

THE ETHICS OF DEFERENCE

Learning from Law's Morals

PHILIP SOPER

CAMBRIDGE STUDIES IN
PHILOSOPHY AND LAW

Ethics Of Deference Learning From Laws Morals

Jiří Přibán



Ethics Of Deference Learning From Laws Morals:

The Ethics of Deference Philip Soper, 2002-10-24 Differs from standard approaches by focusing on the language of deference instead of obedience Legal, Moral, and Metaphysical Truths Kimberly Kessler Ferzan, Stephen J.

Morse, 2016-04-15 Perhaps more than any other scholar Michael Moore has argued that there are deep and necessary connections between metaphysics morality and law Moore has developed every contour of a theory of criminal law from philosophy of action to a theory of causation Indeed not only is he the central figure in retributive punishment but his moral realist position places him at the center of many jurisprudential debates Comprised of essays by leading scholars this volume discusses and challenges the work of Michael Moore from one or more of the areas where he has made a lasting contribution namely law morality metaphysics psychiatry and neuroscience The volume begins with a riveting contribution by Heidi Hurd wherein she takes an unadorned and unabashed look at the man behind this monumental body of work full of both triumphs and sadness A number of essays focus on Moore's view of the purpose and justification of the criminal law specifically his endorsement of retributivism and legal moralism The book then addresses Moore's work in the various aspects of the general part of the criminal law including Moore's position on how to understand criminal acts for double jeopardy purposes Moore's claim that accomplice liability is superfluous and Moore's views about the culpability of negligence as well as the relationship between that view and proximate causation Furthermore the subject of defenses in criminal law is addressed including self defense and also the intersection of psychiatry psychology cognitive neuroscience and the criminal law Also discussed are features of morality and Moore's work in general jurisprudence Finally Moore concludes the volume with an essay that defends and delineates the features of his views Justifying Violent Protest James Greenwood-Reeves, 2022-12-30 This

book presents a radical but compelling argument that liberal democracies must be able accommodate violent protest We often think of violent protest as being alien to liberal democracy an extraordinary occurrence within our peaceful societies Yet this is simply untrue Violent protest is a frequent and normal part of democratic life The real question is should it be Can rebellion or riot against government ever be morally justifiable in our society By framing state demands for obedience as legitimacy claims or moral arguments states who make illogical and unjust laws make weaker arguments for obedience This in turn gives citizens stronger moral reasons to disobey Violence can act as moral dialogue with expressive and instrumental value in denouncing unjust laws and can have just as important a role in democracy as peaceful protest This book examines the activism of Hong Kong pro democracy protesters Extinction Rebellion Black Lives Matter and many other groups internationally in order to demonstrate that not only can violent protest be acceptable in times of grave injustice it is unavoidable This book will appeal to a broad range of academics in legal and political theory sociolegal studies criminology history and philosophy as well as others with interests in contemporary forms of protest Sovereignty's Promise Evan Fox-Decent, 2011-12-08 Arguing that the state and its people stand in a fiduciary relationship Sovereignty's Promise puts

forward a bold new account of political authority and its legal limits In doing so it presents a fresh argument for common law constitutionalism and a novel theoretical framework for understanding the requirements of the rule of law

Natural Gas Flaring & Energy Transition Eduardo G. Pereira, Magnus C. Abraham-Dukuma, Opeyemi Y. Omotuyi, 2025-04-23 In the context of climate change it is generally agreed that natural gas has manifest advantages as a transition fuel that offers a potential bridge from overuse of coal and petroleum to a renewable low carbon future However the widespread ongoing practice of natural gas flaring the burning of unwanted gas for economic reasons is severely criticized for hampering progress in its flagrant waste of both valuable resources and revenues This important book covers natural gas flaring policies across twenty leading oil and gas jurisdictions from a global perspective providing the energy transition and environmental policy communities with detailed information on current developments in market regulations contractual arrangements and technological responses and clarifying ways to tackle natural gas flaring in the context of meeting climate change goals In the multifaceted approach provided by the book s contributors experts from a broad cross section of gas producing countries the book engages with such issues and topics as the following the technical aspects behind natural gas flaring alternative solutions to mitigating natural gas flaring via carbon capture utilization and storage energy security imperatives legal frameworks governing natural gas flaring with case studies from key twenty leading oil and gas jurisdictions best practices and potential solutions that can be adapted to different contexts environmental social and governance ESG considerations potential disputes arising from changing regulations and market conditions and recommendations for design application and implementation of natural gas development and marketing Bringing together legal policy and regulatory perspectives from natural gas hubs this work fills a significant gap in the existing literature with a rigorous exposition and comparative analysis of the business legal economic and sustainability aspects of natural gas flaring and its role in the energy transition across global energy markets It will prove to be of immeasurable value to policymakers industry stakeholders regulators concerned nongovernmental organizations and legal practitioners in sustainable development and international relations It is sure to contribute to informed decision making and ultimately to more sustainable and equitable energy systems worldwide

Ethics, Law, and Aging Review, Volume 9 Marshall B. Kapp, JD, MPH, FCLM, 2003-08-15 This volume explores the concept of safety as applied in the long term care context Chapters examine the way in which the quest for safety may work either synergistically or adversely upon other worthy social goals Among the initiatives considered are promoting the decision making autonomy of patients clients and their surrogates enhancing the quality of care and quality of life available to long term care residents and providing fair compensation for injured victims when serious harm occurs Questions addressed that are of concern to legal and ethical theorists social science researchers and patient client advocates include To what extent do litigation and or regulation accomplish the safety and other legitimate objectives of public policy in the long term care arena Do the costs of various approaches outweigh the benefits in promoting safety and other goals How do

litigation and regulation compare with alternative approaches to achieving the same goals in terms of an acceptable cost benefit balance

The International Legal System as a System of Knowledge Linderfalk, Ulf, 2022-10-25 International law is an underdeveloped branch of legal research researchers still disagree over the proper understanding of several of its most fundamental issues and genuinely so This book helps to explain why It brings clarity that will no doubt make international legal research more rational which in turn vouches for a more productive legal discourse

Legal Symbolism Jiří Přibáň, 2016-04-22 Jir Prib n s book contributes to the field of systems theory of law in the context of European legal and political integration and constitution making It puts recent European legislative efforts and policies especially the EU enlargement process in the context of legal theory and philosophy Furthermore the author shows that the system of positive law has a symbolic meaning reflecting how it also contributes to the semantics of political identity democratic power and moral values as well as the complex relations between law politics and morality

Justice and Authority in Immigration Law Colin Grey, 2015-04-23 This book provides a new and powerful account of the demands of justice on immigration law and policy Drawing principally on the work of Adam Smith Immanuel Kant and John Rawls it argues that justice requires states to give priority of admission to the most disadvantaged migrants and to grant some form of citizenship or non oppressive status to those migrants who become integrated It also argues that states must avoid policies of admission and exclusion that can only be implemented through unjust means It therefore refutes the common misconception that justice places no limits on the discretion of states to control immigration

Against Obligation Abner Greene, 2012-04-13 Do citizens of a nation such as the United States have a moral duty to obey the law Do officials when interpreting the Constitution have an obligation to follow what that text meant when ratified To follow precedent To follow what the Supreme Court today says the Constitution means These are questions of political obligation for citizens and interpretive obligation for anyone interpreting the Constitution often officials Abner Greene argues that such obligations do not exist Although citizens should obey some laws entirely and other laws in some instances no one has put forth a successful argument that citizens should obey all laws all the time Greene s case is not only against obligation It is also for an approach he calls permeable sovereignty all of our norms are on equal footing with the state s laws Accordingly the state should accommodate religious philosophical family or tribal norms whenever possible Greene shows that questions of interpretive obligation share many qualities with those of political obligation In rejecting the view that constitutional interpreters must follow either prior or higher sources of constitutional meaning Greene confronts and turns aside arguments similar to those offered for a moral duty of citizens to obey the law

Legal Directives and Practical Reasons Noam Gur, 2018-11-21 This book investigates law s interaction with practical reasons What difference can legal requirements e g traffic rules tax laws or work safety regulations make to normative reasons relevant to our action Do they give reasons for action that should be weighed among all other reasons Or can they instead exclude and take the place of some other reasons The book critically examines some of the existing answers and puts

forward an alternative understanding of law's interaction with practical reasons. At the outset two competing positions are pitted against each other. Joseph Raz's view that legitimate legal authorities have pre-emptive force namely that they give reasons for action that exclude some other reasons and an antithesis according to which law-making institutions even those that meet prerequisites of legitimacy can at most provide us with reasons that compete in weight with opposing reasons for action. These two positions are examined from several perspectives such as justified disobedience, cases law's conduct guiding function in contexts of bounded rationality and the phenomenology associated with authority. It is found that although each of the above positions offers insight into the conundrum at hand both suffer from significant flaws. These observations form the basis on which an alternative position is put forward and defended. According to this position the existence of a reasonably just and well-functioning legal system constitutes a reason that fits neither into a model of ordinary reasons for action nor into a pre-emptive paradigm; it constitutes a reason to adopt an overridable disposition that inclines its possessor towards compliance with the system's requirements. Runner up for the Peter Birks Book Prize for Outstanding Legal Scholarship 2019.

Ethical Artificial Intelligence from Popular to Cognitive Science Jordan Richard Schoenherr, 2022-06-24. This book offers a unique interdisciplinary perspective on the ethics of artificial intelligence autonomous intelligent and connected systems or AISs applying principles of social cognition to understand the social and ethical issues associated with the creation, adoption and implementation of AISs. As humans become entangled in sociotechnical systems defined by human and artificial agents there is a pressing need to understand how trust is created, used and abused. Compounding the difficulty in answering these questions stakeholders directly or indirectly affected by these systems differ in their motivations, understanding and values. This volume provides a comprehensive resource to help stakeholders understand ethical issues of designing and implementing AISs using an ethical sensemaking approach. Starting with the general technical affordances of AIS, Dr Jordan Richard Schoenherr considers the features of system design relating data integrity, selection and interpretation of algorithms and the evolution processes that drive AISs innovation as a sociotechnological system. The poles of technophobia, algorithmic aversion and technophilia, algorithmic preference in the public perception of AISs are then described and considered against existing evidence including issues ranging from the displacement and re-education needs of the human workforce, the impact of use of technology on interpersonal accord and surveillance and cybersecurity. Ethical frameworks that provide tools for evaluating the values and outcomes of AISs are then reviewed and how they can be aligned with ethical sensemaking processes identified by psychological science is explored. Finally these disparate threads are brought together in a design framework. Also including sections on policies and guideline gaming and social media and Eastern philosophical frameworks this is fascinating reading for students and academics in psychology, computer science, philosophy and related areas as well as professionals such as policy makers and those working with AI systems.

International Encyclopedia of Political Science Bertrand Badie, Dirk Berg-Schlosser, Leonardo

Morlino,2011-09-07 Request a FREE 30 day online trial to this title at www.sagepub.com/freetrial With entries from leading international scholars from around the world this eight volume encyclopedia offers the widest possible coverage of key areas both regionally and globally The International Encyclopedia of Political Science provides a definitive comprehensive picture of all aspects of political life recognizing the theoretical and cultural pluralism of our approaches and including findings from the far corners of the world The eight volumes cover every field of politics from political theory and methodology to political sociology comparative politics public policies and international relations Entries are arranged in alphabetical order and a list of entries by subject area appears in the front of each volume for ease of use The encyclopedia contains a detailed index as well as extensive bibliographical references Filling the need for an exhaustive overview of the empirical findings and reflections on politics this reference resource is suited for undergraduate or graduate students who wish to be informed effectively and quickly on their field of study for scholars seeking information on relevant research findings in their area of specialization or in related fields and for lay readers who may lack a formal background in political science but have an interest in the field nonetheless The International Encyclopedia of Political Science provides an essential authoritative guide to the state of political science at the start of the 21st century and for decades to come making it an invaluable resource for a global readership including researchers students citizens and policy makers The encyclopedia was developed in partnership with the International Political Science Association Key Themes Case and Area Studies Comparative Politics Theory and Methods Democracy and Democratization Economics Epistemological Foundations Equality and Inequality Gender and Race Ethnicity International Relations Local Government Peace War and Conflict Resolution People and Organizations Political Economy Political Parties Political Sociology Public Policy and Administration Qualitative Methods Quantitative Methods Religion

Ethical Decision-Making in School Mental Health James C. Raines,Nic T. Dibble,2021-03-01 Ethical Decision Making in School Mental Health provides ethical guidelines from four different professions and addresses mental health issues in schools It offers an easy to follow seven step model for mental health professionals to use when working through thorny ethical dilemmas

Coercion and the State David A. Reidy,Walter J. Riker,2008-03-19 A signal feature of legal and political institutions is that they exercise coercive power The essays in this volume examine institutional coercion with the aim of trying to understand its nature justification and limits Included are essays that take a fresh look at perennial questions Leading scholars from philosophy political science and law examine these and related questions shedding new light on an apparently inescapable feature of political and legal life Coercion

[Where Our Protection Lies](#) Dimitrios Kyritsis,2017-08-04 In this book Dimitrios Kyritsis advances an original account of constitutional review of primary legislation for its compatibility with human rights Key to it is the value of separation of powers When the relationship between courts and the legislature realizes this value it makes a stronger claim to moral legitimacy Kyritsis steers a path between the two extremes of the sceptics and the enthusiasts Against sceptics who claim that constitutional review is an affront to democracy

he argues that it is a morally legitimate institutional option for democratic societies because it can provide an effective check on the legislature Although the latter represents the people and should thus be given the initiative in designing government policy it carries serious risks which institutional design must seek to avert Against enthusiasts he maintains that fundamental rights protection is not the exclusive province of courts but the responsibility of both the judiciary and the legislature Although courts may sometimes be given the power to scrutinize legislation and even strike it down if it violates human rights they must also respect the legislature's important contribution to their joint project Occasionally they may even have a duty to defer to morally sub optimal decisions as far as rights protection is concerned This is as it should be Legitimacy demands less than the ideal In turn citizens ought to accept discounts on perfect justice for the sake of achieving a reasonably just and effective political order overall

Authority and Trust in US Culture and Society Günter

Leypoldt, Manfred Berg, 2021-02-26 In the past two decades a discourse of crisis has emerged about the democratic institutions and political culture of the US many structures of authority which people had more or less taken for granted are facing a massive public loss of trust This volume takes an interdisciplinary and historical look at the transformations of authority and trust in the United States The contributors examine government institutions political parties urban neighborhoods scientific experts international leadership religious communities and literary production Exploring the nexus between authority and trust is crucial to understand the loss of legitimacy experienced by political social and cultural institutions not only in the United States but in Western democracies at large

Philosophy of Law as an Integral Part of Philosophy Thomas Bustamante, Thiago Lopes Decat, 2020-12-24 This edited collection considers the work of one of the most important legal philosophers of our time Professor Gerald J Postema It includes contributions from expert philosophers of law The chapters dig deep into important camps of Postema's rich theoretical project including the value of the rule of law the ideal of integrity in adjudication his works on analogical reasoning the methodology of jurisprudence dialogues with Ronald Dworkin Joseph Raz Frederick Schauer and HLA Hart The collection includes an original article by Professor Postema in which he develops his conception of the rule of law and replies to some objections to previous works and an interview in which he provides a fascinating and unique insight into his philosophy of law

Ignorance of Law Douglas

Husak, 2016-07-21 This book argues that ignorance of law should usually be a complete excuse from criminal liability It defends this conclusion by invoking two presumptions first the content of criminal law should conform to morality second mistakes of fact and mistakes of law should be treated symmetrically The author grounds his position in an underlying theory of moral and criminal responsibility according to which blameworthiness consists in a defective response to the moral reasons one has

Legislation in Context: Essays in Legisprudence Luc J. Wintgens, 2016-04-22 The essays in this volume set out to provide a rational framework for legislation Whilst legislation and regulation is the result of a political process this volume considers whether they can also be the object of theoretical study It examines the problems that are common to most

European legal systems by applying the tools of legal theory to legislative problems legisprudence While traditional legal theory deals predominantly with the question of the application of law by a judge legisprudence enlarges the scope of study to include the creation of law by the legislator The essays published in the volume develop a new range of insights into the relationship between legislative problems and legal theory in a way that will interest legal scholars throughout the world Specifically the work will attract the attention of those involved with constitutional law EU law human rights law and legal theory

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