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How to Hold the Social Fact Thesis: A Reply to Greenberg and Toh

BARBARA BAUM LEVENBOOK

A rough approximation of the social fact thesis is that law is ultimately entirely a matter of social fact. As Greenberg points out, many judges believe that the arguments they give to defend a position on a particular point of local law are also reasons why an alleged standard is the valid local law. (Greenberg 2006a, p. 239). Since appeal to morality...