

ACCESS FREE LAW LIBERTY AND MORALITY

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Law Liberty And Morality Introduction

Law, Liberty, and Morality

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.

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Law, Liberty and Morality ...

Of Law, Liberty and Morality looks at the state of Legal Philosophy in the 21st century. The impact of legal evolutions and revolutions in the new world of social media are examined, as is the need to handle unprecedented legal situations, such as War Crimes. A flexible, fluid Legal Pyramid Model is developed as the basis of Justice. Justice, in turn, is shown to depend on Liberty in Society.

Law, Liberty and Morality

This text brings together contributions from 18 of the world's foremost legal and political philosophers to examine the lasting influence of H.L.A. Hart. The essays explore the major subjects of Hart's work: general jurisprudence, criminal responsibility, rights, justice, causation and the foundations of liberalism.

Law, Liberty, and Morality

"Morality of Freedom" is the winner of the W J M Mackenzie Prize of the Political Studies Association for 1987.

Of Law, Liberty and Morality

This book makes two important contributions toward a general and systematic theory of rights—a powerful philosophical analysis of the language of rights and an explanation of the nature of rights. In working out these ideas, Wellman has provided a new and cohesive way of thinking and talking about rights of every sort. Wellman succeeds in bringing all kinds of rights—moral, legal, institutional, etc.—under one unified theory in a way that illuminates their similarities and differences. This enables him to deal in a consistent way with a very broad range of philosophical questions, questions that are too often dealt with in isolation from each other.

Law, Liberty and Morality in Some Recent Natural Law Theories

This collection of essays represents H.L.A. Hart's landmark contribution to the philosophy of criminal responsibility and punishment. This edition reproduces the original text, adding a new critical introduction by John Gardner, a leading contemporary criminal law theorist.

The Legacy of H.L.A. Hart

A landmark work of political and legal philosophy, Ronald Dworkin's *Taking Rights Seriously* was acclaimed as a major work on its first publication in 1977 and remains profoundly influential in the 21st century. A forceful statement of liberal principles - championing the legal, moral and political rights of the individual against the state - Dworkin demolishes prevailing utilitarian and legal-positivist approaches to jurisprudence. Developing his own theory of adjudication, he applies this to controversial public issues, from civil disobedience to positive discrimination. Elegantly written and cuttingly insightful, *Taking Rights Seriously* is one of the most important works of public thought of the last fifty years.

The Morality of Freedom

"Selected Tanner lectures on moral philosophy."--T.p.

Morality and the Law

This book examines the relationship between law and morals, especially relating them to issues and events of current interest, and argues for broader participation in the debate, since it raises questions which touch the lives of us all.

The Enforcement of Morals

Jeffrie G. Murphy's third collection of essays further pursues the topics of punishment and retribution that were explored in his two previous collections: *Retribution, Justice and Therapy* and *Retribution Reconsidered*. Murphy now explores these topics in the light of reflections on issues that are normally associated with religion: forgiveness, mercy, and repentance. He also explores the general issue of theory and practice and discusses a variety of topics in applied ethics - e.g., freedom of artistic expression, the morality of gambling, and the value of forgiveness in psychological counseling. As always, his perspective may be described as Kantian; and, indeed, this collection contains the first extended piece of Kant scholarship that he has done in years: a long essay on Kant on theory and practice.

A Theory of Rights

In recent years, there has been a substantial increase in concern for the rule of law. Not only have there been a multitude of articles and books on the essence, nature, scope and limitation of the law, but citizens, elected officials, law enforcement officers and the judiciary have all been actively engaged in this debate. Thus, the concept of the rule of law is as multifaceted and contested as it's ever been, and this book explores the essence of that concept, including its core principles, its rules, and the necessity of defining, or even redefining, the basic concept. *Law, Liberty, and the Rule of Law* offers timely and unique insights on numerous themes relevant to the rule of law. It discusses in detail the proper scope and limitations of adjudication and legislation, including the challenges not only of limiting legislative and executive power via judicial review but also of restraining active judicial lawmaking while simultaneously guaranteeing an independent judiciary interested in maintaining a balance of power. It also addresses the relationship not only between the rule of law, human rights and separation of powers but also the rule of law, constitutionalism and democracy.

Punishment and Responsibility

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.

Taking Rights Seriously

"The definitive guide to studying law at university, *Letters to a Law Student* is an indispensable guide for any law student, at any point in their undergraduate degree. It is packed full of practical advice and helpful answers to the most common questions about studying law at university across every stage of taking, or thinking about taking, a law degree."

Liberty, Equality, and Law

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.

Liberty, Justice, and Morals

In this concise volume, R. J. Rushdoony expounds on the central themes of the application of Biblical law to every area of life. This book is a great starting point to understanding Rushdoony's larger expositions on Biblical law.

Law and Morals

With over sixty cases as support, this text presents the philosophy of law as a perpetual series of debates with overlapping lines and cross connections. Using law as a focus to bring into relief many social and political issues of pressing importance in contemporary society, this book encourages readers to think critically and philosophically. *Classic Readings and Cases in the Philosophy of Law* centers on five major questions: What is law? What, if any, connection must there be between law and morality? When should law be used to restrict the liberty of individuals? To what extent should democratic states permit civil disobedience? What, if anything, justifies the infliction of punishment on those who violate the law? The extensive anthology of cases covers the mundane to the grandest of constitutional issues, including controversial topics like ownership of genetic material, capital punishment, and gay rights. Brief introductions to each case describe the central issue being litigated, the legal reasoning of the justices—both majority and dissenting—the decision of the court, and its philosophical significance.

Essays on the Principles of Morality and Natural Religion

The Criminalization series arose from an interdisciplinary investigation into criminalization, focussing on the principles that might guide decisions about what kinds of conduct should be criminalized, and the forms that criminalization should take. Developing a normative theory of criminalization, the series tackles the key questions at the heart of the issue: what principles and goals should guide legislators in deciding what to criminalize? How should criminal wrongs be classified and differentiated? How should law enforcement officials apply the law's specifications of offences? The fourth book in the series examines the political morality of the criminal law, exploring general principles and theories of criminalization. Chapters provide accounts of the criminal law in the light of ambitious theories about moral and political philosophy - republicanism and contractarianism, or reflect upon the success of important theories of criminalization by viewing them in a novel light. Ideas that are fundamental to any complete theory of the criminal law - liberty, harm, and the effect on victims - are investigated in depth. Sociological investigation of the criminal law grounds a critical investigation into the principles of criminalization, both as a legislative matter, and with respect to criminalization practices, in contemporary and historical contexts. The volume broadens our conceptions of the theory of criminalization, and clarifies the role of the series in the development of this theory. It is essential reading for all interested in legal, political, and social theories of criminalization.

Character, Liberty and Law

America's moral decline is not secret. An alarming number of moral and cultural problems have exploded in our country since 1960--a period when the standards of morality expressed in our laws and customs have been relaxed, abandoned, or judicially overruled. Conventional wisdom says laws cannot stem moral decline. Anyone who raises the prospect of legislation on the hot topics of our day - abortion, family issues, gay rights, euthanasia - encounters a host of objections: As long as I don't hurt anyone the government should leave me alone.\" No one should force their morals on anyone else.\" You can't make people be good.\" Legislating morality violates the separation of church and state.\" 'Legislating Morality' answers those objections and advocates a moral base for America without sacrificing religious and cultural diversity. It debunks the myth that morality can't be legislated\" and amply demonstrates how liberals, moderates, and conservatives alike exploit law to promote good and curtail evil. This book boldly challenges prevailing thinking about right and wrong and about our nation's moral future.

Law, Liberty, and the Rule of Law

Some of the most difficult and wrenching social and political issues in U.S. society today are about the relationship between strongly held moral values and the laws of the land. There is no consensus about whether the law should deal with morality at all, and if it is to do so, there is no agreement over whose morality is to be reflected in the law. In this compact and carefully edited anthology, Gerald Dworkin presents

the readings necessary for an understanding of these issues. The volume contains classical and contemporary philosophical statements as well as a generous sampling of legal cases and opinions, including such topics of current interest as flag-burning, nude dancing, the sale of human organs, and sexual behavior. The volume represents the best in applied legal and moral philosophy.

Law and Morality

From the Introduction In his Autobiography, Mill predicts that the essay On Liberty is "likely to survive longer than anything else that I have written." He goes on to say that the essay is the expression of a "single truth: "the importance, to man and society, of a large variety of types of character, and of giving full freedom to human nature to expand itself in innumerable and conflicting directions." In the essay itself, Mill defines his subject as "the nature and limits of the power which can be legitimately exercised by society over the individual." He defends the absolute freedom of individuals to engage in conduct not harmful to others, and the near-absolute freedom to express and discuss opinions of all kinds. Mill's essay survives, as he had predicted, because his powerful message is still widely rejected by the powerful, and by those who continue to seek power over the lives of others.

Law, Liberty, Morality and Rights

Arguing about Law introduces philosophy of law in an accessible and engaging way. The reader covers a wide range of topics, from general jurisprudence, law, the state and the individual, to topics in normative legal theory, as well as the theoretical foundations of public and private law. In addition to including many classics, Arguing About Law also includes both non-traditional selections and discussion of timely topical issues like the legal dimension of the war on terror. The editors provide lucid introductions to each section in which they give an overview of the debate and outline the arguments of the papers, helping the student get to grips with both the classic and core arguments and emerging debates in: the nature of law legality and morality the rule of law the duty to obey the law legal enforcement of sexual morality the nature of rights rights in an age of terror constitutional theory tort theory. Arguing About Law is an inventive and stimulating reader for students new to philosophy of law, legal theory and jurisprudence.

Letters to a Law Student

Dworkin's important book is a collection of essays which discuss almost all of the great constitutional issues of the last two decades, including abortion, euthanasia, capital punishment, homosexuality, pornography, and free speech. Dworkin offers a consistently liberal view of the Constitution and argues that fidelity to it and to law demands that judges make moral judgments. He proposes that we all interpret the abstract language of the Constitution by reference to moral principles about political decency and justice. His 'moral reading' therefore brings political morality into the heart of constitutional law. The various chapters of this book were first published separately; now drawn together they provide the reader with a rich, full-length treatment of Dworkin's general theory of law.

The Morality of Law

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.

Reason, Morality, and Law

The concept of law lies at the heart of our social and political life, shaping the character of our community and underlying issues from racism and abortion to human rights and international war. But what actually is law? A set of naturally occurring moral principles, or simply rules agreed by a particular society? What is a 'right' and what rights should people actually have? Is law really colour-blind and gender-blind? Can the law truly tell us whether gay marriages are immoral, what's wrong with racism, or whether we should go to war? Revealing the intriguing and challenging nature of legal philosophy with clarity and enthusiasm, Raymond Wacks explores the notion of law and its role in our lives. Referring to key thinkers from Aristotle to Rawls, Bentham, Dworkin, H.L.A. Hart and Derrida, he looks at the central questions behind legal theory that have fascinated lawyers and philosophers - and anyone - who ever wondered about law's relation to justice, morality, and democracy. 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.

Law & Liberty

"In 'Making men moral' Robert P. George defends the traditional position on morals legislation against criticisms advanced by leading contemporary liberal theorists." -- Back cover.

Classic Readings and Cases in the Philosophy of Law

The authoritative text on the libertarian political position In recent years, libertarian impulses have increasingly influenced national and economic debates, from welfare reform to efforts to curtail affirmative action. Murray N. Rothbard's classic *The Ethics of Liberty* stands as one of the most rigorous and philosophically sophisticated expositions of the libertarian political position. Rothbard's unique argument roots the case for freedom in the concept of natural rights and applies it to a host of practical problems. And while his conclusions are radical—that a social order that strictly adheres to the rights of private property must exclude the institutionalized violence inherent in the state—Rothbard's applications of libertarian principles prove surprisingly practical for a host of social dilemmas, solutions to which have eluded alternative traditions. *The Ethics of Liberty* authoritatively established the anarcho-capitalist economic system as the most viable and the only principled option for a social order based on freedom. This classic book's radical insights are sure to inspire a new generation of readers.

Criminalization

Presents the first masterpiece of Scottish Common Sense philosophy. This two-volume treatise is important for its wide range of insights about the nature of the human mind, the foundations of morals, and the relationship between morality and religion. In order to understand the Enlightenment in Scotland, Turnbull's work must be put next to that of Francis Hutcheson. In the first volume Turnbull presents a detailed study of the faculties of the human mind and their interrelations. He contends that moral philosophy should be treated as one part, the highest part, of natural philosophy, and not as a field requiring its own distinctive methodology. Moral philosophers should rely on observation and experiment as their means of exploration into the workings of the human mind. The Liberty Fund edition of *The Principles of Moral and Christian Philosophy* is the first modern edition of this work.

Legislating Morality

Papers from a conference held in San Francisco in 1976. Includes bibliographical references and index.

Law and Morality

Morality, Harm, And The Law

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