

MASTER'S THESIS

Robert P. George on the Relationship between Law and Morality

CHOW, Chung Yan

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ABSTRACT

This thesis investigates the justification of legal enforcement of morality by examining the moralist position of Professor Robert P. George. The issue is a crucial debate between Millian liberalism and legal moralism for decades. The academia seems in favour of the liberal stance for years, but research in the last two decades shows that more and more contemporary scholars support the reasonableness of the legal moralists' position. Reassessing the recent discussions on the legal enforcement of morality through examining George's legal moralism, mainly his pluralistic perfectionist theory of civil liberties, is the major aim of this research. Based on the literature that is currently available in academia, by adopting the analytic philosophical method and applying different schools' ideas to discuss a real-life test case of anti-cruelty to animal laws, arguments between different schools were critically and rationally assessed. The thesis argues that there are controversies about the new natural law foundation and the value of liberty in George's legal moralism, but most of them are not decisive problems that undermine George's arguments. Nevertheless, amendments shall be made on his claim on the value of liberty. Admitting the intrinsic value of certain kinds of liberty would help his legal moralism cope better with the ideology of modern society. Comparing the arguments of the liberals and the legal moralists, the research concludes that the stance of legal moralism is more defensible. At the same time, the focus of discussion and future research on legal moralism should move to George and other contemporary moralist philosophers.

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