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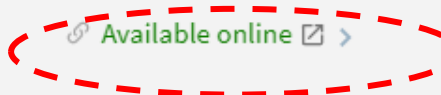
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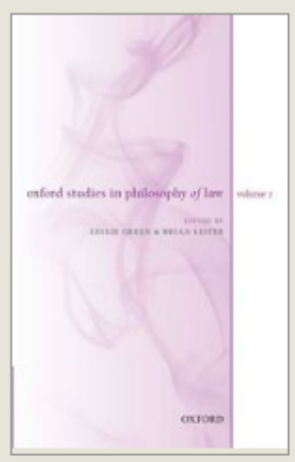
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### Oxford Studies in Philosophy of Law: Volume 2

Leslie Green and Brian Leiter

#### ABSTRACT

This text provides an annual forum for some of the best new philosophical work on law, by both senior and junior scholars from around the world. The chapters range widely over issues in general jurisprudence (the nature of law, adjudication, and legal reasoning), the philosophical foundations of specific areas of law (from criminal law to evidence to international law), the history of legal philosophy, and related philosophical topics that illuminate the problems of legal theory.

Keywords: general jurisprudence, adjudication, legal reasoning, criminal law, international law, legal philosophy, legal theory

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#### AUTHORS

Affiliations are at time of print publication.

Leslie Green, editor  
University of Oxford, Balliol College

Brian Leiter, editor  
University of Chicago

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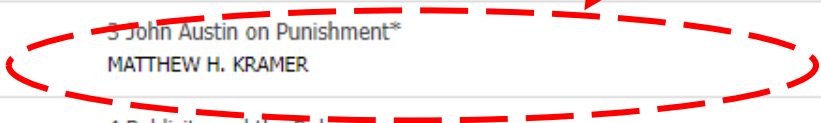
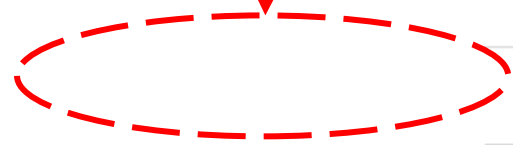
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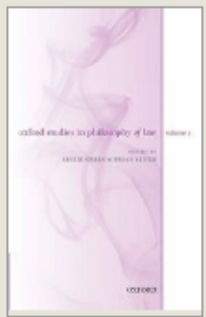
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### How to Hold the Social Fact Thesis: A Reply to Greenberg and Toh 1

Barbara Baum Levenbook

DOI:10.1093/acprof:oso/9780199679829.003.0002

#### [+] Abstract and Keywords

This chapter first sketches and criticizes Greenberg's argument against a metaphysical version of the social fact thesis. It argues that Greenberg jumps to conclusions about the tenability of an external defence of any constitutive thesis, and, more importantly, that his particular demand for an internal validation of the constitutive thesis is ad hoc. The chapter then examines then rejects Toh's argument against a justificatory

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*Keywords:* social fact thesis, metaphysics, constitutive thesis, internal validation, justification, reason-giving force

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## How to Hold the Social Fact Thesis: A Reply to Greenberg and Toh<sup>1</sup>

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

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