Political And Legal Obligation Nomos Xii

Harold D. Lasswell, Myres S. McDougal

Political and Legal Obligation J. Roland Pennock, 2017-07-12 At a point in history marked by dramatic challenges to the existing political and social order, the question of legal and political obligation emerges as a focal point of international concern. Amid the clamor for radical change in the established order, theories of political obligation demand renewed examination. In this volume, eighteen leading specialists in the legal, philosophical, and political science aspects of the question offer their views on this timely topic. Part I examines the nature of moral, legal, and political obligation. The first essay presents a set of definitions that denies the very existence of obligation. While the second essay disagreeing particularly with respect to the relationship of political to moral tenets, and the third discussing the highly complex interplay between law and morality. The following essay approaches obligation as existing in the context of an established political and legal system and stresses the importance of evaluating the negative consequences of challenges to the law as well as those arising from the absence of challenges. The next paper maintains that political obligation is so complex that its very existence depends upon rational deliberation in particular contexts. The fifth, explores four significant theories but accepts only the one based on the broadest definition of obligation. While the final essay in this part considers political obligation a unique and generalized moral obligation. Part II takes up the conditions of obligation and of obedience. The first essay in this part discusses the conditions necessary to generate a felt obligation. The second paper, concentrates on exposing key obstacles to empirical proof that behavior is or is not motivated by felt obligation. While the third draws upon a large body of literature and court decisions dealing with compliance to the law. The forth essay is a case study of Rome probes the role of obligation during that city's seven cent

The Principle of Fairness and Political Obligation George Klosko,2004 In The Principle of Fairness and Political Obligation, George Klosko presents the first book-length treatment of political obligation grounded in the premises of liberal political theory. In this now-classic work, he clearly and systematically formulates what others thought impossible-a principle of fairness that specifies a set of conditions which grounds existing political obligations and bridges the gap between the abstract accounts of political principles and the actual beliefs of political actors. Brought up-to-date with a new introduction, this new edition will be of great interest to all interested in political thought.

Political Legitimacy Jack Knight, Melissa Schwartzberg, 2019-08-06 Essays on the political, legal, and philosophical

dimensions of political legitimacy Scholars, journalists, and politicians today worry that the world's democracies are facing a crisis of legitimacy. Although there are key challenges facing democracy—including concerns about electoral interference, adherence to the rule of law, and the freedom of the press—it is not clear that these difficulties threaten political legitimacy. Such ambiguity derives in part from the contested nature of the concept of legitimacy, and from disagreements over how to measure it. This volume reflects the cutting edge of responses to these perennial questions, drawing, in the distinctive NOMOS fashion, from political science, philosophy, and law. Contributors address fundamental philosophical questions such as the nature of public reasons of authority, as well as urgent concerns about contemporary democracy, including whether "animus" matters for the legitimacy of President Trump's travel ban, barring entry for nationals from six Muslim-majority nations, and the effect of fundamental transitions within the moral economy, such as the decline of labor unions. Featuring twelve essays from leading scholars, Political Legitimacy is an important and timely addition to the NOMOS series.

A Theory of Political Obligation Margaret Gilbert, 2006-05-11 Margaret Gilbert offers an incisive new approach to a classic problem of political philosophy: when and why should I do what the laws of my country tell me to do? Beginning with carefully argued accounts of social groups in general and political societies in particular, the author argues that in central, standard senses of the relevant terms membership in a political society in and of itself obligates one to support that society's political institutions. The obligations in question are not moral requirements derived from general moral principles, as is often supposed, but a matter of one's participation in a special kind of commitment: joint commitment. An agreement is sufficient but not necessary to generate such a commitment. Gilbert uses the phrase 'plural subject' to refer to all of those who are jointly committed in some way. She therefore labels the theory offered in this book the plural subject theory of political obligation. The author concentrates on the exposition of this theory, carefully explaining how and in what sense joint commitments obligate. She also explores a classic theory of political obligation — actual contract theory — according to which one is obligated to conform to the laws of one's country because one agreed to do so. She offers a new interpretation of this theory in light of a theory of plural subject theory of agreements. She argues that actual contract theory has more merit than has been thought, though the more general plural subject theory is to be preferred. She compares and contrasts plural subject theory with identification theory, relationship theory, and the theory of fair play. She brings it to bear on some classic situations of crisis, and, in the concluding chapter, suggests a number of avenues for related empirical and moral inquiry. Clearly and compellingly written, A Theory of Political Obligation will be essential reading for political philosophers and theorists.

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?

Political Legitimacy Jack Knight, Melissa Schwartzberg, 2019-08-06 Essays on the political, legal, and philosophical dimensions of political legitimacy Scholars, journalists, and politicians today worry that the world's democracies are facing a crisis of legitimacy. Although there are key challenges facing democracy—including concerns about electoral interference, adherence to the rule of law, and the freedom of the press—it is not clear that these difficulties threaten political legitimacy. Such ambiguity derives in part from the contested nature of the concept of legitimacy, and from disagreements over how to measure it. This volume reflects the cutting edge of responses to these perennial questions, drawing, in the distinctive NOMOS fashion, from political science, philosophy, and law. Contributors address fundamental philosophical questions such as the nature of public reasons of authority, as well as urgent concerns about contemporary democracy, including whether "animus" matters for the legitimacy of President Trump's travel ban, barring entry for nationals from six Muslim-majority nations, and the effect of fundamental transitions within the moral economy, such as the decline of labor unions. Featuring twelve essays from leading scholars, Political Legitimacy is an important and timely addition to the NOMOS series.

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.

<u>Political Obligation</u> John Horton,2017-08-24 How should we understand the relationship between citizens and governments, and what are the obligations of citizens? In this substantially revised new edition of an influential text, John Horton challenges dominant theories by offering an 'associative' account focusing particularly on what it is to be a member of

a political community.

Moral Combat Heidi Hurd,1999-03-28 Puts forward the argument that the law cannot require us to do what morality forbids.

Constitutionalising Secession David Haljan,2014-11-01 Constitutionalising Secession proceeds from the question, 'What, if anything, does the law have to say about a secession crisis?' But rather than approaching secession through the optic of political or nationalist institutional accommodation, this book focuses on the underpinnings to a constitutional order as a law-making community, underpinnings laid bare by secession pressures. Relying on the corrosive effects of secession, it explores the deep structure of a constitutional order and the motive forces creating and sustaining that order. A core idea is that the normativity of law is best understood, through a constitutional optic, as an integrative, associative force. Constitutionalising Secession critically analyses conceptions of constitutional order implicit in the leading models of secession, and takes as a leading case-study the judicial and legislative response to secession in Canada. The book therefore develops a concept of constitutionalism and law-making - 'associative constitutionalism' - to describe their deep structure as a continuing, integrative process of association. This model of a dynamic process of value formation can address both the association and the disassociation of constitutional systems.

Medical Experimentation Charles Fried,2016-05-02 First published in 1974, Charles Fried's Medical Experimentation is a classic statement of the moral relationship between doctor and patient, as expressed within the concept of personal care. This concept is then tested in the context of medical experimentation and, more specifically, the randomized controlled trial (RCT). Regularly referred to as a point of departure for ethical and legal discussions of the RCT, the book has long been out of print. This new, second edition includes a general introduction by Franklin Miller and the late Alan Wertheimer, a reprint of the 1974 text, and an in-depth analysis by Harvard Law School scholars I. Glenn Cohen and D. James Greiner which discusses the extension of RTCTs to social science and public policy contexts. The volume concludes with a new essay by Charles Fried that reflects on the original text and how it applies to the contemporary landscape of medicine and medical experimentation.

Justification and Legitimacy A. John Simmons, 2001 This book contains essays by A. John Simmons, perhaps the most innovative and creative of today's political philosophers.

Jurisprudence for a Free Society Harold D. Lasswell, Myres S. McDougal, 2023-12-28 Jurisprudence For a Free Society is a remarkable contribution to legal theory. In its comprehensiveness and systematic elaboration, it stands among the major theories. It is also the most important jurisprudential statement to emerge in the post-war period. The pioneering work of Lasswell and McDougal on law and policy is already legendary. Most of the work produced by these scholars together and in collaboration with their students represent applications of their basic theory to a wide assortment of international and

national legal and policy problems. Now, for the first time, the authoritative statement of their legal philosophy appears as a single volume. In Part I the authors develop their fundamental criteria for a theory about law, including the requirements of clarifying observational standpoint, focus of inquiry and the pertinent intellectual tasks incumbent on the scholar and decisionmaker for determining and achieving common interests. Trends in theories about law, including Natural Law, the Historical School, Positivism, the Sociological Study of Law, American Legal Realism and other contemporary theories, are explored for what they might contribute to the achievement to the authors' conception of an adequate jurisprudence. The print edition is available as a set of two volumes (9780792309895).

<u>Jurisprudence for a Free Society</u> Harold Dwight Lasswell, Myres Smith Macdougal, 1992-03-26 Jurisprudence For a Free Society is a remarkable contribution to legal theory. In its comprehensiveness and systematic elaboration, it stands among the major theories. It is also the most important jurisprudential statement to emerge in the post-war period. The pioneering work of Lasswell and McDougal on law and policy is already legendary. Most of the work produced by these scholars together and in collaboration with their students represent applications of their basic theory to a wide assortment of international and national legal and policy problems. Now, for the first time, the authoritative statement of their legal philosophy appears as a single volume. In Part I the authors develop their fundamental criteria for a theory about law, including the requirements of clarifying observational standpoint, focus of inquiry and the pertinent intellectual tasks incumbent on the scholar and decisionmaker for determining and achieving common interests. Trends in theories about law, including Natural Law, the Historical School, Positivism, the Sociological Study of Law, American Legal Realism and other contemporary theories, are explored for what they might contribute to the achievement to the authors' conception of an adequate jurisprudence. In Part II, the social process as a whole and the particular value-institutional processes that comprise it are described and analyzed. Because people establish, maintain and change institutions, the dynamics of personality and personality's relation to law is delineated. Part III explores the intellectual tasks of policy thinking, from clarification of values, through description of trend, the scientific examination of conditions, projection of futured evelopments and the invention of alternatives. Part IV examines the structure of decision in a free society, a society in which the achievement of human dignity is confirmed in both word and deed. Six appendices bring together monographs by the authors over a period of forty years which deal, in more detail, with particular matters treated in the body of the book.

The Dialectical Necessity of Morality Deryck Beyleveld,1991 Alan Gewirth's Reason and Morality, in which he set forth the Principle of Generic Consistency, is a major work of modern ethical theory that, though much debated and highly respected, has yet to gain full acceptance. Deryck Beyleveld contends that this resistance stems from misunderstanding of the method and logical operations of Gewirth's central argument. In this book Beyleveld seeks to remedy this deficiency. His rigorous reconstruction of Gewirth's argument gives its various parts their most compelling formulation and clarifies its

essential logical structure. Beyleveld then classifies all the criticisms that Gewirth's argument has received and measures them against his reconstruction of the argument. The overall result is an immensely rich picture of the argument, in which all of its complex issues and key moves are clearly displayed and its validity can finally be discerned. The comprehensiveness of Beyleveld's treatment provides ready access to the entire debate surrounding the foundational argument of Reason and Morality. It will be required reading for all who are interested in Gewirth's theory and deontological ethics and will be of central importance to moral and legal theorists.

Conflicts of Law and Morality Kent Greenawalt, 1989-05-04 Powerful emotion and pursuit of self-interest have many times led people to break the law with the belief that they are doing so with sound moral reasons. This study, a comprehensive philosophical and legal analysis of the gray area in which the foundations of law and morality clash, views these oblique circumstances from two perspectives: that of the person who faces a possible conflict between the claims of morality and law and must choose whether or not to obey the penal code; and that of the people who make and uphold laws and must decide whether to treat someone with a moral claim to disobey differently from ordinary lawbreakers. In examining the extent of the obligations owed by citizens to their government, Greenawalt concentrates on the possible existence of a single source of obligation that reaches all citizens and all laws. He also discusses techniques of amelioration of punishment for conscientious lawbreakers, asking how far legal systems should go to accommodate individuals who break the law for reason of conscience. Drawing from numerous examples of conflicts between law and morality, Greeawalt illustrates in detail the positions and predicaments of potential lawbreakers and lawmakers alike.

Compliance & Public Authority Oran R. Young, 2013-10-18 Offers a theory of compliance and authority that would be applicable to behavior concerning economic contracts, law, enforcement, and international relations. It examiones the problem of compliance in centralized (e.g. national and state laws) and decentralized (international treaties) systems. Applies the theory to explain the level of compliance with Partial Nuclear Test Ban Treaty and the International North Pacific Fisheries Convention. Originally published in 1979

Isaiah Berlin Robert A. Kocis,2022-08-01 No other books on Berlin examine him in historical context as borrowing from, and reacting against, the British Idealists. This study offers a novel view of Berlin as a Kantian and post-idealist thinker, and a justification of liberty based on the plurality of our values and cultures.

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 punish ment 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

Observing Law through Systems Theory Richard Nobles, David Schiff, 2012-12-07 This book uses Niklas Luhmann's systems theory to explore how the legal system operates as one of modern society's subsystems. The authors demonstrate how this theory alters our understanding of some of the most important and controversial issues within law: the nature of judicial communication and legal argument; the claim that it can be right to disobey law; the character of legal pluralism and globalisation; time and its construction within law; the significance of the rule of law and human rights and the role of appeals to, and within, law. Systems theory enables the authors to demonstrate how the legal system observes its own operations through its own communications, and how this contrasts with the manner in which law is observed by other systems such as the media and politics. In this context the authors explore the constraints imposed by systems, in particular the legal system, upon the individuals who participate in them.

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