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The Morality of Law The Morality of Law The Morality of Law The morality of law Ethics in the Public Domain Punishment, Restorative Justice and the Morality of Law An Introduction to Law Reason, Morality, and Law Law and Morality at War Morality and the Nature of Law On Law, Morality, and Politics (Second Edition) Conflicts of Law and Morality The Morality of Law Forms Liberate Law: A Very Short Introduction Law, Morality, and Legal Positivism The Authority of Law Rediscovering Fuller Law and Morality Adjudication in Action What Makes Law Law and Morality The Right to Do Wrong Law and Morality The Importance of Ideals The Dynamics of Law and Morality Cyberethics The Rule of Rules Sex, Morality, and the Law Law, Economics, and Morality Criminal Law and Morality in the Age of Consent Law, Liberty, and Morality To Do, to Die, to Reason Why Morality, Authority, and Law Cyberethics Morality and the Law The Concept of Law Philosophy of Law The Morality of the Laws of War Rules for Wrongdoers

Lon Fuller, one of the great American jurists of this century, is often remembered only for his stand on the morality of law in the Fuller-Hart debate. Rediscovering Fuller considers the full range of Fuller's writings, from his early engagement with legal fictions and his critique of legal positivism to his later work on implicit law and the art of institutional design. Contributors from the fields of both civil law and common law argue that Fuller's insights are highly relevant to contemporary concerns. The book contains essays by K. Winston, D. Dyzenhaus, P. Cliteur, F. Schauer ("Beyond the Fuller-Hart Debate"), P. Westerman, W. van der Burg, D. Luban ("Moralities of Law"), G. Postema, P. Teachout ("Implicit Law"), R. Macdonald, W. Witteveen, J. Allison, M. Hertogh, K. Soltan ("The Art of Institutional Design"), J. Allan, F. Mootz, J. Vining ("Law's Dialogue"), and a preface by Ph. Selznick. "At some point in the future, when we become more open to the moral relevance of social inquiry, more empirical in our study of philosophical issues, more capable of uniting moral and social theory, Lon Fuller's work will stand as a landmark. This volume will help show the way." Ph. Selznick Lon L Fuller's account of what he termed 'the internal morality of law' is widely accepted as the classic twentieth century statement of the principles of the rule of law. Much less accepted is his claim that a necessary connection between law and morality manifests in these principles, with the result that his jurisprudence largely continues to occupy a marginal place in the field of legal philosophy. In 'Forms Liberate: Reclaiming the Jurisprudence of Lon L Fuller', Kristen Rundle offers a close textual analysis of Fuller's published writings and working papers to explain how his claims about the internal morality of law belong to a wider exploration of the ways in which the distinctive form of law introduces meaningful limits to lawgiving power through its connection to human agency. By reading Fuller on his own terms, 'Forms Liberate' demonstrates why his challenge to a purely instrumental conception of law remains salient for twenty-first century legal scholarship. 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. Since its first publication in 1996, Law and Morality has filled a long-standing need for a contemporary Canadian textbook in the philosophy of law. Now in its third edition, this anthology has been thoroughly revised and updated, and includes new chapters on equality, judicial review, and terrorism and the rule of law. The volume begins with essays that explore general questions about morality and law, surveying the traditional literature on legal positivism and contemporary debates about the connection between law and morality. These essays explore the tensions between law as a protector of individual liberty and as a tool of democratic self-rule, and introduce debates about adjudication and the contribution of feminist approaches to the philosophy of law. New material on the Chinese Canadian head tax case is also featured. The second part of Law and Morality deals with philosophical questions as they apply to contemporary issues. Excerpts from judicial decisions as well as essays by practicing lawyers are included to provide theoretically informed legal analyses of the issues. Striking a balance between practical and more analytic, philosophical approaches, the volume's treatment of the philosophy of law as a branch of political philosophy enables students to understand law in its function as a social institution. Law and Morality has proved to be an essential text in both departments of philosophy and faculties of law and this latest edition brings the debates fully up to date, filling gaps in the previous editions and adding to the array of contemporary issues previously covered. Morality and the Nature of Law explores the conceptual relationship between morality and the criteria that determine what counts as law in a given societythe 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. Adjudication in Action describes the moral dimension of judicial activities and the judicial approach to questions of morality, observing the contextualized deployment of various practices and the activities of diverse people who, in different capacities, find themselves involved with institutional judicial space. Exploring the manner in which the enactment of the law is morally accomplished, and how practical, legal cognition mediates and modulates the treatment of cases dealing with sexual morality, this book offers a rich, praxeological study that engages with 'living' law as it unfolds in action. Inspired by Wittgenstein's later thought and engaging with recent developments in ethnomethodology and conversation analysis, Adjudication in Action challenges approaches that reduce the law to mere provisions of a legal code, presenting instead an understanding of law as a resource that stands in need of contextualization. Through the close description of people's orientation to and reification of legal categories within the framework of institutional settings, this book constitutes the first comprehensive study of law in context and in action. 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. Bertea: 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 Since the publication of its first edition, this textbook has become the definitive student introduction to the subject. As with earlier editions, the seventh edition gives a clear understanding of fundamental legal concepts and their importance within society. In addition, this book addresses the ways in which rules and the structures of law respond to and impact upon changes in economic and political life. The title has been extensively updated and explores recent high profile developments such as the Civil Partnership Act 2005 and the Racial and Religious Hatred Bill. This introductory text covers a wide range of topics in a clear, sensible fashion giving full context to each. For this reason An Introduction to Law is ideal for all students of law, be they undergraduate law students, those studying law as part of a mixed degree, or students on social sciences courses which offer law options. John Finnis is a pre-eminent legal, moral and political philosopher. This volume contains over 25 essays by leading international scholars of philosophy and law who critically engage with issues at the heart of Finnis's work. Petrazycki's socio-psychic orientation toward law is behavioral as well as thoughtful. He finds the most suitable methods for obtaining knowledge about legal experiences to be internal and external observation. His technique of introspection is similar to Max Weber's conceptual method. Petrazycki distinguishes between two kinds of interpretive understanding. External observation involves deriving the meaning of an act or symbolic expression from immediate observation without reference to any broader context, and internal observation involves placing the particular act in a broader context of meaning involving facts that cannot be derived from a particular act or expression. -- Rules perform a moral function by restating moral principles in concrete terms, so as to reduce the uncertainty, error, and controversy that result when individuals follow their own unconstrained moral judgment. Although reason dictates that we must follow rules to avoid destructive error and controversy, rules—and hence laws—are imperfect, and reason also dictates that we ought not follow them when we believe they produce the wrong result in a particular case. In The Rule of Rules Larry Alexander and Emily Sherwin examine this dilemma. Once the importance of this moral and practical conflict is acknowledged, the authors argue, authoritative rules become the central problems of jurisprudence. The inevitable gap between rules and background morality cannot be bridged, they claim, although many contemporary jurisprudential schools of thought are misguided attempts to do so. Alexander and Sherwin work through this dilemma, which lies at the heart of such ongoing jurisprudential controversies as how judges should reason in deciding cases, what effect should be given to legal precedent, and what status, if any, should be accorded to "legal principles." In the end, their rigorous discussion sheds light on such topics as the nature of interpretation, the ancient dispute among legal theorists over natural law versus positivism, the obligation to obey law, constitutionalism, and the relation between law and coercion. Those interested in jurisprudence, legal theory, and political philosophy will benefit from the edifying discussion in The Rule of Rules. Critics take the unclear status of restorative justice practices, along with their vagueness in meaning and purpose, as a clear invitation to a fundamental questioning of the legitimacy of these practices. Their supporters consider the experiment of restorative justice as a platform for reforming

penal institutions and for rethinking the legitimacy of orthodox legal reasoning. Within the framework of a rechtsstaat, a democratic state governed by fundamental rights and by the rule of law, both issues of legitimacy lead not only to reflection on concepts such as restoration, punishment, or on such notions as harm and wrong. Questioning the legitimacy both of restorative justice practices and of the prevailing penal system also inevitably involves some reflection on, and articulation of, the underlying values and normative aspirations of such a democratic constitutional state. What are these values and how can they be given appropriate expression in the leading concepts and principles of the criminal law? To what extent are fundamental rights and principles of the rule of law sufficiently reflected in the practices of restorative justice? How are these practices to be related to the criminal justice system according to the normative aspirations of a democratic constitutional state? To what degree can current penal practices be made continuous with these aspirations? These fundamental questions formed the intellectual framework for the 10th Aquinas Conference on Restorative Justice, Punishment and the Morality of Law, at which conference the larger part of the papers published in this volume were presented. Consistent with the structure of the conference, this collection of essays is organised into three parts, each focussing on one central topic and containing a lead essay and corresponding replies. The first part offers critical scrutiny of one of the cornerstones of a criminal justice system governed by the rule of law, namely the principle of legality. Efforts are made to empower this principle through reflection on its underlying values and aspirations, and this in order to meet some of the legitimate ideals and concerns of restorative justice. These efforts are subsequently assessed from both sociological and philosophical perspectives. In the second part, attention is drawn to the legitimacy of restorative justice practices. Here, the normative intuitions of a democratic constitutional state serve either as a critical framework to assess these practices, or, more optimistically, as ideals to whose realisation restorative justice is supposed to make a valuable contribution. And, finally, in the third part, reflection on the value of restorative justice brings us to a fundamental questioning of the legitimacy of punishment and penal practices. Central to the discussion is whether it is possible to interpret and normatively reconstruct the idea and practice of punishment so as to make them compatible with, and even continuous with, the underlying values of a democratic constitutional state. The laws are not silent in war, but what should they say? What is the moral function of the law of armed conflict? Should the law protect civilians who do not fight but help those who do? Should the law protect soldiers who perform non-combat functions or who may be safely captured? How certain should a soldier be that an individual is a combatant rather than a civilian before using lethal force? What risks should soldiers take on themselves to avoid harming civilians? When do inaccurate weapons become unlawfully indiscriminate? When does 'collateral damage' to civilians become unlawfully disproportionate? Should civilians lose their legal rights by serving, voluntarily or involuntarily, as human shields? Finally, when should killing civilians constitute a war crime? These are the questions that Law and Morality at War answers, contributing to a cutting-edge international debate. Drawing on the concepts and methods of contemporary moral and legal philosophy, the book develops a normative framework within which the laws of war and international criminal law can be evaluated, criticized, and reformed. While several philosophical works critically examine the moral status of civilians and combatants, this book fills a gap, offering both an account of the laws of war and war crimes, and proposing how the law could be improved from a moral point of view. Finally, it explores when, if ever, the emotional pressures under which soldiers act should partially or wholly excuse their wrongful actions --Flap of book cover. Ideals are important in social reality, but they have been neglected in theories of law, politics, and morality. This book has the role of ideals as its central theme. More specifically, it argues that ideals are necessary to understand pluralism, that they are key elements in controversy and debate, and that they enable development. It combines theoretical analysis of the concept of ideals with discussion of concrete debates and cases, including philosophical debates about

politics and equality, sociological studies of the diverse interpretations of the rule of law, and accounts of the development of environmental law and privacy law. Thus, the functioning of ideals is critically examined, showing the merits and limitations of an ideal-oriented approach. To Do, To Die, To Reason Why offers a new account of the ethics of war and the legal regulation of war. It is especially concerned with the conduct of individuals, including whether they are required to follow orders to go to war, what moral constraints there are on killing in war, what makes people liable to be killed in war, and the extent to which the laws of war ought to reflect the morality of war. Victor Tadros defends a largely anti-authority view about the morality of war, and notable moral constraints on killing in war, such as the Doctrine of Doing and Allowing and a version of the Doctrine of Double Effect. However, he argues that a much wider range of people are liable to be harmed or killed in war than is normally thought to be the case, on grounds of both causal involvement and fairness. And it argues that the laws of war should converge much more closely with the morality of war than is currently the case. Stephen Darwall presents a series of essays that explore the view that morality is second-personal, entailing mutual accountability and the authority to address demands. He illustrates the power of the second-personal framework to illuminate a wide variety of issues in moral, political, and legal philosophy. This new collection of essays opens with a pivotal essay, not previously published, on the implications of the moral duties which arise out of concern for the well-being of others. The first part of the book concentrates on the consequences of two central aspects of well-being: the importance of membership in groups - the role of belonging - and the active character of well-being - that it largely consists in successful activities. Both aspects have far-reaching political implications, explored in essays on free expression, national self-determination, and multiculturalism, among others. Against the background of the moral and political views developed in the first part, the second part of the book explores various aspects of the dynamic inter-relations between law and morality, offering some building blocks towards a theory of law. Much of what we could do, we shouldn□t□and we don□t. Mark Osiel shows that common morality□expressed as shame, outrage, and stigma□is society□s first line of defense against transgressions. Social norms can be indefensible, but when they complement the law, they can save us from an alternative that is far worse: a repressive legal regime. CyberEthics: Morality and Law in Cyberspace, Third Edition takes an in-depth look at the social costs and moral problems that have arisen by the expanded use of the internet, and offers up-to-date legal and philosophical perspectives. The text focuses heavily on content control and free speech, intellectual property, privacy and security, and has added NEW coverage on Blogging. Case studies featured throughout the text offer real-life scenarios and include coverage of numerous hot topics, including the latest decisions on digital music and movie downloads, the latest legal developments on the Children's Internet Protection Act, and other internet governance and regulation updates. In the process of examining these issues, the text identifies some of the legal disputes that will likely become paradigm cases for more complex situations yet to come. This work examines the possibility of combining economic methodology and deontological morality through explicit and direct incorporation of moral constraints into economic models. Fifty years on from its first publication, The Concept of Law is still the starting point for the study of legal philosophy and is widely heralded as a classic work of modern philosophy. This third edition features a new introduction by Leslie Green, looking at Hart's work from the perspective of modern jurisprudence. All civilized societies share a common desire for internal order and security. For this reason, among others, moral codes and legal structures are developed to give form to social belief systems, to regulate interpersonal relations, and to promulgate ideals of appropriate behavior. But what should society or individuals do when the compelling dictates of personal conscience conflict strongly with statutory law? Can the morality of some be visited upon the rest of society by giving it the authority and power of law? Are there principles that go beyond legal jurisdiction to justify acts of civil disobedience? Is it right to violate

the laws of society when they are opposed to personal moral convictions? Few questions have had a more compelling effect on the history and future of the human community. For this reason the editors have brought together a fascinating collection of essays by some of the most astute minds in law and philosophy to grapple with the tough issues facing Morality and the Law. Contributors include Hugo A. Bedau, Charles L. Black, Jr., Patrick Devlin, Joel Feinberg, Erich Fromm, H.L.A. Hart, Leon Jaworski, John Rawls, Peter Singer, and Rudolph Weingartner. 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. This revised edition of one of the classic works of modern legal philosophy, first published in 1979, represents Raz's landmark contribution which has had an enduring influence on philosophical work on the nature of law and its relation to morality. The new edition includes two previously uncollected essays and a new introduction from the author. 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. This fully revised and updated fifth edition offers an in-depth and comprehensive examination of the social costs and moral issues emerging from ever-expanding use of the Internet and new information technologies. Focusing heavily on content control, free speech, intellectual property, and security, this book provides legal and philosophical discussions of these critical issues. It includes new sections on Luciano Floridi's macroethics, gatekeepers and search engines, censorship, anti-piracy legislation, patents, and smartphones. Real-life case studies, including all-new examples focusing on Google, Facebook, video games, reader's rights, and the LulzSec Hackers, provide real-world context. -- 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. This book investigates the dynamic intertwinement of law and morality, with a focus on new and developing fields of law. Taking as its starting point the debates and mutual misunderstandings between proponents of different philosophical traditions, it argues that this theoretical pluralism is better explained once law is accepted as an essentially ambiguous concept. Continuing on, the book develops a robust theory of law that increases our grasp on global legal pluralism and the

dynamics of law. This theory of legal interactionism, inspired by the work of Lon Fuller and Philip Selznick, also helps us to understand apparent anomalies of modern law, such as international law, the law of the European Convention on Human Rights and horizontal interactive legislation. In an ecumenical approach, legal interactionism does justice to the valuable core of truth in natural law and legal positivism. Shedding new light on familiar debates between authors such as Fuller, Hart and Dworkin, this book is of value to academics and students interested in legal theory, jurisprudence, legal sociology and moral philosophy. First Published in 1997. Routledge is an imprint of Taylor & Francis, an informa company. This advanced introduction to central questions in legal philosophy attempts to breathe new life into stalled research. The Morality of the Laws of War examines the modern landscape of the ethics of war. Rudolphy assesses the conflicting theories on the legality of just and unjust combatants. While doing this, she proposes an alternative morality of war proceeding from the inescapable fact that regulating war is always a significant moral compromise. 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. Raymond Wacks reveals the intriguing and challenging nature of legal philosophy, exploring the notion of law and its role in our lives. He refers to key thinkers from Aristotle to Rawls, from Bentham to Derrida and looks at the central questions behind legal theory, and law's relation to justice, morality, and democracy. "Ripstein's lectures, which constitute the central texts of this book, focus on the two bodies of rules governing war: the jus ad bellum, which regulates resort to armed force, and the jus in bello, which sets forth rules governing the conduct of armed force and applies equally to all parties. The lectures argue that both sets of rules constitute prohibitions rather than permissions, and that recognizing them as distinctive prohibitions can reconcile the seeming tension between them. By understanding that the central wrong of war is that war is the condition which force decides, Ripstein contends that the law and morality of war are in fact aligned; the rules governing the conduct of hostilities must apply equally to parties in the right and parties in the wrong in an armed conflict, because the prohibitions outlined in the rules governing war are prohibitions that restrain war. Ripstein's method of analysis and the substantive argument he puts forward offer an opportunity for rigorous critical engagement in subsequent essays by commentators Hathaway, Kutz, and McMahan, followed by a response from Ripstein"-- Law underlies our society - it protects our rights, imposes duties on each of us, and establishes a framework for the conduct of almost every social, political, and economic activity. The punishment of crime, compensation of the injured, and the enforcement of contracts are merely some of the tasks of a modern legal system. It also strives to achieve justice, promote freedom, and protect our security. The result is a system that, while it touches all of our daily lives, is properly understood by only a few, with its impenetrable jargon, obsolete procedures, and interminable stream of Byzantine statutes and judgments of the courts. This clear, jargon-free Very Short Introduction aims to redress that balance, as it introduces the essentials of law and legal systems in a lively, accessible, and stimulating manner. Explaining the main concepts, terms, and processes of the legal system, it focuses on the Western tradition (the common law and the civil law), but also includes discussions of other legal systems, such as customary law and Islamic law. And it looks to the future too,

as globalization and rapid advances in technology place increasing strain on our current legal system. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

- Morality And The Law
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