

# THE LEGAL THEORY OF ETHICAL POSITIVISM

TOM D. CAMPBELL

# The Legal Theory Of Ethical Positivism Applied Legal Philosophy S

**Patrick Capps**



## **The Legal Theory Of Ethical Positivism Applied Legal Philosophy S:**

The Legal Theory of Ethical Positivism Tom D. Campbell, 2016-12-05 The Legal Theory of Ethical Positivism re-establishes some of the dogmas of classical legal positivism regarding the separation of legislation and adjudication and the feasibility of institutionalizing the morally neutral application of rules as an ideal capable of significant realization. This is supplemented by an analysis of the formal similarities of the morally and legally adjudicative points of view which offers the prospects of attributing a degree of moral authority to positivistic rule application in particular cases. These theories are worked through in their application to specific problem areas particularly freedom of communication.

The Legal Theory of Ethical Positivism Tom Campbell, 1996 Introduction Defamation Criteria Fact or Value The Elusive Distinction between Fact and Opinion Defamation and Freedom of Expression Conclusion 10 Conclusion A Unifying Prescription Introduction Socialist Positivism Critical Legal Positivism Feminist Positivism Alternative Dispute Resolution Conclusion Bibliography Index

*The Routledge Companion to Philosophy of Law* Andrei Marmor, 2012 The Routledge Companion to the Philosophy of Law provides a comprehensive non-technical philosophical treatment of the fundamental questions about the nature of law. Its coverage includes law's relation to morality and the moral obligations to obey the law, the main philosophical debates about particular legal areas such as criminal responsibility, property, contracts, family law, law and justice in the international domain, legal paternalism, and the rule of law. The entirely new content has been written specifically for newcomers to the field, making the volume particularly useful for undergraduate and graduate courses in philosophy of law and related areas. All 39 chapters, written by the world's leading researchers and edited by an internationally distinguished scholar, bring a focused philosophical perspective to their subjects. The Routledge Companion to the Philosophy of Law promises to be a valuable and much consulted student resource for many years.

**A Treatise of Legal Philosophy and General Jurisprudence** Enrico Pattaro, Corrado Roversi, 2016-07-13 A Treatise of Legal Philosophy and General Jurisprudence is the first ever multivolume treatment of the issues in legal philosophy and general jurisprudence from both a theoretical and a historical perspective. The work is aimed at jurists as well as legal and practical philosophers. Edited by the renowned theorist Enrico Pattaro and his team, this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholars at all levels. The work is divided in two parts. The theoretical part, published in 2005, consisting of five volumes, covers the main topics of the contemporary debate. The historical part, consisting of six volumes, Volumes 6-8 published in 2007, Volumes 9 and 10 published in 2009, Volume 11 published in 2011, and Volume 12 forthcoming in 2016, accounts for the development of legal thought from ancient Greek times through the twentieth century. Volume 12, Legal Philosophy in the Twentieth Century: The Civil Law World, Volume 12 of A Treatise of Legal Philosophy and General Jurisprudence, titled Legal Philosophy in the Twentieth Century: The Civil Law World, functions as a complement to Gerald Postema's volume 11, titled Legal Philosophy in the Twentieth Century: The Common Law World, and it offers the first

comprehensive account of the complex development that legal philosophy has undergone in continental Europe and Latin America since 1900 In this volume leading international scholars from the different language areas making up the civil law world give an account of the way legal philosophy has evolved in these areas in the 20th century the outcome being an overall mosaic of civil law legal philosophy in this arc of time Further specialists in the field describe the development that legal philosophy has undergone in the 20th century by focusing on three of its main subjects namely legal positivism natural law theory and the theory of legal reasoning and discussing the different conceptions that have been put forward under these labels The layout of the volume is meant to frame historical analysis with a view to the contemporary theoretical debate thus completing the Treatise in keeping with its overall methodological aim namely that of combining history and theory as a necessary means by which to provide a comprehensive account of jurisprudential thinking     *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     *Languages of the Law* Verena Klappstein,Maciej Dybowski,2025-02-08 Law can be seen as a motley of different languages deployed in the legal domain The authors of the chapters share interest in what determines the scope of the vocabulary of these languages as well as in the way they are used Thus both the linguistic and pragmatic turns occurring in the philosophy of language are explored as exercising not mere ripple effects on legal scholarship but rather as having a huge impact on jurisprudence The chapters in this volume tackle three broad problem areas to offer a coherent picture of languages of the law The first section is devoted to legal language at large including reflections on its nature and some distinct functions it performs in the legal domain The second section of the book focuses on the distinctly legal and pragmatic dimensions of some fragments of vocabulary used either in legal texts or in legal scholarship In the third section of the volume authors research specific questions regarding legal language and legal reasoning     The Principle of Legality Conor Crummey,2025-03-07 It is a well known tenet of

public law that judges must interpret a statute consistently with common law rights and principles unless that statute uses clear and express language to license their violation of such rights and principles This is the principle of legality But what rights and principles activate this rule of statutory construction How explicit must statutory language be to permit the violation of common law rights Is there a point at which a potential interference with common law principles is so egregious that even a clearly worded statute cannot license it The Principle of Legality A Moral Theory develops a theory to help us engage with and answer these questions Professor Conor Crummey challenges prevailing accounts of the principle of legality as a presumption about the intentions of the legislature By engaging with debates in the philosophy of language and general jurisprudence the book reveals the shortcomings of these existing theories Through the lens of a non positivist theory of general jurisprudence The Principle of Legality demonstrates that judges when invoking the principle of legality are engaging in a complex process of moral reasoning This innovative approach provides clear satisfying answers to some of the most pressing and controversial questions in contemporary public law scholarship

*Human Rights with Modesty: The Problem of Universalism* András Sajó, 2013-12-11 This volume considers the problem of legal universals at the level of the rule of law and human rights which have fundamentally different pedigrees and attempts to come to terms with the new unease arising from the universal application of human rights Given the juridicization of human rights rule of law and human rights expectations have become significantly intertwined human rights are enforced with the instruments of the rule of law and are thus limited by the restricted reach thereof The first section of this volume considers the difficulties of universalistic claims and offers a number of possible solutions for adapting universal expectations to specific contexts The second section considers problems of human rights politics sections three and four present empirical studies about the appearance and disappearance of the rule of law and fundamental rights in Western and non Western societies Special attention is paid to the problems of developing countries with a specific focus on past and present developments in Iran These empirical studies indicate that the acceptance of human rights and the rule of law is historically contingent and cannot simply be considered as a matter of culture

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**Selected Acquisitions of the Library** Indiana University, Bloomington. Law Library, 1996

**Critical Legal Positivism** Kaarlo Tuori, 2017-03-02 This profound and scholarly treatise develops a critical version of legal positivism as the basis for modern legal scholarship Departing from the formalism of Hart and Kelsen and blending the European tradition of Weber Habermas and Foucault with the Anglo American contributions of Dworkin and MacCormick Tuori presents the normative and practical faces of law as a multilayered phenomenon within which there is an important role for critical legal dogmatics in furthering law's self understanding and coherence Its themes also resonate with importance for the development of the European legal system

American Book Publishing Record ,2003      **The Ethics of Positivism** Giacomo Barzellotti,1878      **Legal Reasoning for CLAT, AILET, SLAT & Other Law Entrance Exams 2nd Edition** Disha Experts,2021-11-13 The 2nd Edition of Legal Aptitude Reasoning for CLAT AILET SLAT Other Law Entrance Exams has been upgraded as per the new CLAT pattern and it now includes Passage based Questions So the book becomes a Must for all Law Admission Tests The book also adds latest Legal Reasoning Questions The book is divided into 2 parts Part A Legal Foundation covers the Indian Constitution Executive Judiciary etc which forms the foundation for studying Legal Aptitude Part B Legal Aptitude Reasoning covers all the important tenets of the Legal Framework and teaches how to reason out the various real life situations based on the Legal Principles The book covers a lot of MCQs for Practice Past Questions from 2015 2021 of various exams are incorporated in the various chapters in the book      *The Philosopher's Index* ,1994 Vols for 1969 include a section of abstracts      **Legal Theory in the Crucible of Constitutional Justice** Rory O'Connell,2000 Constitutional adjudication straddles law and politics legal and political theory Referring to legal controversies in Canada free expression Ireland sexual morality and Italy religion this book examines how constitutional judgements rely upon unarticulated political commitments This interaction between law and morality allows us to escape the dichotomy of natural law versus positivism in a time when judges increasingly act as moral guardians      Law, Morality, and Legal Positivism International Association for Philosophy of Law and Social Philosophy. World Congress,2004 Contents P Capps Positivism in Law and International Law D von Daniels Is Positivism a State Centered Theory K E Himma Legal Positivism s Conventionality Thesis and the Methodology of Conceptual Analysis R Nunan A Modest Rehabilitation of the Separability Thesis A Oladosu Choosing Legal Theory on Cultural Grounds An African Case for Legal Positivism C Orrego Hart s Last Legal Positivism Morality Might Be Objective Legality Certainly is Not M Pavcnik Die Un Produktivitat der Positivistischen Jurisprudenz M Haase The Hegelianism in Kelsen s Pure Theory of Law S Papaefthymiou The House Kelsen Built U J Pak Legal Practitioners Need of Reflective Application of Legal Philosophy in Korea U Schmill Jurisprudence and the Concept of Revolution D Venema Judicial Discretion a Necessary Evil J Baker Rights Obligations and Duties and the Intersection of Law Conventions and Morals S Berteau Legal Systems Claim to Normativity and the Concept of Law J Dalberg Larsen On the Relevance of Habermas and Theories of Legal Pluralism for the Study of Environmental Law A Philippopoulos Mihalopoulos A Connection of No Connection in Luhmann and Derrida      *Legal Ethics* ,2000      *Lloyd's Introduction to Jurisprudence* Michael D. A. Freeman,1994 Previous ed by Lord Lloyd of Hampstead and M D A Freeman      *Bibliographie Internationale de Science Politique* ,2000

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