

Political and Legal Obligation

Edited by
J. Roland Pennock
and John W. Chapman

With a new introduction by
William J. Quirk

Political And Legal Obligation Nomos Xii

**James Roland Pennock, John William
Chapman**



Political And Legal Obligation Nomos Xii:

Moral Principles and Political Obligations A. John Simmons, 2020-05-05 Outlining the major competing theories in the history of political and moral philosophy from Locke and Hume through Hart Rawls and Nozick John Simmons attempts to understand and solve the ancient problem of political obligation Under what conditions and for what reasons if any he asks are we morally bound to obey the law and support the political institutions of our countries **Legislative Intent and Other Essays on Law, Politics, and Morality** Gerald Cushing MacCallum, 1993 In the last years of his life Gerald C MacCallum Jr defied illness to continue his work on the philosophy of law This book is a monument to MacCallum s effort containing fourteen of his essays five of them published here for the first time Two of those previously published are widely admired and reprinted Legislative Intent certainly one of the best papers published on its topic and Negative and Positive Freedom which offered a new way of looking at a distinction that had been canonical for the last two centuries To complete MacCallum s unfinished pieces Marcus G Singer and Rex Martin painstakingly consulted MacCallum s notes for planned revisions MacCallum discusses legal reasoning the application of rules the interpretation of statutes and constitutional provisions and the relation of these matters to morality and justice In the last decade of his working life he became greatly concerned with the interrelated themes of integrity autonomy conscience and violence He became interested in the relations between competition and morality and between justice and adversarial systems of law These themes are woven together in Legislative Intent and constitute the main subject of some of the essays MacCallum was engaged in a constant search for truth and understanding and in his life and work lived up to Emerson s vision of the American Scholar as Man Thinking These essays are informed by the author s deep curiosity penetrating intelligence wide knowledge and outstanding character They will be treasured wherever these characteristics and true philosophy are treasured A Political Companion to Henry David Thoreau Jack Turner, 2009-07-17 The writings of Henry David Thoreau 1817 1862 have captivated scholars activists and ecologists for more than a century Less attention has been paid however to the author s political philosophy and its influence on American public life Although Thoreau s doctrine of civil disobedience has long since become a touchstone of world history the greater part of his political legacy has been overlooked With a resurgence of interest in recent years A Political Companion to Henry David Thoreau is the first volume focused exclusively on Thoreau s ethical and political thought Jack Turner illuminates the unexamined aspects of Thoreau s political life and writings Combining both new and classic essays this book offers a fresh and comprehensive understanding of Thoreau s politics and includes discussions of subjects ranging from his democratic individualism to the political relevance of his intellectual eccentricity The collection consists of works by sixteen prominent political theorists and includes an extended bibliography on Thoreau s politics A Political Companion to Henry David Thoreau is a landmark reference for anyone seeking a better understanding of Thoreau s complex political philosophy **Ethics and the Rule of Law** David Lyons, 1984 This clear and systematic introduction to the philosophy of

law attempts to answer some important questions about the nature of law and its relationship to social norms and moral standards

Law and Democracy Glenn Patmore, Kim Rubenstein, 2014-12-24 Law and Democracy Contemporary Questions provides a fresh understanding of law's regulation of Australian democracy The book enriches public law scholarship deepening and challenging the current conceptions of law's regulation of popular participation and legal representation The book raises and addresses a number of contemporary questions about legal institutions principles and practices How should the meaning of the people in the Australian Constitution be defined by the High Court of Australia How do developing judicial conceptions of democracy define citizenship What is the legal right to participate in the political community Should political advisors to Ministers be subject to legal accountability mechanisms What challenges do applied law schemes pose to notions of responsible government and how can they be best addressed How can the study of the ritual of electoral politics in Australia and other common law countries supplement the standard account of democracy How might the ritual of the pledge of Australian citizenship limit or enhance democratic participation What is the conflict between legal restrictions of freedom of expression and democracy and the role of social media Examining the regulation of democracy this book scrutinises the assumptions and scope of constitutional democracy and enhances our understanding of the frontiers of accountability and responsible government In addition key issues of law culture and democracy are revealed in their socio legal context The book brings together emerging and established scholars and practitioners with expertise in public law It will be of interest to those studying law politics cultural studies and contemporary history

Is the Death Penalty Dying? Austin Sarat, 2008-01-18 Drawing together an array of distinguished scholars from political science criminology sociology and law this volume examines the death penalty in the US

Equality and Liberty J. Angelo Corlett, 2016-07-27 Equality and Liberty Analysing Rawls and Nozick is an indispensable source for those seriously interested in some rigorous assessments of the ideas of America's two most popular political philosophers The essays in this volume cover a wide range of topics some engaging each other in their analyses of particular Rawlsian or Nozickian themes This collection of recent essays brings the student up to date concerning some of the more recent developments and assessments of Rawlsian and Nozickian ideas

Justice and Law María José Falcón y Tella, 2014-05-08 Apart from considering classical theories of justice from Aristotle Plato Saint Thomas Aquinas the Bible and the Quran the aim of Justice and Law is to focus on the contemporary vista reviewing some of the modern ideas of justice advanced by legal philosophers of our time such as John Rawls Jürgen Habermas Ronald Dworkin Robert Nozick Richard A Posner Wojciech Sadurski Marxism or Feminist Theories In the second part of the work María José Falcón y Tella deals with some of the principal themes relating to justice such as punishment civil disobedience conscientious objection just war conflict of duties and tolerance

Civil Disobedience in Focus Hugo Adam Bedau, 2002-01-10 The issues surrounding civil disobedience have been discussed since at least 399 BC and in the wake of such recent events as the protest at Tiananmen Square are still of great relevance By presenting classic and current

philosophical reflections on the issues this book presents all the basic materials needed for a philosophical assessment of the nature and justification of civil disobedience The pieces included range from classic essays by leading contemporary thinkers such as Rawls Raz and Singer Hugo Adam Bedau s introduction sets out the issues and shows how the various authors shed light on each aspect of them *Retribution, Justice, and Therapy* J.G. Murphy, 2012-12-06 One might legitimately ask what reasons other than vanity could prompt an author to issue a collection of his previously published essays The best reason I think is the belief that the essays hang together in such a way that as a book they produce a whole which is in a sense greater than the sum of its parts When this happens as I hope it does in the present case it is because the essays pursue related themes in such a way that together they at least form a start toward the development of a systematic theory on the common foundations supporting the particular claims in the particular articles With respect to this collection the essays can all be read as particular ways of pursuing the following general pattern of thought that a commitment to justice and a respect for rights and not social utility must be the foundation of any morally acceptable legal order that a social contractarian model is the best way to illuminate this foundation that a retributive theory of punishment is the only theory of punishment resting on such a foundation and thus is the only morally acceptable theory of punishment that the twentieth century s faddish movement toward a scientific or therapeutic response to crime runs grave risks of undermining the foundations of justice and rights on which the legal order ought to rest and finally that the legitimate worry about the tendency of the behavioral sciences to undermine the values of Value and Justification Gerald F. Gaus, 1990-07-27 Rational moral action can neither be seen as a way of maximising personal values nor derived from reason independent of them is this study s assertion It contends that commitment to the moral point of view is presupposed by value systems Rational moral action can neither be seen as a way of maximising personal values nor derived from reason independent of them is this study s assertion It contends that commitment to the moral point of view is presupposed by value systems *Privacy and Personality* James Roland Pennock, John William Chapman, 2007-06-01 Like many concepts privacy has a commonly accepted core of meaning with an indefinite or variable periphery Some would wish to enlarge the core It would be pointless to attempt to establish a definition by way of introduction to a series of essays that themselves provide no single definition But the themes of freedom justice rational choice and community always seem to appear in any discussion of privacy Privacy is a penultimate good Perhaps in certain usages such as autonomy it is an ultimate good desirable for its own sake and grounded on nothing more final Of course the right of privacy may sometimes be asserted to conceal illegal or immoral acts When that occurs it appears to be put to an instrumental use But insofar as we justify such claims it is not because they prevent the detection of immorality or violations of the law Rather at least in the case of illegal acts it is because the means being challenged themselves violate privacy The individual control human dignity foundation for privacy is closely related to personality Privacy provides relief from tension and opportunity for the development of intimate relations with others All of us have

standards of behavior that are higher than we can maintain at all times and these standards are widely shared in the society in which we live If we do not observe them we are likely to be criticized or we fear that we shall be and we suffer also from loss of self esteem Whether in some final sense the concept of privacy is culture bound is impossible to establish in the absence of any known society in which elements of privacy are not to be found J Roland Pennock was professor of political science at Swarthmore College for more than twenty five years as well as a fellow at the John Simon Guggenheim Memorial Foundation John W Chapman is professor emeritus of political science at the University of Pittsburgh

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

Civil Disobedience María José Falcón y Tella, 2004-10-01 It has been widely feared especially in Europe that among the casualties in the war against terror it is now necessary to include a number of civil and political rights that used to form the nucleus of the liberal Rechtstaat In such times it is useful to remember that on both sides of the Atlantic there has existed a powerful alternative political tradition indeed a tradition that extends far beyond the West This is the tradition of non violence one of the offshoots of which is the civil disobedience expounded and analyzed in this book This exhaustive and carefully analytical study of civil disobedience translated from Spanish is a welcome reminder of the tradition that emphasised precisely the need to focus on the quality of the instruments of politics as much as its objectives This volume seeks to disentangle the limits and possibilities of the tradition of civil disobedience in what circumstances is it right or perhaps necessary to say no The jurisprudential and philosophical literature discussed here is truly enormous and provides a complex and reliable overview of the main problems This volume is thus a highly welcome contribution not only to discussions about civil and political rights but also to the construction of the Europe of tomorrow as a political community worth making a commitment to

An American Looks at Gandhi James D. Hunt, 2005 In This Far Reaching Series Of Essays The Author Examines The Complex Set Of Influences Which Helped Shape Mohandas K Gandhi Leading To The Transgormation Of An Anglophile Indian Lawyer Into A Mahatma

Of Historical Myth **Nonviolent Action** Ronald M. McCarthy, Gene Sharp, Brad Bennett, 2013-07-04 This comprehensive guide to research sources and theories about nonviolent action as a technique of struggle in social and political conflicts discusses the methods and techniques used by groups in various encounters Although violence and its causes have received a great deal of attention nonviolent action has not received its due as an international phenomenon with a long history An introduction that explains the theories and research used in the study provides a practical guide to this essential bibliography of English language sources The first part of the book covers case study materials divided by region and subdivided by country Within each country materials are arranged chronologically and topically The second major part examines the methods and theory of nonviolent action principled nonviolence and several closely related areas in social science such as conflict analysis and social movements The book is indexed by author and subject Autonomy, Freedom and Rights Emilio Santoro, 2013-03-09 For the author freedom is not a fixed measure It is not the container of powers and rights defining an individual's role and identity It is rather the outcome of a process whereby individuals continuously re define the shape of their individuality Freedom is everything that each of us manages to be in his or her active and uncertain opposition to external pressures **Recht, orde en burgerlijke Ongehoorzaamheid** Kees Schuyt, C. J. M. Schuyt, 2009-05-06 Klassieke studie over de balans tussen het recht op burgerlijke ongehoorzaamheid en de plicht om aan de wetten van de staat te gehoorzamen *The Study of Politics* Preston King, 2005-06-28 This title available in eBook format Click here for more information Visit our eBookstore at www.ebookstore.tandf.co.uk Obligations Michael Walzer, 1970 In this collection of essays Michael Walzer discusses how obligations are incurred sustained and sometimes abandoned by citizens of the modern state and members of political parties and movements as they respond to and participate in the most crucial and controversial aspects of citizenship resistance dissent civil disobedience war and revolution Walzer approaches these issues with insight and historical perspective exhibiting an extraordinary understanding for rebels radicals and rational revolutionaries The reader will not always agree with Walzer but he cannot help being stimulated excited challenged and moved to thoughtful analysis

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