Jurisprudence

I
Introduction to Philosophy

- Philosophy is the study of general and fundamental problems, such as those connected with **reality, existence, knowledge, values, reason, mind, and language.**
- Philosophy is distinguished from other ways of addressing such problems by its **critical, generally systematic approach** and its reliance on **rational argument**.
- In common parlance, "philosophy" can refer to "the most basic beliefs, concepts, and attitudes of an individual or group".
- The word "philosophy" comes from the Ancient Greek (***philosophia***), which literally means "love of wisdom".
- The introduction of the terms "philosopher" and "philosophy" has been ascribed to the Greek thinker Pythagoras.

Branches of Philosophy

- Logic
- Metaphysics
- Epistemology
- Ethics and political philosophy
- Aesthetics

Logic

- Logic is the study of the **principles of correct reasoning.**
- Arguments use either deductive reasoning or inductive reasoning. **Deductive** reasoning is when, given certain statements (called premises), other statements (called conclusions) are unavoidably implied. Rules of inferences from premises include the most popular method where given “A” and “If A then B”, then “B” must be concluded.
- A common convention for a deductive argument is the **syllogism**. An argument is termed valid if its conclusion does follow from its premises, whether the premises are true or not, while an argument is sound if its conclusion follows from premises that are true.
- **Propositional logic** uses premises that are propositions, which are declarations that are either true or false, while predicate logic uses more complex premises called formulae that contain variables. These can be assigned values or can be quantified as to when they apply with the universal quantifier (always apply) or the existential quantifier (applies at least once).
- **Inductive** reasoning makes conclusions or generalizations based **on probabilistic reasoning**. For example, if “90% of humans are right-handed” and “Joe is human” then “Joe is probably right-handed”. Fields in logic include mathematical logic (formal symbolic logic) and philosophical logic.

Metaphysics

- Metaphysics is the study of the most general features of **reality**, such as **existence, time, the relationship between mind and body, objects and their properties, wholes and their parts, events, processes, and causation.**
- Traditional branches of metaphysics include **cosmology**, the study of the world in its entirety, and **ontology**, the study of being.
- Within metaphysics itself there are a wide range of differing philosophical theories. **Idealism**, for example, is the belief that reality is *mentally constructed* or otherwise immaterial while **realism** holds that reality, or at least some part of it, *exists independently of the mind*. Subjective idealism describes objects as no more than collections or "bundles" of sense data in the perceiver. The 18th-century philosopher George Berkeley contended that existence is fundamentally tied to perception with the phrase "To be is to be perceived or to perceive".

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- In addition to the aforementioned views, however, there is also an **ontological** dichotomy within metaphysics between the concepts of particulars and universals as well. Particulars are those objects that are said to exist in space and time, as opposed to abstract objects, such as numbers. Universals are properties held by multiple particulars, such as redness or a gender.
- The type of existence, if any, of universals and abstract objects is an issue of serious debate within metaphysical philosophy. **Realism** is the philosophical position that universals do in fact exist, while **nominalism** is the negation, or denial of universals, abstract objects, or both. **Conceptualism** holds that universals exist, but only within the mind's perception. The question of whether or not existence is a predicate has been discussed since the Early Modern period. Essence is the set of attributes that make an object what it fundamentally is and without which it loses its identity. Essence is contrasted with accident: a property that the substance has contingently, without which the substance can still retain its identity.

Epistemology

- Epistemology is concerned with the **nature and scope of knowledge**, such as the **relationships between truth, belief, and theories of justification.**
- Skepticism is the position which questions the possibility of completely justifying any truth. The regress argument, a fundamental problem in epistemology, occurs when, in order to completely prove any statement, its justification itself needs to be supported by another justification. This chain can do three possible options, all of which are unsatisfactory. One option is **infinitism**, where this chain of justification can go on forever. Another option is **foundationalism**, where the chain of justifications eventually relies on basic beliefs or axioms that are left unproven. The last option, such as in **coherentism**, is making the chain circular so that a statement is included in its own chain of justification.

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- **Rationalism** is the emphasis on *reasoning as a source of knowledge.* Rationalism claims that every possible object of knowledge can be deduced from coherent premises without observation.
- **Empiricism** is the emphasis on *observational evidence* via sensory experience over other evidence as the source of knowledge. Empiricism claims that at least some knowledge is only a matter of observation. For this, Empiricism often cites the concept of tabula rasa, where individuals are not born with mental content and that knowledge builds from experience or perception. Epistemological solipsism is the idea that the existence of the world outside the mind is an unresolvable question.

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- Parmenides (fl. 500 BC) argued that it is impossible to doubt that thinking actually occurs. But thinking must have an object, therefore something *beyond* thinking really exists. Parmenides deduced that what really exists must have certain properties—for example, that it cannot come into existence or cease to exist, that it is a coherent whole, that it remains the same eternally (in fact, exists altogether outside time). This is known as the third man argument. Plato (427–347 BC) combined rationalism with a form of realism. The philosopher's work is to consider being, and the essence of things. But the characteristic of essences is that they are universal. The nature of a man, a triangle, a tree, applies to all men, all triangles, all trees. Plato argued that these essences are mind-independent "forms", that humans (but particularly philosophers) can come to know by reason, and by ignoring the distractions of sense-perception.

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- Modern rationalism begins with Descartes. Reflection on the nature of perceptual experience, as well as scientific discoveries in physiology and optics, led Descartes (and also Locke) to the view that we are directly aware of ideas, rather than objects. This view gave rise to three questions:

1. Is an idea a true copy of the real thing that it represents? Sensation is not a direct interaction between bodily objects and our sense, but is a physiological process involving representation (for example, an image on the retina). Locke thought that a "secondary quality" such as a sensation of green could in no way resemble the arrangement of particles in matter that go to produce this sensation, although he thought that "primary qualities" such as shape, size, number, were really in objects.
2. How can physical objects such as chairs and tables, or even physiological processes in the brain, give rise to mental items such as ideas? This is part of what became known as the mind-body problem.

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3. If all the contents of awareness are ideas, how can we know that anything exists apart from ideas? Descartes tried to address the last problem by reason. He began, echoing Parmenides, with a principle that he thought could not coherently be denied: I *think*, therefore I *am* (often given in his original Latin: *Cogito ergo sum*). From this principle, Descartes went on to construct a complete system of knowledge (which involves proving the existence of God, using, among other means, a version of the ontological argument).[12] His view that reason alone could yield substantial truths about reality strongly influenced those philosophers usually considered modern rationalists (such as Baruch Spinoza, Gottfried Leibniz, and Christian Wolff), while provoking criticism from other philosophers who have retrospectively come to be grouped together as empiricists.

Ethics and Moral Philosophy

- Ethics, or "moral philosophy," is concerned primarily **with the question of the best way to live, and secondarily, concerning the question of whether this question can be answered.**
- The main branches of ethics are **meta-ethics, normative ethics, and applied ethics.**
- **Meta-ethics** concerns the nature of ethical thought, **such as the origins of the words good and bad,** and origins of other comparative words of various ethical systems, whether there are absolute ethical truths, and how such truths could be known.
- **Normative ethics** are more concerned with the questions of how one **ought to act**, **and what the right course of action** is. This is where most ethical theories are generated.
- **Applied ethics** go beyond theory and step into **real world ethical practice**, such as questions of whether or not abortion is correct.
- Ethics is also associated with the idea of morality, and the two are often interchangeable.

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- One debate that has commanded the attention of ethicists in the modern era has been between consequentialism (actions are to be morally evaluated solely by their *consequences*) and deontology (actions are to be morally evaluated solely by consideration of agents' *duties*, the *rights* of those whom the action concerns, or both). Jeremy Bentham and John Stuart Mill are famous for propagating utilitarianism, which is the idea that the fundamental moral rule is to strive toward the "greatest happiness for the greatest number". However, in promoting this idea they also necessarily promoted the broader doctrine of consequentialism. Adopting a position opposed to consequentialism, Immanuel Kant argued that moral principles were simply products of reason. Kant believed that the incorporation of consequences into moral deliberation was a deep mistake, since it denies the necessity of practical maxims in governing the working of the will. According to Kant, reason requires that we

- Thomas Hobbes conform our actions to the categorical imperative, which is an absolute duty. An important 20th-century deontologist, W.D. Ross, argued for weaker forms of duties called *prima facie* duties.
- More recent works have emphasized the role of character in ethics, a movement known as the *aretaic turn* (that is, the *turn towards virtues*). One strain of this movement followed the work of Bernard Williams.
- Williams noted that rigid forms of consequentialism and deontology demanded that people behave impartially. This, Williams argued, requires that people abandon their personal projects, and hence their personal integrity, in order to be considered moral. G.E.M. Anscombe, in an influential paper, "Modern Moral Philosophy" (1958), revived virtue ethics as an alternative to what was seen as the entrenched positions of Kantianism and consequentialism. Aretaic perspectives have been inspired in part by research of ancient conceptions of virtue.
- For example, Aristotle's ethics demands that people follow the *Aristotelian mean*, or balance between two vices; and Confucian ethics argues that virtue consists largely in striving for harmony with other people. Virtue ethics in general has since gained many adherents, and has been defended by such philosophers as Philippa Foot, Alasdair MacIntyre, and Rosalind Hursthouse.

Political philosophy

- Political philosophy is the **study of government and the relationship of individuals** (or families and clans) to communities including the state.
- It includes questions about **justice, law, property, and the rights and obligations of the citizen.** Politics and ethics are traditionally inter-linked subjects, as both discuss the question of what is good and how people should live. From ancient times, and well beyond them, the roots of justification for political authority were inescapably tied to outlooks on human nature. In *The Republic*, Plato presented the argument that the ideal society would be run by a council of philosopher-kings, since those best at philosophy are best able to realize the good. Even Plato, however, required philosophers to make their way in the world for many years before beginning their rule at the age of fifty.