

## Political And Legal Obligation Nomos Xii

*Political And Legal Obligation***Transaction Publishers**

*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.*

*How can the global environment be safeguarded in the absence of a world government? In the vanguard of efforts to address this critical question, Oran R. Young draws on environmental issues to explore the nature of international governance. Young’s analysis invokes the distinction between "governance," a social function involving the management of interdependent individuals or groups, and "government," a set of formal organizations that makes and enforces rules.*

*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.*

*The Roots of Ethics*

*Theory and Politics / Theorie und Politik*

*Festschrift zum 70. Geburtstag für Carl Joachim Friedrich*

*Transitional Justice*

*Protecting the Environment in a Stateless Society*

*Humanitarian Intervention*

*Nuclear Weapons, the Peace Movement and the Law*

Moral universalism, or the idea that some system of ethics applies to all people regardless of race, color, nationality, religion, or culture, must have a plurality over which to range—a plurality of diverse persons, nations, jurisdictions, or localities over which morality asserts a universal authority. The contributors to Moral Universalism and Pluralism, the latest volume in the NOMOS series, investigate the idea that, far from denying the existence of such pluralities, moral universalism presupposes it. At the same time, the search for universally valid principles of morality is deeply challenged by diversity. The fact of pluralism presses us to explore how universalist principles interact with ethical, political, and social particularisms. These important essays refuse the answer that particularisms should simply be made to conform to universal principles, as if morality were a mold into which the diverse matter of human society and culture could be pressed. Rather, the authors bring philosophical, legal and political perspectives to bear on the core questions: Which forms of pluralism are conceptually compatible with moral universalism, and which ones can be accommodated in a politically stable way? Can pluralism generate innovations in understandings of moral duty? How is convergence on the validity of legal and moral authority possible in circumstances of pluralism? As the contributors to the book demonstrate in a wide variety of ways, these normative, conceptual, and political questions deeply intertwine. Contributors: Kenneth Baynes, William A. Galston, Barbara Herman, F. M. Kamm, Benedict Kingsbury, Frank I. Michelman, William E. Scheuerman, Gopal Sreenivasan, Daniel Weinstock, and Robin West.

OUR AGE IS CHARACTERIZED by an uncertainty about the na ture of moral obligations, about what one can hope for in an afterlife, and about the limits of human knowledge. These uncertainties were captured by Immanuel Kant in his Critique of Pure Reason, where he noted three basic human questions: what can we know, what ought we to do, and what can we hope for. Those questions and the uncer tainties about their answers still in great part define our cultural per spective. In particular, we are not clear about the foundations of ethics, or about their relationship to religion and to science. This volume brings together previously published essays that focus on these inter relationships and their uncertainties. It offers an attempt to sketch the interrelationship among three major intellectual efforts: determining moral obligations, the ultimate purpose and goals of man and the cosmos, and the nature of empirical reality. Though imperfect, it is an effort to frame the unity of the human condition, which is captured in part by ethics, in part by religion, and in part by the sciences. Put another way, this collection of essays springs from an attempt to see the unity of humans who engage in the diverse roles of valuers, be lievers, and knowers, while still remaining single, individual humans.

Where should the line between serious criminal fraud and lawful 'puffing' be drawn? What constitutes tax evasion beyond mere 'tax avoidance'? What separates obstruction of justice from 'zealous advocacy', or insider trading from 'savvy investing'? Can we meaningfully distinguish bribery from 'campaign contributions', or perjury from 'wiliness' on the witness stand? A look at some of the most high profile white collar crime cases in recent history will quickly reveal that there can sometimes be a fine line between serious fraudulent conduct and behaviour which, though it might be shrewd, crafty, or even devious, is not ultimately criminal.

According to the traditional conception of the criminal law, penal sanctions should be used as a 'last resort', applicable only to conduct that is truly and unambiguously blameworthy. White-collar crime poses a serious challenge to this traditional view. This is the first book to use the tools of moral and legal theory as a meansto examine a range of specific white-collar offenses, aiming to develop and apply a methodology that will allow us to make meaningful distinctions between genuine white collar criminality and merely aggressive business behavior. Particular attention is paid to the concept of moral wrongfulness, which is described in terms of violations of a range of familiar, but nevertheless powerful, moral norms that inform and shape the leading white-collar criminal offenses - norms against not only lying, cheating, and stealing, but also coercion, exploitation, disloyalty, promise-breaking, and defiance of law. It is through such analysis that the whole moral fabric of white-collar crime is brought into sharp relief.

Die Soziologie wissenschaftlichen Ruhms ist weitgehend unerforscht. Ein Versuch, ihn mit behavioristischen Methoden für die Politikwissenschaft zu analysieren, den Somit und Tanenhaus unternahmen, zählt zu den Faktoren, die wissenschaftlichen Ruhm bedingen: originelle Ideen, Beiträge zur Syste matisierung, Anregung wissenschaftlicher Forschung, Publikation viegle brauchter Lehrbücher und organisatorische Fähigkeiten. Carl Joachim Friedrich wurde bei dieser Analyse - obwohl ihr gelegentlich ein behaviori stisches bias nachgesagt wurde - von einem grossen Prozentsatz der inter viewten Politikwissenschaftler sehr häufig zu den bedeutendsten Gelehrten seines Faches gezählt. Einmalig war die Dauer der wissenschaftlichen Hoch schätzung, die er in einer Zeit einer immer kurzlebiger werdenden wissen schaftlichen Reputation genoss. Friedrich war neben Lasswell einer der wenigen, die sowohl vor 1945 als auch nach 1945 unter den 15 bedeutendsten Politikwissenschaftlern genannt wurden.! Es wird schwer sein, unter den fünf Voraussetzungen wissenschaftlicher Reputation einen einzelnen Grund für die Bedeutung C.J. Friedrichs herauszustellen. Neue Ideen entwickelte Friedrich - so umstritten manche (vor allem in der Totalitarismusforschung) gewesen sein mögen - besonders in der Erfor schung des Konstitutionalismus, des Föderalismus und des Totalitarismus. Seine bekanntesten Beiträge zur Systematisierung der Forschungsergebnisse sind die Werke "Constitutional Government and Democracy" (1937 ff.) und "Man and His Government" (1963)

NOMOS LX

Political And Legal Obligation

NOMOS XLVII

Nomos XXVII

Is the Death Penalty Dying?

Theory and Practice

Science, Religion, and Values

Moral universalism, or the idea that some system of ethics applies to all people regardless of race, color, nationality, religion, or culture, must have a plurality over which to range — a plurality of diverse persons, nations, jurisdictions, or localities over which morality asserts a universal authority. The contributors to Moral Universalism and Pluralism, the latest volume in the NOMOS series, investigate the idea that, far from denying the existence of such pluralities, moral universalism presupposes it. At the same time, the search for universally valid principles of morality is deeply challenged by diversity. The fact of pluralism presses us to explore how universalist principles interact with ethical, political, and social particularisms. These important essays refuse the answer that particularisms should simply be made to conform to universal principles, as if morality were a mold into which the diverse matter of human society and culture could be pressed. Rather, the authors bring philosophical, legal and political perspectives to bear on the core questions: Which forms of pluralism are conceptually compatible with moral universalism, and which ones can be accommodated in a politically stable way? Can pluralism generate innovations in understandings of moral duty? How is convergence on the validity of legal and moral authority possible in circumstances of pluralism? As the contributors to the book demonstrate in a wide variety of ways, these normative, conceptual, and political questions deeply intertwine. Contributors: Kenneth Baynes, William A. Galston, Barbara Herman, F. M. Kamm, Benedict Kingsbury, Frank I. Michelman, William E. Scheuerman, Gopal Sreenivasan, Daniel Weinstock, and Robin West.

One of the twentieth century's foremost Marxian economists discusses the dialectical method, the contradictions of capitalism, and the future of Marxism.

"Childhood friends Juliet, Rebecca, Rose and Matthew grew up in a small village outside Dublin. Now privileged, wealthy and powerful, they appear to have it all. But when Juliet is involved in a suspicious accident and lies trapped between life and death at the bottom of a cliff, a secret that has been hidden for years threatens the seemingly perfect lives of the close-knit group. For the beautiful, fragile Rose, Juliet's accident draws unwanted attention to the sins of the past. For her husband, the ruthlessly ambitious Matthew, it removes a critical obstacle from the path of his political career. And as Rebecca discovers more about what happened to her friend, she begins to wonder if she ever knew the real Juliet ..."--Publisher description.

In the United States, there exists increasing uneasiness about the predominance of self-interest in both public and private life, growing fear about the fragmentation and privatization of American society, mounting concerns about the effects of institutions—ranging from families to schools to the media—on the character of young people, and a renewed tendency to believe that without certain traditional virtues neither public leaders nor public policies are likely to succeed. In this thirty-fourth volume in The American Society of Legal and Political Philosophy, a distinguished group of international scholars from a range of disciplines examines what is meant by virtue, analyzing various historical and analytical meanings of virtue, notions of liberal virtue, civic virtue, and judicial virtue, and the nature of secular and theological virtue. The contributors include: Jean Baechler (University of Paris-Sorbonne), Annette C. Baier (University of Pittsburgh), Ronald Beiner (University of Toronto), Christopher J. Berry (University of Glasgow), J. Budziszewski (University of Texas), Charles Larmore (Columbia University), David Luban (University of Maryland), Stephen Macedo (Harvard University), Michael J. Perry (Northwestern University), Terry Pinkard (Georgetown University), Jonathan Riley (Tulane University), George Sher (University of Vermont), Judith N. Shklar (Harvard University), Rogers M. Smith (Yale University), David A. Strauss (University of Chicago), and Joan C. Williams (American University).

Designing Democratic Institutions

Nonviolent Action

Virtue

Contemporary Questions

The Challenge of an Ancient Idea

Special Issue

Lying, Cheating, and Stealing

2012 Honorable Mention Award, Sociology of Religion Section, presented by the American Sociological Association
2011 Honorable Mention for the American Sociological Association
International Migration Section's Thomas and Znaniecki Best Book Preserving Ethnicity through Religion in America explores the factors that may lead to greater success in ethnic preservation. Pyong Gap Min compares Indian Americans and Korean Americans, two of the most significant ethnic groups in New York, and examines the different ways in which they preserve their ethnicity through their faith. Does someone feel more "Indian" because they practice Hinduism? Does membership in a Korean Protestant church aid in maintaining ties to Korean culture? Pushing beyond sociological research on religion and ethnicity which has tended to focus on whites or on a single immigrant group or on a single generation, Min also takes actual religious practice and theology seriously, rather than gauging religiosity based primarily on belonging to a congregation. Fascinating and provocative voices of informants from two generations combine with telephone survey data to help readers understand overall patterns of religious practices for each group under consideration. Preserving Ethnicity through Religion in America is remarkable in its scope, its theoretical significance, and its methodological sophistication.

First published in 1998. Routledge is an imprint of Taylor & Francis, an informa company.

"Reciprocity is an exciting book—it forces its readers to rethink some important issues in recent moral philosophy."—Ruth Anna Putnam, Ethics
"By reciprocity Becker understands a complex disposition to make suitable return for the benefit we receive from others, to resist the harm others inflict on us rather than retaliate for it, and to make restitution for the harm we ourselves cause. . . . This is a clearly written book which makes fresh contributions to a number of topics."—A. D. M. Walker, Philosophical Books

First published in 1985. Liberalism was under increasing attack from both socialists and conservatives towards the end of the twentieth century. This book argues that, far from having little to contribute towards solving the problems of the modern world, liberalism is, in fact, of central importance. It discusses the arguments against liberalism put forward by four major political theorists, refuting the general thrust of their criticisms and taking issue with many points of detail used by them to support their arguments. It analyses the origins of liberalism, discusses its major achievements and explains why it continues to be a crucially important movement.

Moral Universalism and Pluralism

Mutual Expectations

International Governance

First Democracy

A Moral Theory of White-collar Crime

Rewards, Punishments and Political Stability

Democracy and Its Critics

Drawing together an array of distinguished scholars from political science, criminology, sociology, and law, this volume examines the death penalty in the US.

Few topics are more ubiquitous in everyday life and, at the same time, more controversial in practice, than that of one's moral obligation to loyalty. Featuring essays by scholars working in a variety of subjects from law to psychology, Loyalty presents diverse perspectives on dilemmas posed by potential conflicts between loyalties to speci institutions or professional roles and more universalistic conceptions of moral duty. The volume begins with a philosophical exploration of theories of loyalty, both Eastern and Western, then moves to examine several problematic situations in which loyalty is often a factor: partisan politics, the armed forces, and lawyer-client relationships. fair and balanced analysis from a wide range of disciplinary and normative viewpoints, Loyalty infuses new life into an oft-tread avenue of scholarly inquiry. Contributors: Ryan K. Balot, Paul O. Carrese, Yasmin Dawood, Bernard Gert, Kathleen M. Higgins, Sanford Levinson, Daniel Markovits, Lynn Mather, Russell Muirhead, Nancy Sherman, Paul Woodruff
Sanford Levinson is the W. St. John Garwood and W. St. John Garwood, Jr. Centennial Chair in Law and Professor of Government at the University of Texas at Austin and author or co-author of many books, including Framed: America's 51 Constitutions and the Crisis of Governance and Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We the People Can Correct It). Paul Woodruff is former dean of the School of Undergraduate Studies and currently Darrell K. Royal Professor in Ethics and American Society at the University of Texas at Austin. His latest book is The Ajax Dilemma: Justice, Fairness and Rewards. Joel Parker is Lecturer the Department of Political Science and Geography at the University of Texas at San Antonio.

The law persists because people have reasons to comply with its rules. What characterizes those reasons is their interdependence: each of us only has a reason to comply because he or she expects the others to comply for the same reasons. The rules may help us to solve coordination problems, but the interaction patterns regulated by also include Prisoner's Dilemma games, Division problems and Assurance problems. In these "games" the rules can only persist if people can be expected to be moved by considerations of fidelity and fairness, not only of prudence. This book takes a fresh look at the perennial problems of legal philosophy - the source of obligation to obey the law, the nature of authority, the relationship between law and morality, and the nature of legal argument - from the perspective of this conventionalist understanding of social rules. It argues that, since the resilience of such rules depends on cooperative dispositions, conventionalism, properly understood, does not imply positivism.

In many parts of the world, constitutions are being written and rewritten, with a great many possibilities being explored, and much that matters deeply to millions of people hangs on the results. Here major scholars address some of the most pressing questions about political order.

Ethics and the Rule of Law

Privatization

Analyzing Rawls and Nozick

Loyalty

Responsibility  
 Equality and Liberty  
 A Conventionalist Theory of Law

The Descent of the Imagination places Thomas Hardy's writing within the context of nineteenth-century fiction writing as a genre. Moore therefore regards his examination of Hardy's work as a form of archaeology as well as a genealogy of the romantic figure in fiction, from Wordsworth through Hardy. The book provides a new interpretation of Hardy's method of composition and uses new source material that will interest Hardy scholars. It offers an original view of the novelist that argues that his work, especially his later writings, were a deliberate rewriting of romanticism.

This brilliant analysis of the nature of democracy draws on the hard-earned lessons of the ancient Greeks. 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.

From its sweaty beats to the pulsating music on the streets, Latin/o America is perceived in the United States as the land of heat, the toy store for Western sex. It is the territory of magical fantasy and of revolutionary threat, where topography is the travel guide of desire, directing imperial voyeurs to the exhibition of the flesh. Jose Quiroga flips the stereotype upside down: he shows how Latin/o American lesbians and gay men have consistently eschewed notions of sexual identity for a politics of intervention. In Topics of Desire, Quiroga reads hesitant Mexican poets as sex-positive voices, he questions how outing and identity politics can fall prey to the manipulations of the state, and explores how invisibility has been used as a tactical tool in opposition to the universal imperative to come out. Drawing on diverse cultural examples such as the performance of bolero and salsa, film, literature, and correspondence, and influenced by masters like Roland Barthes, Walter Benjamin and a rich tradition of Latin American stylists, Quiroga argues for a politics that denies biological determinism and cannibalizes cultural stereotypes for the sake of political action.

Political Order  
 NOMOS LXI  
 Law and Democracy  
 A Theory with International Applications  
 NOMOS LIV  
 Compromise

Observing Law through Systems Theory  
*The rule of law has been celebrated as "an unqualified human good," yet there is considerable disagreement about what the ideal of the rule of law requires. When people clamor for the preservation or extension of the rule of law, are they advocating a substantive conception of the rule of law respecting private property and promoting liberty, a formal conception emphasizing an "inner morality of law," or a procedural conception stressing the right to be heard by an impartial tribunal and to make arguments about what the law is? When are exertions of executive power "outside the law" justified on the ground that they may be necessary to maintain or restore the conditions for the rule of law in emergency circumstances, such as defending against terrorist attacks? In Getting to the Rule of Law a group of contributors from a variety of disciplines address many of the theoretical legal, political, and moral issues raised by such questions and examine practical applications "on the ground" in the United States and around the world. This timely, interdisciplinary volume examines the ideal of the rule of law, questions when, if ever, executive power "outside the law" is justified to maintain or restore the rule of law, and explores the prospects for and perils of building the rule of law after military interventions.*

*From the sprawling remnants of the Soviet empire to the southern tip of Africa, attempts are underway to replace arbitrary political regimes with governments constrained by the rule of law. This ideal which subordinates the wills of individuals, social movements--and even, sometimes, democratically elected majorities--to the requirements of law, is here explored by leading legal and political thinkers. Part I of The Rule of Law examines the interplay of democracy and the rule of law, while Part II focusses on the centuries-old debate about the meaning of the rule of law itself. Part III takes up the constraints that rationality exercises on the rule of law. If the rule of law is desirable partly because it is rational, then departures from that rule might also be desirable in the event that they can be shown to be rational. Part IV concentrates on the limits of the rule of law, considering the tensions between liberalism and the rule of law which exist despite the fact that reasoned commitment to the rule of the law is preeminently a liberal commitment. Contributing to the volume are: Robert A. Burt (Yale University), Steven J. Burton (University of Iowa), William N. Eskridge, Jr. (Georgetown University), John Ferejohn (Stanford University), Richard Flathman (Johns Hopkins University), Gerald F. Gaus (University of Minnesota, Duluth), Jean Hampton (University of Arizona), Russell Hardin (University of Chicago), James Johnson (University of Rochester), Jack Knight (Washington University), Stephen Macedo (Harvard University), David Schmidtz (Yale University), Lawrence B. Solum (Loyola Marymount University), Michael Walzer (Princeton University), Catherine Valcke (University of Toronto), and Michael P. Zuckert (Carleton College).*

*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 anf the International North Pacific Fisheries Convention. Originally published in 1979*

*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.*

*Reciprocity*  
 NOMOS XLIX  
*Liberalism and its Critics*  
*Conceptions Contemporaines Du Droit*  
*Legislative Intent and Other Essays on Law, Politics, and Morality*  
*Compliance & Public Authority*  
 Nomos XXXIV

In this definitive collection, the writings of Herbert J. Storing have been assembled into six categories: the Founding Fathers and their legacy; race relations in America; rights and the public interest; bureaucracy and big government; statesmanship and the presidency; and liberal education. With profound understanding and incisive prose, Herbert J. Storing presents his principles. His work is presented here with the thoughtful care and organization of one of his students - Joseph M. Bessette.

In this prize-winning book, one of the most prominent political theorists of our time makes a major statement about what democracy is and why it is important. Robert Dahl examines the most basic assumptions of democratic theory, tests them against the questions raised by its critics, and recasts the theory of democracy into a new and coherent form. "When Robert Dahl speaks about democracy, everyone should listen. With Democracy and Its Critics Dahl has produced a work destined to become another classic."—Lucian W. Pye, American Political Science Review "In this magisterial work [Dahl]... describe[s] what democracy means...: why our own democracy is so different from other democracies; how we can improve our intelligence and, what is even rarer, a work of extraordinary wisdom."—Robert N. Bellah, New York Times Book Review

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 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. The second essay disagrees particularly with respect to the relationship of political to moral tenets, and the third discusses the highly complex interplay between law and morality. In this part discusses the conditions necessary to generate a "felt obligation." The second paper, concentrates on exposing key obstacles to the 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 the existence without a police force, and the ultimate breakdown of the system. Part III highlights ethical considerations that arise out of civil disobedience. The first essay proposes a rather restrictive definition of civil disobedience, and then embarks on a surprising examination of this subject in the light of the traditional arguments for "just war." Following this approach and applying, as a test, the likelihood of public good that will result from disobedience. Scholars and students in the areas of law, philosophy, and political science will find this volume a vital addition to their libraries.

A distinguished group of scholars explore the moral values and political consequences of privatization. The 21st century has seen a proliferation of privatization across industries in the United States, from security and the military to public transportation and infrastructure. In shifting control from the state to private actors, do we weaken or strengthen the moral values that underlie our democratic states or to exist in the future. What role can accountability measures play in mediating the effects of privatization; and what role does coercion play in the state governance and control? In this latest installment from the NOMOS series, an interdisciplinary group of distinguished scholars in political science, law, and philosophy examine the moral and political implications of privatization. The essays consider how we should evaluate the decision to privatize, both with respect to the quality of outcomes that might be produced, and in terms of the effects of privatization on the core values underlying democratic decision-making. Privatization also affects the structure of governance in a variety of important areas. Privatization sheds new light on these highly salient questions of contemporary political life and institutional design.

Getting to the Rule of Law  
 NOMOS L  
 Toward a More Perfect Union

Nomos XXXV  
 Criminal Justice  
 A Research Guide

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.

What are the relations between philosophical theories and everyday life? This question, as old as it is profound, is the central focus of Theory and Practice. The authors include some of the most influential thinkers of our generation, among them Cass Sunstein, Jean Bethke Elshtain, Martha Nussbaum, Jeremy Waldron, and Kent Greenawalt. In sixteen chapters--all published here for the first time--the authors examine major attempts to reconcile theory with practice in the Western tradition, from Herodotus, Plato, and Aristotle to Kant and Heidegger, and examine contemporary efforts to grapple with this problem.

This, the twenty-seventh volume in the annual series of publications by the American Society for Political and Legal Philosophy, features a number of distinguished contributors addressing the topic of criminal justice. Part I considers "The Moral and Metaphysical Sources of the Criminal Law," with contributions by Michael S. Moore, Lawrence Rosen, and Martin Shapiro. The four chapters in Part II all relate, more or less directly, to the issue of retribution, with papers by Hugo Adam Bedau, Michael Davis, Jeffrie G. Murphy, and R. B. Brandt. In the following part, Dennis F. Thompson, Christopher D. Stone, and Susan Wolf deal with the special problem of criminal responsibility in government--one of great importance in modern society. The fourth and final part, echoing the topic of NOMOS XXIV, Ethics, Economics, and the Law, addresses the economic theory of crime. The section includes contributions by Alvin K. Klevorick, Richard A. Posner, Jules L. Coleman, and Stephen J. Schulhofer. A valuable bibliography on criminal justice by Andrew C. Blamar concludes this volume of NOMOS. 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.

The Rule of Law  
 Democratic Community  
 NOMOS LIX  
 IVR, 9e Congrès Mondial, Basel 27/8/1979-1/9/1979 : Actes  
 Writings of Herbert J. Storing  
 Political Legitimacy  
 Nomos XXXVI

*"This volume ... arose out of the papers and commentaries presented at the annual meeting of the American Society for Legal and Political Philosophy in conjunction with the American Political Science Association meetings in Washington, D.C., in September 2005"--Preface.*