

## On Law Morality And Politics Second Edition

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, Greenawalt illustrates in detail the positions and predicaments of potential lawbreakers and lawmakers alike.

This title undertakes an impartial, authoritative, and in-depth examination of the moral arguments and ideas behind the laws and policies that govern personal, corporate, and government behavior in the United States. This A-Z encyclopedia surveys the moral arguments that provide the foundation for many of the most important and/or divisive laws, policies, and beliefs that govern modern American society. The work discusses such controversial and important issues as abortion, civil rights, drugs and alcohol, euthanasia, guns, hate crimes, immigration, immunization, natural resource use and protection, prostitution, same-sex marriage, and workplace laws. In the process of surveying historical and current beliefs about appropriate legislative responses to these issues, this work will help readers to understand how conservative and liberal conceptions of justice, fairness, and morality are at the center of so many hot-button political and social issues in 21st century America. The essays featured in the volume cover wide-ranging and controversial topics related to constitutional and religious freedoms, issues of crime and punishment, sexuality and reproduction, environmental protection and public health, national security and civil liberties, social welfare programs, and education. Context-setting overview essay introduces the question of whether (or to what degree) legislation inevitably carries a moral element and discusses examples of legislation in US history with a significant alleged "moral" grounding, ranging from the Emancipation Proclamation and Prohibition to anti-smoking laws, the Civil Rights Act, and the Affordable Care Act Each entry not only summarizes economic, legal, and sociological arguments for or against positions on these issues but more importantly focuses on the ethical/moral arguments championed by various sides A chronology of events situates morality historically as a force in US legislation An annotated bibliography suggests resources for further study, related to concepts of morality and their impact on American laws

This important new work elaborates and defends an account of the political morality of liberal democracy.

Founders of Modern Political and Social Thought Series Editor: Dr Mark Philp, Oriel College, University of Oxford Founders of Modern Political and Social Thought present

critical examinations of the work of major political philosophers and social theorists, assessing both their initial contribution and continuing relevance to politics and society. Each volume provides a clear, accessible, historically-informed account of each thinker's work, focusing on a re-assessment of their central ideas and arguments. Founders encourage scholars and students to link their study of classic texts to current debates in political philosophy and social theory. This launch volume in the Founders of Modern Political and Social Thought series presents a critical examination of Machiavelli's thought, combining an accessible, historically-informed account of his work with a re-assessment of his central ideas and arguments. Maurizio Viroli challenges the accepted interpretations of Machiavelli's work, insisting that his republicanism was based not on a commitment to virtue, greatness, and expansion, but to the ideal of civic life protected by the shield of fair laws. His detailed study of how Machiavelli composed his famous work *The Prince* presents new interpretations, and he further argues that the most challenging and completely underestimated aspect of Machiavelli's thought is his philosophy of life, in particular his conceptions of love, women, irony, God, and the human condition. Viroli demonstrates that Machiavelli composed *The Prince*, and all his works, according to the rules of classical rhetoric and never intended to found the 'modern science of politics', aiming rather to continue and refine the practice of political theorising as a rhetorical endeavour taught by the Roman masters of civic philosophy. Viroli's *Machiavelli*, a serious challenge to contemporary methods of doing political theory, will be essential for advanced students of the history of political thought.

America's moral decline is not secret. An alarming number of moral and cultural problems have exploded in our country since 1960--a period when the standards of morality expressed in our laws and customs have been relaxed, abandoned, or judicially overruled. Conventional wisdom says laws cannot stem moral decline. Anyone who raises the prospect of legislation on the hot topics of our day - abortion, family issues, gay rights, euthanasia - encounters a host of objections: "As long as I don't hurt anyone the government should leave me alone." "No one should force their morals on anyone else." "You can't make people be good." "Legislating morality violates the separation of church and state." *'Legislating Morality'* answers those objections and advocates a moral base for America without sacrificing religious and cultural diversity. It debunks the myth that morality can't be legislated" and amply demonstrates how liberals, moderates, and conservatives alike exploit law to promote good and curtail evil. This book boldly challenges prevailing thinking about right and wrong and about our nation's moral future.

This book investigates the dynamic intertwinement of law and morality, with a focus on new and developing fields of law. Taking as its starting point the debates and mutual misunderstandings between proponents of different philosophical traditions, it argues that this theoretical pluralism is better explained once law is accepted as an essentially ambiguous concept. Continuing on, the book develops a robust theory of law that increases our grasp on global legal pluralism and the dynamics of law. This theory of legal interactionism, inspired by the work of Lon Fuller and Philip Selznick, also helps us to understand apparent anomalies of modern law, such as international law, the law of the European Convention on Human Rights and horizontal interactive legislation. In an ecumenical approach, legal interactionism does justice to the valuable core of truth

in natural law and legal positivism. Shedding new light on familiar debates between authors such as Fuller, Hart and Dworkin, this book is of value to academics and students interested in legal theory, jurisprudence, legal sociology and moral philosophy. Considered one of Russia's greatest philosophers, Vladimir Soloviev (1853–1900) was also a theologian, historian, poet, and social and political critic. His works have emerged to enjoy renewed attention in post-Soviet Russia, and his concerns echo in contemporary discussions of politics, law, and morality. In this collection of Soloviev's essays—many translated into English for the first time—the philosopher explores an array of social issues, from the death penalty to nationalism to women's rights. Soloviev reacts against the tradition of European rationalist thought and seeks to synthesize religious philosophy, science, and ethics in the context of a universal Christianity. In these writings he reveals the centrality of human rights in his Christian worldview, not only as an abstract theory but also as an inspiration in everyday life. In a substantive introduction and copious annotations to the essays, Vladimir Wozniuk points out distinctive and often overlooked features of Soloviev's works while illuminating his place within both the Russian and Western intellectual traditions.

Dworkin's important book is a collection of essays which discuss almost all of the great constitutional issues of the last two decades, including abortion, euthanasia, capital punishment, homosexuality, pornography, and free speech. Dworkin offers a consistently liberal view of the Constitution and argues that fidelity to it and to law demands that judges make moral judgments. He proposes that we all interpret the abstract language of the Constitution by reference to moral principles about political decency and justice. His 'moral reading' therefore brings political morality into the heart of constitutional law. The various chapters of this book were first published separately; now drawn together they provide the reader with a rich, full-length treatment of Dworkin's general theory of law.

This book explores the relationship between the law and pervasive and persistent reasonable disagreement about justice. It reveals the central moral function and creative force of reasonable disagreement in and about the law and shows why and how lawyers and legal philosophers should take reasonable conflict more seriously. Even though the law should be regarded as the primary mode of settlement of our moral conflicts, it can, and should, also be the object and the forum of further moral conflicts. There is more to the rule of law than convergence and determinacy and it is important therefore to question the importance of agreement in law and politics. By addressing in detail issues pertaining to the nature and sources of disagreement, its extent and significance, as well as the procedural, institutional and substantive responses to disagreement in the law and their legitimacy, this book suggests the value of a comprehensive approach to thinking about conflict, which until recently has been analysed in a compartmentalized way. It aims to provide a fully-fledged political morality of conflict by drawing on the analysis of topical jurisprudential questions in the new light of disagreement. Developing such a global theory of disagreement in the law should be read in the context of the broader effort of reconstructing a complete account of democratic law-making in pluralistic societies. The book will be of value not only to legal philosophers and constitutional theorists, but also to political and democratic theorists, as well as to all those interested in public decision-making in conditions of conflict. This book offers unique insights into the use of Facebook after the 2016 US presidential

election, interrogating how users in private groups draw on individual experiences in movement building and identity construction while also critically reflecting on ethnographic practices around social media. The volume draws on the author's own involvement in a specific Facebook group focused around activism and community organizing in Texas following the 2016 US presidential election. Chapters draw on the frameworks of "small stories" and "stance" to unpack the ways in which group members use parts of their individual stories to signal beliefs to others, present themselves in relation to the group, and signal virtues of moral authority on various pressing political issues. Building on these analyses, Zentz goes on to address ways in which the scales of politics are being navigated and modified at the grassroots level in our highly networked world. This book contributes to ongoing conversations about the realities of internet use within linguistic anthropology and new media studies, and how researchers might seek to account for social media use and access to this data as these technologies develop further. This book is key reading for students and scholars in linguistic anthropology, media studies, and activism and social movement studies. Bridging the contending theories of natural law and international relations, this book proposes a 'relational ontology' as the basis for rethinking our approach to international politics. Amanda Beattie challenges both the conventional interpretation of natural law as necessarily and intractably theological, and the dominant conception of international relations as structurally distinct from the ends of human good, in order to recover the centrality of other-directed agency to the promotion of human development. Offering an important contribution to the study of international political thought, the book contains a number of challenging and controversial ideas which should provoke constructive debate within international relations theory, political theory, and philosophical ethics. In recent years, political philosophers have debated whether human rights are a special class of moral rights we all possess simply by virtue of our common humanity and which are universal in time and space, or whether they are essentially modern political constructs defined by the role they play in an international legal-political practice that regulates the relationship between the governments of sovereign states and their citizens. This edited volume sets out to further this debate and move it ahead by rethinking some of its fundamental premises and by applying it to new and challenging domains, such as socio-economic rights, indigenous rights, the rights of immigrants and the human rights responsibilities of corporations. Beyond the philosophy of human rights, the book has a broader relevance by contributing to key themes in the methodology of political philosophy and by addressing urgent issues in contemporary global policy making.

On Law, Morality, and Politics (Second Edition) Hackett Publishing

In this sequel to his *Morality, Politics, and Law*, Michael Perry addresses the proper relation of moral convictions to the politics of a morally pluralistic society. While his analysis focuses on religious morality, Perry's argument applies to morality generally. Contending that no justification of a contested political choice can be neutral among competing conceptions of human good, the author develops an ideal of "ecumenical politics" in which moral convictions about human good can be brought to bear in a productive way in political argument.

Contemporary liberal thinkers commonly suppose that there is something in principle unjust about the legal prohibition of putatively victimless immoralities. Against the

prevailing liberal view, Robert P. George defends the proposition that 'moral laws' can play a legitimate, if subsidiary, role in preserving the 'moral ecology' of the cultural environment in which people make the morally significant choices by which they form their characters and influence, for good or ill, the moral lives of others. George shows that a defence of morals legislation is fully compatible with a 'pluralistic perfectionist' political theory of civil liberties and public morality.

In this book, S. A. Lloyd offers a radically new interpretation of Hobbes's laws of nature, revealing them to be not egoistic precepts of personal prudence but rather moral instructions for obtaining the common good. This account of Hobbes's moral philosophy stands in contrast to both divine command and rational choice interpretations. Drawing from the core notion of reciprocity, Lloyd explains Hobbes's system of "cases in the law of nature" and situates Hobbes's moral philosophy in the broader context of his political philosophy and views on religion. Offering ingenious new arguments, Lloyd defends a reciprocity interpretation of the laws of nature through which humanity's common good is secured.

Ideals are important in social reality, but they have been neglected in theories of law, politics, and morality. This book has the role of ideals as its central theme. More specifically, it argues that ideals are necessary to understand pluralism, that they are key elements in controversy and debate, and that they enable development. It combines theoretical analysis of the concept of ideals with discussion of concrete debates and cases, including philosophical debates about politics and equality, sociological studies of the diverse interpretations of the rule of law, and accounts of the development of environmental law and privacy law. Thus, the functioning of ideals is critically examined, showing the merits and limitations of an ideal-oriented approach. A collection of articles that looks at the interconnected relationships involving religion, morality and public policy, from a variety of opinions and voices.

This volume collects many of the key essays exploring the possible relationships between the concepts of law and morality, a central concern of contemporary philosophizing about law. It is organized around five conceptual issues: classical natural law theory; legal positivism's separability thesis; Ronald Dworkin's constructive interpretivism; inclusive legal positivism's assertion that there can be legal systems with moral criteria of legality; and the relevance of morality and moral theorizing in theorizing about the concept of law and associated legal concepts. Each of the essays makes an important contribution toward addressing these issues.

Nietzsche's *On the Genealogy of Morals* has become a central text for understanding the thinker and his impact on moral philosophy. Yet his account of the rise of political society and its relation to morality has generally been overlooked, in large part because of its strange and often confusing character. In *The Rise of Politics and Morality in Nietzsche's Genealogy: From Chaos to Conscience*, Jeffrey Metzger devotes careful attention to Nietzsche's analysis of the origin of political society in the Second Essay and its intertwining with the development of morality and religion. Focused on how that account places Nietzsche's understanding of humanity in his larger conceptions of nature and the will to power, the book further considers how Nietzsche grounds his thought in the world as he presents it, and the strengths and weaknesses of Nietzsche's approach to this crucial moment in human development. This book will interest philosophers, political theorists, and anyone else interested in Nietzsche and his contribution to our understanding of how we became human.

The controversy surrounding targeted killings represents a crisis of conscience for policymakers, lawyers, philosophers and leading military experts grappling with the moral and legal limits of the war on terror. The book examines the legal and philosophical issues raised by government efforts to target suspected terrorists without giving them the safeguards of a fair

trial.

Since the publication of its first edition, this textbook has become the definitive student introduction to the subject. As with earlier editions, the seventh edition gives a clear understanding of fundamental legal concepts and their importance within society. In addition, this book addresses the ways in which rules and the structures of law respond to and impact upon changes in economic and political life. The title has been extensively updated and explores recent high profile developments such as the Civil Partnership Act 2005 and the Racial and Religious Hatred Bill. This introductory text covers a wide range of topics in a clear, sensible fashion giving full context to each. For this reason *An Introduction to Law* is ideal for all students of law, be they undergraduate law students, those studying law as part of a mixed degree, or students on social sciences courses which offer law options.

Recent years have seen a renaissance of interest in the relationship between natural law and natural rights. During this time, the concept of natural rights has served as a conceptual lightning rod, either strengthening or severing the bond between traditional natural law and contemporary human rights. Does the concept of natural rights have the natural law as its foundation or are the two ideas, as Leo Strauss argued, profoundly incompatible? With *The Foundations of Natural Morality*, S. Adam Seagrave addresses this controversy, offering an entirely new account of natural morality that compellingly unites the concepts of natural law and natural rights. Seagrave agrees with Strauss that the idea of natural rights is distinctly modern and does not derive from traditional natural law. Despite their historical distinctness, however, he argues that the two ideas are profoundly compatible and that the thought of John Locke and Thomas Aquinas provides the key to reconciling the two sides of this long-standing debate. In doing so, he lays out a coherent concept of natural morality that brings together thinkers from Plato and Aristotle to Hobbes and Locke, revealing the insights contained within these disparate accounts as well as their incompleteness when considered in isolation. Finally, he turns to an examination of contemporary issues, including health care, same-sex marriage, and the death penalty, showing how this new account of morality can open up a more fruitful debate.

Complicating the ancient debate over the intersection of morality and politics are diverse definitions of fundamental concepts: the right and the good, virtue and vice, personal liberty and public interest. Divisions abound, also, about whether politics should be held to a higher moral standard or whether pragmatic considerations or *realpolitik* should prevail. Perhaps the two poles are represented most conspicuously by Aristotle and Machiavelli. These essays address perennial concerns in political and moral theory and underscore the rekindled yearning of many to hold the political realm to a higher standard despite the skepticism of dissenters who question the likelihood or even the desirability of success.

The *Criminalization* series arose from an interdisciplinary investigation into criminalization, focussing on the principles that might guide decisions about what kinds of conduct should be criminalized, and the forms that criminalization should take. Developing a normative theory of criminalization, the series tackles the key questions at the heart of the issue: what principles and goals should guide legislators in deciding what to criminalize? How should criminal wrongs be classified and differentiated? How should law enforcement officials apply the law's specifications of offences? The fourth book in the series examines the political morality of the criminal law, exploring general principles and theories of criminalization. Chapters provide accounts of the criminal law in the light of ambitious theories about moral and political philosophy - republicanism and contractarianism, or reflect upon the success of important theories of criminalization by viewing them in a novel light. Ideas that are fundamental to any complete theory of the criminal law - liberty, harm, and the effect on victims - are investigated in depth. Sociological investigation of the criminal law grounds a critical investigation into the principles of criminalization, both as a legislative matter, and with respect to criminalization

practices, in contemporary and historical contexts. The volume broadens our conceptions of the theory of criminalization, and clarifies the role of the series in the development of this theory. It is essential reading for all interested in legal, political, and social theories of criminalization.

Since its first publication in 1996, *Law and Morality* has filled a long-standing need for a contemporary Canadian textbook in the philosophy of law. Now in its third edition, this anthology has been thoroughly revised and updated, and includes new chapters on equality, judicial review, and terrorism and the rule of law. The volume begins with essays that explore general questions about morality and law, surveying the traditional literature on legal positivism and contemporary debates about the connection between law and morality. These essays explore the tensions between law as a protector of individual liberty and as a tool of democratic self-rule, and introduce debates about adjudication and the contribution of feminist approaches to the philosophy of law. New material on the Chinese Canadian head tax case is also featured. The second part of *Law and Morality* deals with philosophical questions as they apply to contemporary issues. Excerpts from judicial decisions as well as essays by practicing lawyers are included to provide theoretically informed legal analyses of the issues. Striking a balance between practical and more analytic, philosophical approaches, the volume's treatment of the philosophy of law as a branch of political philosophy enables students to understand law in its function as a social institution. *Law and Morality* has proved to be an essential text in both departments of philosophy and faculties of law and this latest edition brings the debates fully up to date, filling gaps in the previous editions and adding to the array of contemporary issues previously covered.

The laws are not silent in war, but what should they say? What is the moral function of the law of armed conflict? Should the law protect civilians who do not fight but help those who do? Should the law protect soldiers who perform non-combat functions or who may be safely captured? How certain should a soldier be that an individual is a combatant rather than a civilian before using lethal force? What risks should soldiers take on themselves to avoid harming civilians? When do inaccurate weapons become unlawfully indiscriminate? When does 'collateral damage' to civilians become unlawfully disproportionate? Should civilians lose their legal rights by serving, voluntarily or involuntarily, as human shields? Finally, when should killing civilians constitute a war crime? These are the questions that *Law and Morality at War* answers, contributing to a cutting-edge international debate. Drawing on the concepts and methods of contemporary moral and legal philosophy, the book develops a normative framework within which the laws of war and international criminal law can be evaluated, criticized, and reformed. While several philosophical works critically examine the moral status of civilians and combatants, this book fills a gap, offering both an account of the laws of war and war crimes, and proposing how the law could be improved from a moral point of view. Finally, it explores when, if ever, the emotional pressures under which soldiers act should partially or wholly excuse their wrongful actions --Flap of book cover.

The second edition retains the selection of texts presented in the first edition but offers them in new translations by Richard J Regan -- including that of his Aquinas, *Treatise on Law* (Hackett, 2000). A revised Introduction and glossary, an updated select bibliography, and the inclusion of summarising headnotes for each of the units -- Conscience, Law, Justice, Property, War and Killing, Obedience and Rebellion, and Practical Wisdom and Statecraft -- further enhance its usefulness.

Jewish legal and political thought developed in conditions of exile, where Jews had neither a state of their own nor citizenship in any other. What use, then, can this body of thought be today to Jews living in Israel or as emancipated citizens in secular democratic states? Can a culture of exile be adapted to help Jews find ways of being at home politically today? These questions are central in *Law, Politics, and Morality in Judaism*, a collection of essays by

contemporary political theorists, philosophers, and lawyers. How does Jewish law accommodate--or fail to accommodate--the practice of democratic citizenship? What range of religious toleration and pluralism is compatible with traditional Judaism? What forms of coexistence between Jews and non-Jews are required by shared citizenship? How should Jews operating within halakha (Jewish law) and Jewish history judge the use of force by modern states? The authors assembled here by prominent political theorist Michael Walzer come from different points on the religious-secular spectrum, and they differ greatly in their answers to such questions. But they all enact the relationship at issue since their answers, while based on critical Jewish texts, also reflect their commitments as democratic citizens. The contributors are Michael Walzer, David Biale, the late Robert M. Cover, Menachem Fisch, Geoffrey B. Levey, David Novak, Aviezer Ravitzky, Adam B. Seligman, Suzanne Last Stone, and Noam J. Zohar.

Provides an in-depth study of the ideological and organisational features of China's legal system, as it is embedded in the Party-state.

The law sometimes permits what ordinary morality, or widely-shared notions of right and wrong, reproaches. *Rights to Do Grave Wrong* explores the relationship between law and common morality to clarify law's reliance on society's broad presumption that people will exercise their rights responsibly. More concretely, he argues that certain legal rights rest on tacit sociological assumptions as to who will exercise them, under what circumstances, and how frequently. Further, he argues that we depend on stigma and shame to reduce and circumscribe the law's use. Some examples: though reneging on a debt is considered wrong, the law allows you to declare personal bankruptcy; international law allows museums to retain some masterworks looted from their rightful owners; in many countries abortion is permitted as a means of birth control. Using these examples and more, Osiel presents a "social scientific" analysis of law's interaction with social mores and the extent to which they limit our exercising rights to do wrong. The paradox he intends to elucidate is when and why it is appropriate for societies to champion de jure entitlements even as they successfully limit their de facto usage.--

In this book I argue for an approach that conceives human rights as both moral and legal rights. The merit of such an approach is its capacity to understand human rights more in terms of the kind of world free and reasonable beings would like to live in rather than simply in terms of what each individual is legally entitled to. While I acknowledge that every human being has the moral entitlement to be granted living conditions that are conducive to a dignified life, I maintain, at the same time, that the moral and legal aspects of human rights are complementary and should be given equal weight. The legal aspect compensates for the limitations of moral human rights the observance of which depends on the conscience of the individual, and the moral aspect tempers the mechanical and inhumane application of the law. Unlike the traditional or orthodox approach, which conceives human rights as rights that individuals have by virtue of their humanity, and the political or practical approach, which understands human rights as legal rights that are meant to limit the sovereignty of the state, the moral-legal approach reconciles law and morality in human rights discourse and underlines the importance of a legal framework that compensates for the deficiencies in the implementation of moral human rights. It not only challenges the exclusively negative approach to fundamental liberties but also emphasizes the necessity of an enforcement mechanism that helps those who are not morally motivated to refrain from violating the rights of others. Without the legal mechanism of enforcement, the understanding of human rights would be reduced to simply framing moral claims against injustices. From the moral-legal approach, the protection of human rights is understood as a common and shared responsibility. Such a responsibility goes beyond the boundaries of nation-states and requires the establishment of a cosmopolitan human rights regime based on the conviction that all human beings are members of a

community of fate and that they share common values which transcend the limits of their individual states. In a cosmopolitan human rights regime, people are protected as persons and not as citizens of a particular state.

Addressing the proper relation of moral and religious belief to politics and law, especially constitutional law, Perry here discusses whether a common moral foundation exists that is capable of providing, in a diverse social system like ours, consistent guidelines for handling divisive political, policy, religious and constitutional disputes. His study represents a distinctive position in the vast and growing literature on the moral foundations of liberal political and legal life.

Can wrongs be righted? Can we make up for our misdeeds, or does the impossibility of changing the past mean that we remain permanently guilty? While atonement is traditionally considered a theological topic, *Making Amends* uses the resources of secular moral philosophy to explore the possibility of correcting the wrongs we do to one another. Philosophers generally approach the problem of past wrongdoing from the point of view of either a judge or a victim. They assume that wrongdoing can only be resolved through punishment or forgiveness. But this book explores the responses that wrongdoers can and should make to their own misdeeds, responses such as apology, repentance, reparations, and self-punishment. *Making Amends* explores the possibility of atonement in a broad spectrum of contexts--from cases of relatively minor wrongs in personal relationships, to crimes, to the historical injustices of our political and religious communities. It argues that wrongdoers often have the ability to earn redemption within the moral community. *Making Amends* defends a theory of atonement that emphasizes the rebuilding of respect and trust among victims, communities and wrongdoers. The ideal of reconciliation enables us to explain the value of repentance without restricting our interest to the wrongdoer's character, to account for the power of reparations without placing a dollar value on dignity, to justify the suffering of guilt without falling into a simplistic endorsement of retribution, and to insist on the moral responsibility of wrongdoing groups without treating their members unfairly.

Human rights have a rich life in the world around us. Political rhetoric pays tribute to them, or scorns them. Citizens and activists strive for them. The law enshrines them. And they live inside us too. For many of us, human rights form part of how we understand the world and what must (or must not) be done within it. The ubiquity of human rights raises questions for the philosopher. If we want to understand these rights, where do we look? As a set of moral norms, it is tempting to think they can be grasped strictly from the armchair, say, by appeal to moral intuition. But what, if anything, can that kind of inquiry tell us about the human rights of contemporary politics, law, and civil society — that is, human rights as we ordinarily know them? This volume brings together a distinguished, interdisciplinary group of scholars to address philosophical questions raised by the many facets of human rights: moral, legal, political, and historical. Its original chapters, each accompanied by a critical commentary, explore topics including: the purpose and methods of a philosophical theory of human rights; the "Orthodox-Political" debate; the relevance of history to philosophy; the relationship between human rights morality and law; and the value of political critiques of human rights.

Can the law promote moral values even in pluralistic societies such as the United States? Drawing upon important federal legislation such as the Americans with Disabilities Act, legal scholar and moral theologian Cathleen Kaveny argues that it can. In conversation with thinkers as diverse as Thomas Aquinas, Pope John Paul II, and Joseph Raz, she argues that the law rightly promotes the values of autonomy and solidarity. At the same time, she cautions that wise lawmakers will not enact mandates that are too far out of step with the lived moral values of the actual community. According to Kaveny, the law is best understood as a moral teacher encouraging people to act virtuously, rather than a police officer requiring them to do so. In *Law's Virtues* Kaveny expertly applies this theoretical framework to the controversial moral-

legal issues of abortion, genetics, and euthanasia. In addition, she proposes a moral analysis of the act of voting, in dialogue with the election guides issued by the US bishops. Moving beyond the culture wars, this bold and provocative volume proposes a vision of the relationship of law and morality that is realistic without being relativistic and optimistic without being utopian.

This is a book that explores nationalism, intractability, the point of no return, and the jurisdiction over war crimes. In *Gaza: Law, Morality and Politics*, editor Raimond Gaita brings together a thought-provoking collection of essays by experts on the subject of conflict. The book is a companion to a series of lectures of the same name held in 2009 at Australian Catholic University. Following the Israeli Army invasion of the Gaza strip, the reader is left with questions of law, morality, and politics - a minefield of ethical dilemmas to challenge the moral code we live by.

Americans are ruled by an unwritten constitution consisting of executive orders, signing statements, and other quasi-laws designed to reform society, Bruce Frohnen and George Carey argue. Consequently, the Constitution no longer means what it says to the people it is supposed to govern and the government no longer acts according to the rule of law.

This is the first book-length treatment of an increasingly crucial topic. Professor Buchanan develops a coherent theory of the conditions under which secession is morally justifiable and applies it to historical and contemporary examples. Buchanan locates his account of the right to secede in the broader context of contemporary political thought, introducing readers to influential accounts of political society, such as contractarianism and communitarianism, and showing how the possibility of secession fits into a more complete account of political community and political obligation. This is an important book, not just for political and social theorists, but for any reader concerned with the future of troubled political federations and other states under conditions of ethnic and cultural pluralism.

At a time when age-old political structures are crumbling, civil strife abounds, and economic uncertainty permeates the air, loyalty offers us security in our relationships with associates, friends, and family. Yet loyalty is a suspect virtue. It is not impartial. It is not blind. It violates the principles of morality that have dominated Western thought for the last two hundred years. Loyalties are also thought to be irrational and contrary to the spirit of Capitalism. In a free market society, we are encouraged to move to the competition when we are not happy. This way of thinking has invaded our personal relationships and undermined our capacities for friendship and loyalty to those who do not serve our immediate interests. As George P. Fletcher writes, it is time for loyal bonds, born of history and experience, to prevail both over impartial morality and the self-interested thinking of the market trader. In this extended essay, George P. Fletcher offers an account of loyalty that illuminates its role in our relationships with family and friends, our ties to country, and the commitment of the religious to God and their community. Fletcher opposes the traditional view of the moral self as detached from context and history. He argues instead that loyalty, not impartial detachment, should be the central feature of our moral and political lives. Writing as a political "liberal," he claims that a commitment to country is necessary to improve the lot of the poor and disadvantaged. This commitment to country may well require greater reliance on patriotic rituals in education and a reconsideration of the Supreme Court's extending the First Amendment to protect flag burning. Given the worldwide currents of parochialism and political decentralization, the task for us, Fletcher argues, is to renew our commitment to a single nation united in its diversity. Bringing to bear his expertise as a law professor, Fletcher reasons that the legal systems should defer to existing relationships of loyalty. Familial, professional, and religious loyalties should be respected as relationships beyond the limits of the law. Thus surrogate mothers should not be forced to surrender and betray their children, spouses should not be required to testify against each other in court, parents should not be prevented from willing their property to their children,

and the religiously committed should not be forced to act contrary to conscience. Yet the question remains: Aren't loyalty, and particularly patriotism, dangerously one-sided? Indeed, they are, but no more than are love and friendship. The challenge, Fletcher maintains, is to overcome the distorting effects of impartial morality and to develop a morality of loyalty properly suited to our emotional and spiritual lives. Justice has its sphere, as do loyalties. In this book, Fletcher provides the first step toward a new way of thinking that recognizes the complexity of our moral and political lives.

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