomas

Wilhelmsson, Samuli Hurri, 2019-01-04 First published in 1999 this book focuses on the new role of private law in late modernity It analyses the pressures for changes in this area of law due to the present processes of privatisation and marketisation The perspective is welfarist in what ways and to what extent can the welfare state expectations of the citizens be defended through private law mechanisms when state offered security is diminishing Which alternatives are available when developing private law The questions are discussed against the background of theories concerning important features of late modern society for example consumerism risk information globalisation and fragmentation Several fields of private

law are analysed such as private law theory tort and liability law contract law and credit law as well as access to justice issues The approach is comparative including analyses of both common law and continental law

The Legal Order of the European Union Timothy Moorhead,2014-05-30 The objective of European integration serves as an ideal of the legal order of the European Union and invites reconsideration of law s conceptual features This book critically assesses the legal order of the European Union focusing on the operative aspects of the Union constitution with particular reference to the institutional practices of the Court of Justice in expressing the values underlying this constitution Drawing together positivist and non positivist accounts within an institutional understanding of law Timothy Moorhead breaks new ground in applying a range of analytic jurisprudential perspectives to the Union legal order and in employing the theoretical resources provided by the Union to model a revised conceptual viewpoint concerning legal order generally In offering this conceptual approach Moorhead emphasises the flexibility inherent in law s institutional character as the basis for a theoretical rationalisation of the Union legal order This book will be of great use and interest to scholars and students of European Union Law

Jurisprudence and European Constitutionalism *A Particular Line of Reasoning* Dr. Steven Nur Ahmed,2021-02-18 A Particular Line of Reasoning The Origin of Systemic White Supremacy By Dr Steven Nur Ahmed Today the United States and the world are at the proverbial crossroad Aryanism is nationally pervasive in US institutions and at all levels of society The issues confronting us all can no longer be hidden We must address the United States foundation on Aryanism and discuss it openly if we are to make significant changes to our society today Within A Particular Line of Reasoning Dr Steven Nur Ahmed addresses the history of Aryanism and white supremacy mythology from its Hinduism origin and identifies the many mythologies philosophies theologies pseudoscientific theories and political ideologies that have been used to hide its primary purpose Dr Ahmed uncovers the intellectual energies invested by a vast majority of the population and our institutions to create the myths of racial supremacy into a rational worldview for the sole purpose of labor exploitation and caste class segregation This fascinating insight into the growth of the white supremacy myth seeks to eradicate white supremacy through education and inspire real change for our future

How Humans Cooperate Richard E. Blanton,2016-12-01 In How Humans Cooperate Richard E Blanton and Lane F Fargher take a new approach to investigating human cooperation developed from the vantage point of an anthropological imagination Drawing on the discipline s broad and holistic understanding of humans in biological social and cultural dimensions and across a wide range of temporal and cultural variation the authors unite psychological and institutional approaches by demonstrating the interplay of institution building and cognitive abilities of the human brain Blanton and Fargher develop an approach that is strongly empirical historically deep and more synthetic than other research designs using findings from fields as diverse as neurobiology primatology ethnography history art history and archaeology While much current research on collective action pertains to local scale cooperation How Humans Cooperate puts existing theories to the test at larger scales in markets states and cities throughout

the Old and New Worlds This innovative book extends collective action theory beyond Western history and into a broadly cross cultural dimension places cooperation in the context of large and complex human societies and demonstrates the interplay of collective action and aspects of human cognitive ability By extending the scope and content of collective action theory the authors find a fruitful new path to understanding human cooperation

Communicative Action and Rational Choice Joseph Heath, 2003-01-24 In this book Joseph Heath brings Jürgen Habermas's theory of communicative action into dialogue with the most sophisticated articulation of the instrumental conception of practical rationality modern rational choice theory Heath begins with an overview of Habermas's action theory and his critique of decision and game theory He then offers an alternative to Habermas's use of speech act theory to explain social order and outlines a multidimensional theory of rational action that includes norm governed action as a specific type In the second part of the book Heath discusses the more philosophical dimension of Habermas's conception of practical rationality He criticizes Habermas's attempt to introduce a universalization principle governing moral discourse as well as his criteria for distinguishing between moral and ethical problems Heath offers an alternative account of the level of convergence exhibited by moral argumentation drawing on game theoretic models to specify the burden of proof that the theory of communicative action and discourse must assume

Human Dignity and the Foundations of International Law Patrick Capps, 2009-06-11 International lawyers have often been interested in the link between their discipline and the foundational issues of jurisprudential method but little that is systematic has been written on this subject In this book an attempt is made to fill this gap by focusing on issues of concept formation in legal science in general with a view to their application to the specific concerns of international law In responding to these issues the author argues that public international law seeks to establish and institutionalise a system of authoritative judgment whereby the conditions by which a community of states can co exist and co operate are ensured A state in turn must be understood as ultimately deriving legitimacy from the pursuit of the human dignity of the community it governs as well as the dignity of those human beings and states affected by its actions in international relations This argument is in line with a long and now resurgent Kantian tradition in legal and political philosophy The book shows how this approach is reflected in accepted paradigm cases of international law such as the United Nations Charter It then explains how this approach can provide insights into the theoretical foundations of these accepted paradigms including our understanding of the sources of international law international legal personality and the design of global institutions

Structural Rationality and Other Essays on Practical Reason Julian Nida-Rümelin, 2019-05-24 In this book the author shows that it is necessary to enrich the conceptual frame of the theory of rational choice beyond consequentialism He argues that consequentialism as a general theory of rational action fails and that this does not force us into the dichotomy teleology vs deontology The unity of practical reason can be saved without consequentialism In the process he presents insightful criticism of standard models of action and rational choice This will help readers discover a new perspective on the

theory of rationality The approach is radical It transcends the reductive narrowness of instrumental rationality without denying its practical impact Actions do exist that are outlined in accordance to utility maximizing or even self interest maximizing Yet not all actions are to be understood in these terms Actions oriented around social roles for example cannot count as irrational only because there is no known underlying maximizing heuristic The concept of bounded rationality tries to embed instrumental rationality into a form of life to highlight limits of our cognitive capabilities and selective perceptions However the agent is still left within the realm of cost benefit reasoning The idea of social preferences or meta preferences cannot encompass the plurality of human actions According to the author they ignore the plurality of reasons that drive agency Hence they coerce agency in fitting into a theory that undermines humanity His theory of structural rationality acknowledges lifeworld patterns of interaction and meaning

Ethical Rationalism and the Law Patrick Capps, Shaun D Pattinson, 2017-01-26 What role does reason play in determining what if anything is morally right What role does morality play in law Perhaps the most controversial answer to these fundamental questions is that reason supports a supreme principle of both morality and legality The contributors to this book cast a fresh critical eye over the coherence of modern approaches to ethical rationalism within law and reflect on the intellectual history on which it builds The contributors then take the debate beyond the traditional concerns of legal theory into areas such as the relationship between morality and international law and the impact of ethically controversial medical innovations on legal understanding

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