

# Political and Legal Obligation

Edited by  
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With a new introduction by  
William J. Quirk

# Political And Legal Obligation Nomos Xii

**David Haljan**



## **Political And Legal Obligation Nomos Xii:**

**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 fourth essay is a case study of Rome probes the role of obligation during that city's seven centuries *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     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     **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     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     *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 examines 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     Conflicts of Law and Morality Kent Greenawalt,1989 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 is a comprehensive philosophical and legal analysis of the gray area in which the foundations of law and morality clash 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

**Reason and Morality** Alan Gewirth, 1978

Most modern philosophers attempt to solve the problem of morality from within the epistemological assumptions that define the dominant cultural perspective of our age Alan Gewirth's *Reason and Morality* is a major work in this ongoing enterprise Gewirth develops with patience and skill what he calls a modified naturalism in which morality is derived by logic alone from the concept of action I think that the publication of *Reason and Morality* is a major event in the history of moral philosophy It develops with great power a new and exciting position in ethical naturalism No one regardless of philosophical stance can read this work without an enlargement of mind It illuminates morality and agency for all E M Adams The Review of Metaphysics This is a fascinating study of an apparently intractable problem Gewirth has provided plenty of material for further discussion and his theory deserves serious consideration He is always aware of possible rejoinders and argues in a rigorous manner showing a firm grasp of the current state of moral and political philosophy Mind

*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

*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

**Moral Combat** Heidi Margaret Hurd, 1999-03-28

This book explores the thesis that legal roles force people to engage in moral combat an idea which is implicit in the assumption that citizens may be morally required to disobey unjust laws while judges may be morally required to punish citizens for civil disobedience Heidi Hurd advances the surprising argument that the law cannot require us to do what morality forbids The role relative understanding of morality is shown to be incompatible with both consequentialist and deontological moral philosophies In the end Hurd shows that our best moral theory is one which never makes one actor's moral success turn on another's moral failure *Moral Combat* is a sophisticated well conceived and carefully argued book on a very important and controversial topic at the junction between legal and political philosophy It will be of interest to moral

legal and political philosophers as well as teachers and students of professional ethics in law     The Place of Ideology in Political Life D.J. Manning, T.J. Robinson, 2021-09-30 First published in 1985 *The Place of Ideology in Political Life* explores the concept of ideology in terms of its philosophical and intellectual underpinnings Ideology is a term much bandied about by politicians and political thinkers with very little precision employed in its use Despite acknowledgement in the literature of political studies that ideology plays a part in political life there exist no precise accounts of the nature of that contribution This book attempts to take a step towards redressing the balance by determining the sense in which ideology constitutes a genuine form of understanding human relationships and the place understanding has in all political activity regardless of whether or not any particular ideology is to be approved or condemned This concise work will be invaluable to all students of politics philosophy of action ethics and history of political thought     *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

**Jurisprudence For a Free Society** Harold D. Lasswell, Myres S. McDougal, 2023-12-28     Medical Experimentation Charles Fried, 2016-05-02 This new edition of Charles Fried's *Medical Experimentation* includes a general introduction by Franklin Miller and the late Alan Wertheimer a reprint of the 1974 text an in depth analysis by Harvard Law School scholars I Glenn Cohen and D James Greiner and a new essay by Fried reflecting on the original text and how it applies to the contemporary landscape of medicine and medical experimentation     **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     **University of Pennsylvania Law Review**, 1978     **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

Political Obligation Richard E. Flathman, 2019-11-19 Under what conditions are obedience and disobedience required or justified? To what or whom is obedience or disobedience owed? What are the differences between authority and power and between legitimate and illegitimate government? What is the relationship between having an obligation and having freedom to act? What are the similarities and differences among political, legal, and moral obligations? Originally published in 1972, Professor Flathman discusses these crucial issues in political theory in a lucid and stimulating argument. Though mainly concerned to develop his own modified utilitarian standing point, he also reviews both the classical and modern literature from Plato and Hobbes to Hare and Rawls. The treatment is philosophical but it is frequently related to practical issues of civil obedience and disobedience and in particular focuses on the relation between law, obligation, and social change.

Gewirth Michael Boylan, 1999 As one of the most important ethicists to emerge since the Second World War, Alan Gewirth continues to influence philosophical debates concerning morality. In this ground-breaking book, Gewirth's neo-Kantianism and the communitarian problems discussed form a dialogue on the foundation of moral theory. Themes of agent-centered constraints, the formal structure of theories, and the relationship between freedom and duty are examined along with such new perspectives as feminism, the Stoics, and Sartre. Gewirth offers a picture of the philosopher's theory and its applications, providing a richer, more complete critical assessment than any which has occurred to date.

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