



Law

Morality

# Morality And The Law

**Kenneth Einar Himma**

## **Morality And The Law:**

Law, Liberty, and Morality H. L. A. Hart, Herbert Lionel Adolphus Hart, 1963 This incisive book deals with the use of the criminal law to enforce morality in particular sexual morality a subject of particular interest and importance since the publication of the Wolfenden Report in 1957 Professor Hart first considers John Stuart Mill's famous declaration The only purpose for which power can be rightfully exercised over any member of a civilized community is to prevent harm to others During the last hundred years this doctrine has twice been sharply challenged by two great lawyers Sir James Fitzjames Stephen the great Victorian judge and historian of the common law and Lord Devlin who both argue that the use of the criminal law to enforce morality is justified The author examines their arguments in some detail and sets out to demonstrate that they fail to recognize distinction of vital importance for legal and political theory and that they espouse a conception of the function of legal punishment that few would now share

**Moral Law and Civil Law, Parts of the Same Thing** Eli Foster Ritter, 1910 Morality, Politics, and Law Michael J. Perry, 1990 This treatise explores the proper relationship of moral and religious beliefs to politics and law focusing particularly on the USA a country which the author argues is morally and religiously pluralistic Morality, Authority, and Law Stephen Darwall, 2013-03-21 Stephen Darwall presents a series of essays that explore and extend the Second Person Standpoints argument that central moral concepts are irreducibly second personal entailing mutual accountability and the authority to address demands to one another and ourselves He illustrates the second personal frameworks power to illuminate a wide variety of issues in moral political and legal philosophy Section I concerns morality its distinctiveness among normative concepts the metaethics of bipolar obligations owed to someone the relation between moral obligations form and the substance of our obligations whether the fact that an action is wrong is itself a reason against action as opposed to simply entailing that sufficient moral reasons independently exist and whether morality requires general principles or might be irreducibly particularistic Section II consists of two essays on autonomy one discussing the relation between Kants autonomy of the will and the right to autonomy and another arguing that what makes an agents desires and will reason giving is not the basis of internal practical reasons in desire but the dignity of persons and shared second personal authority Section III focuses on the nature of authority and the law Two essays take up Joseph Razs influential normal justification thesis and argue that it fails to capture authoritys second personal nature without which authority cannot create exclusionary and preemptive reasons The final two essays concern law The first sketches the insights that a second personal approach can provide into the nature of law and the grounds of distinctions between different parts of law The second shows how a second personal framework can be used to develop the civil recourse theory in the law of torts

**The Legislation of Morality** Troy Duster, 1972 A Critical Analysis of the Relationship Between Law and Morality Shadrach Etin, 2021-06-12 Academic Paper from the year 2021 in the subject Philosophy Practical Ethics Aesthetics Culture Nature Right grade 9 8 Kampala International University Kampala International University course Law language English

abstract This analysis aims to investigate the relationship between law and morality and whether the connection is necessary In this project I will be analyzing the relationship between morality and the law emotive topics concerning euthanasia and whether it should be legalized in England including arguments for and against referring to philosophy and case law I will be looking at the issue from an ethical perspective raising many legal matters including the right to life the right to liberty and the rights and duties of doctors as well as opposing views taken by religious people referring to case law throughout

*Morality and the Nature of Law* Kenneth Einar Himma, 2019-03-07 **Morality and the Nature of Law** explores the conceptual relationship between morality and the criteria that determine what counts as law in a given society the criteria of legal validity Is it necessary condition for a legal system to include moral criteria of legal validity Is it even possible for a legal system to have moral criteria of legal validity The book considers the views of natural law theorists ranging from Blackstone to Dworkin and rejects them arguing that it is not conceptually necessary that the criteria of legal validity include moral norms Further it rejects the exclusive positivist view arguing instead that it is conceptually possible for the criteria of validity to include moral norms In the process of considering such questions this book considers Raz's views concerning the nature of authority and Shapiro's views about the guidance function of law which have been thought to repudiate the conceptual possibility of moral criteria of legal validity The book then articulates a thought experiment that shows that it is possible for a legal system to have such criteria and concludes with a chapter that argues that any legal system like that of the United States which affords final authority over the content of the law to judges who are fallible with respect to the requirements of morality is a legal system with purely source based criteria of validity

### **Conflicts of Law and Morality**

Kent Greenawalt, 1989-05-04 Powerful emotion and pursuit of self interest have many times led people to break the law with the belief that they are doing so with sound moral reasons This study a comprehensive philosophical and legal analysis of the gray area in which the foundations of law and morality clash views these oblique circumstances from two perspectives that of the person who faces a possible conflict between the claims of morality and law and must choose whether or not to obey the penal code and that of the people who make and uphold laws and must decide whether to treat someone with a moral claim to disobey differently from ordinary lawbreakers In examining the extent of the obligations owed by citizens to their government Greenawalt concentrates on the possible existence of a single source of obligation that reaches all citizens and all laws He also discusses techniques of amelioration of punishment for conscientious lawbreakers asking how far legal systems should go to accommodate individuals who break the law for reason of conscience Drawing from numerous examples of conflicts between law and morality Greeawalt illustrates in detail the positions and predicaments of potential lawbreakers and lawmakers alike

### **The Inseparability of Law and Morality**

Ellis Washington, 2002-06-28 **The Inseparability of Law and Morality** is an opus based entirely on Natural law the original philosophy of the Constitutional Framers Ellis Washington shows how and where America went wrong in separating law from morals by applying Natural law precepts to a wide variety

of contemporary legal moral political social and philosophical problems Washington exposes the sophistry of former and current legal and philosophical approaches to the law like democracy positive law utilitarianism relativism egalitarianism secularism liberalism feminism progressivism pragmatism materialism ideas which have in modern times proven themselves to be wholly untenable dangerous and inevitably lead to a corruption of societal morality He concludes that the only solution to regain public civility and respect for the rule of law is for America to return to the ancient notions of Natural law and the original intent of the Constitutional Framers

The Legislation of Morality: Law, Drugs, and Moral Judgment Troy

Duster,1970 *On Law, Morality, and Politics (Second Edition)* Thomas Aquinas, Richard J. Regan, William P.

Baumgarth,2003-03-07 The second edition retains the selection of texts presented in the first edition but offers them in new translations by Richard J Regan including that of his Aquinas Treatise on Law Hackett 2000 A revised Introduction and glossary an updated select bibliography and the inclusion of summarising headnotes for each of the units Conscience Law Justice Property War and Killing Obedience and Rebellion and Practical Wisdom and Statecraft further enhance its usefulness

The Morality of Law ,1964 God and Moral Law Mark C. Murphy,2016-03-03 Does God's existence make a difference to how we explain morality Mark C Murphy critiques the two dominant theistic accounts of morality natural law theory and divine command theory and presents a novel third view He argues that we can value natural facts about humans and their good while keeping God at the centre of our moral explanations The characteristic methodology of theistic ethics is to proceed by asking whether there are features of moral norms that can be adequately explained only if we hold that such norms have some sort of theistic foundation But this methodology fruitful as it has been is one sided God and Moral Law proceeds not from the side of the moral norms so to speak but from the God side of things what sort of explanatory relationship should we expect between God and moral norms given the existence of the God of orthodox theism Mark C Murphy asks whether the conception of God in orthodox theism as an absolutely perfect being militates in favor of a particular view of the explanation of morality by appeal to theistic facts He puts this methodology to work and shows that surprisingly natural law theory and divine command theory fail to offer the sort of explanation of morality that we would expect given the existence of the God of orthodox theism Drawing on the discussion of a structurally similar problem that of the relationship between God and the laws of nature Murphy articulates his new account of the relationship between God and morality one in which facts about God and facts about nature cooperate in the explanation of moral law

**The Enforcement of Morals** Patrick Devlin,1970 **Criminal Law and Morality in the Age of Consent** Aniceto

Masferrer,2021-02-09 This book discusses the relation between morality and politics and morality and law a field that has been studied for more than two thousand years The law is a part of human culture and this touches upon a dynamic reality that is connected to the relation between nature and freedom nature and culture If such relations are not clearly understood as is the case today the relation between morality and law cannot be properly comprehended either The relationship between

morality and criminal law must constantly evolve to meet the needs of changing times and circumstances Social changes and new situations require new answers And since the relationship involves criminal law legal philosophy and legal history interdisciplinary approaches are always needed Featuring fifteen original contributions by legal scholars from various European and American universities the book does not pretend to solve the complexity of the relation between morality and criminal law but instead expresses criticism offers some proposals and stimulates further thought The book tackles the topic from an interdisciplinary perspective criminal law constitutional law legal philosophy and legal history among others As such it appeals not only to scholars and students but also to lawyers policymakers historians theologians philosophers and general readers who are interested in the legal social political and philosophical issues of our time *The Morality of Law* Lon Luvois Fuller,1969 **English Law and the Moral Law** Arthur Lehman Goodhart,1953 **Law and Morality**

KennethEinar Himma,2017-07-05 This volume collects many of the key essays exploring the possible relationships between the concepts of law and morality a central concern of contemporary philosophizing about law It is organized around five conceptual issues classical natural law theory legal positivism s separability thesis Ronald Dworkin s constructive interpretivism inclusive legal positivism s assertion that there can be legal systems with moral criteria of legality and the relevance of morality and moral theorizing in theorizing about the concept of law and associated legal concepts Each of the essays makes an important contribution toward addressing these issues *Morality, Law and Grace* James Norman

Dalrymple Anderson,1972 **Moral Law: Groundwork of the Metaphysics of Morals** Immanuel Kant,2013-03-04 First published in 2012 Kant s Groundwork of the Metaphysic of Morals is one of the small books which are truly great it has exercised on human thought an influence almost ludicrously disproportionate to its size In moral philosophy it ranks with the Republic of Plato and the Ethics of Aristotle and perhaps partly no doubt through the spread of Christian ideals and through the long experience of the human race during the last two thousand years it shows in some respects a deeper insight even than these Its main topic the supreme principle of morality is of the utmost importance to all who are not indifferent to the struggle of good against evil Written as it was towards the end of the eighteenth century it is couched in terms other than those that would be used today but its message was never more needed than it is at present when a somewhat arid empiricism is the prevailing fashion in philosophy

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