

Popperian Sceptic: On the Logic of Nietzsche's Critique of Morality," *British Journal for the History of Philosophy* 3 (1995): 113-140, and my "Nietzsche and the Morality Critics," *Ethics* 107 (1997): 250-283.

35. Friedrich Nietzsche, *Beyond Good and Evil*, ed. & trans. W. Kaufmann (New York: Vintage, 1966), Section 257.
36. See, e.g., Samuel Scheffler, "Agent-Centred Responsibilities, Rationality, and the Virtues," *Mind* 94 (1985): 409-449.
37. Scepticism about moral value need not go hand-in-hand with scepticism about all kinds of value. It depends on the sorts of arguments being advanced for scepticism. In the case of the moral scepticism at issue here, it is motivated primarily by accepting that certain epistemic values for essentially pragmatic reasons, as discussed earlier.
38. Do all forms of institutional scepticism represent? Perhaps not. The type one finds in Aristotle and Söderwick, for example, does not seem to depend on the more discredited potential metaphor, that Dworkin invokes here. I do not venture an opinion on this large and difficult question.
39. See P. F. Strawson, "Ethical Intuitionism," *Philosophy* 24 (1949): 23-33.

## 3

## Objectivity Fit for Law

GERALD J. POSTEMA

Tomatoes, plump and fresh from the vine, are wonderful. I love them! Linda won't touch them. And when our neighbor, Mr. Pickett, goodly presents her with a dozen of his best, she admires them, thanks him graciously, and promptly hauls them to me. Mr. Pickett also collects glass bottles; he'll talk enthusiastically about them to anyone who will listen, but he rarely has an audience. I confess, I could never see much point in the hobby.

Kevin is absolutely smitten with Meredith, even though none of us can understand what he sees in her.

Scribner's Kramer is really funny, and Linda agrees, although she never laughs quite as hard as I do when we watch him. I once played a trick on my mother, and my friends and I laughed very hard. When my father heard about it, he said it was just not funny and made me apologize to her.

Shannon Miller got a score of 9.89 on her balance beam routine in the recent Olympic games. Alicia and I were watching basketball. I thought the replay showed that it wasn't a charging foul, but Alicia said it clearly was. We agreed that it wouldn't have made a difference to the outcome, since UNC was far ahead.

I told Linda that I just heard that, but she said no, it was only an airplane going over. New evidence shows that significant reductions of iron in the blood of American males can reduce their likelihood of suffering a heart attack by up to 50 percent. Depletion of ozone in the atmosphere has significantly contributed to global warming.

Jackie Joyner-Kersee exceed the bronze for the long jump with a final jump of 16 ft. 11 3/4 in. Yesterday, the stonemason called and said that he must have made a mistake the first time he measured the marble, because it is only 34 in. long and so it's not long enough for the countertop.

Food, hobbies, love, humor, sports, perception, medicine, science, measurement — we make assertions and express our views in lots of different contexts and others of us accept or reject or qualify them. On the basis of these views we make decisions and act in ways that materially affect our lives and

# Objectivity In Law

**Brian Leiter**

## **Objectivity In Law:**

**Objectivity in Law and Morals** Brian Leiter,2001 The seven original essays included in this volume from 2000 written by some of the world's most distinguished moral and legal philosophers 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. One of the key issues explored is that of the alleged domain specificity of conceptions of objectivity i.e. whether there is a conception of objectivity appropriate for ethics that is different in kind from the conception of objectivity appropriate for other areas of study. This volume considers the intersection between objectivity in ethics and objectivity in law. It presents a 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**

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 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.

**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.

**Truth and Objectivity in Law and Morals II** André Ferreira Leite de Paula, Andrés 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.

**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.

**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.

**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 Jrgen 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 abstinenec 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.

**Judicial Objectivity:** Lidia Rodak, 2021-01-27. The book poses the fundamental question of what objectivity means in practical legal discourse and what is its role. By applying critical discourse analysis to the applications of the term objectivity in judicial discourse based on cases from Poland the book identifies a rich taxonomy of objectivity s uses that judges make of the concept of objectivity. The main results are that objectivity has a special meaning in the legal discourse based on legal authority and that a case can be made for a stronger interconnection between objectivity and intersubjectivity. These results challenge the theoretical foundations of the debate on objectivity in the legal discourse and open new perspectives for the justification of this concept in modern societies.

**Truth and Objectivity in Law and Morals** Hajime Yoshino, Andrés 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.

**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.

**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

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

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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

**Common Law Judging** Douglas E. Edlin, 2016-07-29

Moving beyond the subjectivity objectivity debate Edlin presents a case for intersubjectivity

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 Objectivity of Judicial Decisions** Vito Breda,2017 This book discusses how judges qualify their activities as objective The data for this project was retrieved from a large sample of cases using Langacker s methodology The sample included over a thousand decisions from Brazil Hungary Italy Lithuania Slovakia Slovenia Spain Romania and the UK The decisions considered allegations of judicial bias unfairness and injustice Pre judices are shared cognitive methods that legal practitioners perceive as necessary The results of the study directly confirm Pierre Legrand s claims of pre judices in legal discourse and as corollary Jules L Coleman and Brian Leiter s idea of modest objectivity in law **Law and Interpretation** Andrei Marmor,1995 Interest in interpretation has emerged in recent years as one of the main intellectual paradigms of legal scholarship This collection of new essays in law and interpretation provides the reader with an overview of this important topic written by some of the most distinguished scholars in the field The book begins with interpretation as a general method of legal theorizing and thus provides critical assessment of the recent interpretative turn in jurisprudence Further chapters include essays on the nature of interpretation its objectivity the possible determinacy of legal standards and their nature Concluding with a series of articles on the role of legislative intent in the interpretation of statutes this work offers new and refreshing insights into this old controversy **Relativism, Objectivity, and Law** Robin West,University of Toronto. Faculty of Law,1990

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