

Gerald C. MacCallum, Jr.

LEGISLATIVE
INTENT

*and Other Essays
on Law, Politics, and
Morality*



Edited by Marcus G. Singer and Rex Martin

Legislative Intent And Other Essays On Law Politics And Morality

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Legislative Intent And Other Essays On Law Politics And Morality:

Legislative Intent and Other Essays on Law, Politics, and Morality Gerald Cushing MacCallum, 1993 In the last years of his life Gerald C MacCallum Jr defied illness to continue his work on the philosophy of law This book is a monument to MacCallum s effort containing fourteen of his essays five of them published here for the first time Two of those previously published are widely admired and reprinted Legislative Intent certainly one of the best papers published on its topic and Negative and Positive Freedom which offered a new way of looking at a distinction that had been canonical for the last two centuries To complete MacCallum s unfinished pieces Marcus G Singer and Rex Martin painstakingly consulted MacCallum s notes for planned revisions MacCallum discusses legal reasoning the application of rules the interpretation of statutes and constitutional provisions and the relation of these matters to morality and justice In the last decade of his working life he became greatly concerned with the interrelated themes of integrity autonomy conscience and violence He became interested in the relations between competition and morality and between justice and adversarial systems of law These themes are woven together in Legislative Intent and constitute the main subject of some of the essays MacCallum was engaged in a constant search for truth and understanding and in his life and work lived up to Emerson s vision of the American Scholar as Man Thinking These essays are informed by the author s deep curiosity penetrating intelligence wide knowledge and outstanding character They will be treasured wherever these characteristics and true philosophy are treasured *The Nature of Legislative Intent* Richard Ekins, 2012-10-12 Are legislatures able to form and act on intentions The question matters because the interpretation of statutes is often thought to centre on the intention of the legislature and because the way in which the legislature acts is relevant to the authority it does or should enjoy Many scholars argue that legislative intent is a fiction the legislative assembly is a large diverse group rather than a single person and it seems a mystery how the intentions of the individual legislators might somehow add up to a coherent group intention This book argues that in enacting a statute the well formed legislature forms and acts on a detailed intention which is the legislative intent The foundation of the argument is an analysis of how the members of purposive groups act together by way of common plans sometimes forming complex group agents The book extends this analysis to the legislature considering what it is to legislate and how members of the assembly cooperate to legislate The book argues that to legislate is to choose to change the law for some reason the well formed legislature has the capacity to consider what should be done and to act to that end This argument is supported by reflection on the centrality of intention to the nature of language use The book then explains in detail how members of the assembly form and act on joint intentions which do not reduce to the intentions of each member before outlining some implications of this account for the practice of statutory interpretation Developing a robust account of the nature and importance of legislative intention the book represents a significant contribution to the literature on deliberative democracy that will be of interest to all those thinking about legal interpretation and constitutional theory **Legislating**

Morality in America Donald P. Haider-Markel, 2020-01-07 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 crime and punishment sexuality and reproduction environmental protection and public health national security and civil liberties social welfare programs and education

Reflections on Rawls Shaun P. Young, 2016-04-08 The late John Rawls was one of the most inspiring provocative and influential political philosophers of the twentieth century In this collection a panel of distinguished political philosophers critically explore the intellectual legacy of Rawls The essays herein engage Rawls s political theorizing from his earliest published writings in the 1950s to his final publication in 2001 Justice as Fairness A Restatement and explore a diversity of issues related to his arguments such as the attractiveness of his methodology methodologies and the normative coherence and empirical validity of his claims In turn the effectiveness both of his arguments and those of various supporters and critics are evaluated from the perspective of a variety of analytical approaches including cosmopolitanism communitarianism perfectionism liberalism and legal theory This book is an edifying and engaging dialogue with ideas and arguments that have provided the theoretical framework for much of contemporary political philosophy and a thoughtful assessment of their continuing significance and place within the pantheon of political philosophy

Collective Action, Philosophy and Law Teresa Marques, Chiara Valentini, 2021-11-29 Collective Action Philosophy and Law brings together two important strands of philosophical analysis It combines general philosophical inquiry into collective agency with analyses of specific questions about plural entities and activities in the legal domain These are issues of growing interest in areas of philosophy like action theory and social ontology as well as in philosophy of law The book contains 13 original chapters written by an international team of leading philosophers and legal theorists and is divided into 4 parts The nature of law and of legislative intention Practical reasoning and duties Causality blameworthiness and responsibility Citizens states and institutions These sections cut across and build on different accounts to advance the debate on classical and new issues in collective agency Each part also features legal philosophical analyses that draw on general accounts of collective agency to cast new light on the law descriptive as well as normatively Collective Action Philosophy and Law is the first major interdisciplinary and multi authored work bridging legal

and philosophical approaches to collective agency As such it is essential reading for students and researchers of philosophy of law ethics political philosophy jurisprudence and legal theory **Civil Disobedience** Piero Moraro,2019-07-15 What is the difference between civil and uncivil disobedience How can illegal protest be compatible with a democratic regime based on the rule of law Is Edward Snowden a civil disobedient This book follows the philosophical debate around these and other issues showing how the notion of civil disobedience has evolved from a form of passive resistance against injustice to an active way to engage with the political life of the community The author presents the major contributions in political and legal philosophy ranging from John Rawls seminal account in 1971 to the recent views advanced by Kimberley Brownlee David Lefkowitz and William Smith In the last chapter the author proposes a novel account of civil disobedience able to meet some of the unresolved challenges The author argues that to make sense of civil disobedience we should expand our conception of political obligation so to include acts that despite being illegal may reveal the agent s civility **The Bloomsbury Encyclopedia of Philosophers in America** John R. Shook,2016-02-11 For scholars working on almost any aspect of American thought The Bloomsbury Encyclopedia to Philosophers in America presents an indispensable reference work Selecting over 700 figures from the Dictionary of Early American Philosophers and the Dictionary of Modern American Philosophers this condensed edition includes key contributors to philosophical thought From 1600 to the present day entries cover psychology pedagogy sociology anthropology education theology and political science before these disciplines came to be considered distinct from philosophy Clear and accessible each entry contains a short biography of the writer an exposition and analysis of his or her doctrines and ideas a bibliography of writings and suggestions for further reading Featuring a new preface by the editor and a comprehensive introduction The Bloomsbury Encyclopedia to Philosophers in America includes 30 new entries on twenty first century thinkers including Martha Nussbaum and Patricia Churchland With in depth overviews of Waldo Emerson Margaret Fuller Noah Porter Frederick Rauch Benjamin Franklin Thomas Paine and Thomas Jefferson this is an invaluable one stop research volume to understanding leading figures in American thought and the development of American intellectual history *Philosophical Theory and the Universal Declaration of Human Rights* William Sweet,2003 *Philosophical Theory and the Universal Declaration of Human Rights* examines the relations and interrelations among theoretical and practical analyses of human rights Edited by William Sweet this volume draws on the works of philosophers political theorists and those involved in the implementation of human rights The essays although diverse in method and approach collectively argue that the language of rights and corresponding legal and political instruments have an important place in contemporary social political philosophy Published in English [Proceedings of the ... World Congress of the International Association for Philosophy of Law and Social Philosophy \(IVR\)](#) Internationale Vereinigung für Rechts- und Sozialphilosophie,2004 **For the People?** Charles R Beitz,Edwards S Sandford Professor of Politics Charles R Beitz,2024-10-04 Many observers of American politics believe that representative government particularly in the Congress is

failing This book examines the case for failure what are the outward signs and how do they reflect breaches of underlying norms of fair and effective representation The book argues that good representation demands healthy competition between parties but that in today s America that competition has run off the rails *The Canadian Journal of Law and Jurisprudence*, 2004 Philosophy 9/11 Timothy Shanahan, 2005 Many of the most pressing questions raised by terrorism are philosophical in nature This book explores the crucial ethical and theoretical issues such as What is terrorism and how is it different from other types of violence Do recent terrorist attacks constitute a fundamentally new type of terrorism How can a nation conduct a just war against terrorists Is torture of terrorists during interrogation ever justified Philosophers and terrorism experts answer these pressing moral and political questions with clarity and wisdom **Liberty Reader** David Miller, 2017-07-05 For centuries past the quest for liberty has driven political movements across the globe inspiring revolutions in America France China and many other countries Now we have Iraq and the idea of liberation through preemption What is this liberty that is so fervently pursued Does it mean a private space for individuals the capacity for free and rational choice or collective self rule What is the difference between positive and negative liberty or the relationship between freedom and coercion Reflecting on these questions reveals a surprisingly rich landscape of ideas and further questions The Liberty Reader collects twelve of the most important and insightful essays on issues of freedom currently available It is essential reading for students of social and political theory political philosophy and anyone who wants a deeper understanding of the variety of ideas and ideals behind perennial human strivings for liberty The Social Contract from Hobbes to Rawls David Boucher, Paul Kelly, 2003-09-02 First published in 2004 Routledge is an imprint of Taylor Francis an informa company *Teoría general de las decisiones judiciales* Hernández Marín, Rafael, 2021-11-03 El derecho obliga a los jueces a intervenir en diversos asuntos y a dictar decisiones en los asuntos en los que intervienen Aunque es en la tramitación y resolución de los litigios que llegan a los juzgados y tribunales donde los jueces desarrollan su labor más característica También en el ejercicio de esta actividad los jueces están obligados a dictar decisiones de diversas clases Pero hay un tipo de decisiones judiciales especialmente importantes porque mediante ellas los jueces ejercen ese poder del Estado que ostentan el poder judicial el poder de juzgar o decidir los litigios que conocen Son las denominadas decisiones sobre el fondo del litigio o sobre el fondo del asunto contenidas en sentencias y que constituyen el aspecto principal de estas resoluciones Estas son las decisiones judiciales que constituyen el objeto de este libro y a las que se refiere exclusivamente el término decisión judicial utilizado a lo largo de esta obra La teoría acerca de las decisiones judiciales desarrollada en este trabajo puede ser calificada como jurídica porque no se ocupa de los aspectos sociológicos psicológicos o ideológicos que influyen en las decisiones judiciales sino solo de los requisitos que el derecho exige a esas decisiones Y también puede ser calificada como general Pues por un lado la teoría tiene la pretensión de ser válida para cualquier decisión judicial sobre el fondo de un litigio con independencia de cuál sea la rama del derecho o jurisdicción en la que el litigio se inscriba y por otro lado aunque su

finalidad principal es exponer los requisitos que el derecho exige a las decisiones judiciales esos requisitos son en gran medida comunes a numerosos ordenamientos jurídicos Metodología de la investigación jurídica Guillermo Lariguet, 2019-04-28 Esta cuidada compilación constituida por un rico y variado conjunto de propuestas metodológicas contemporáneas conforma una obra original Entre las múltiples razones de ello cabe destacar que es la primera obra con estas características en habla hispana Otra virtud es haber integrado los aportes de numerosos científicos sociales y jurídicos prestigiosos de diversas nacionalidades y trayectorias disciplinares y epistemológicas Se trata de una obra que combina la reflexión detallada sobre tópicos clásicos como la metodología de la dogmática jurídica según la práctica de diversas áreas derecho penal privado de daños etc la historia y sociología del derecho la criminología el campo de aplicación del análisis conceptual y normativo en la filosofía jurídica y política como también una reflexión sobre campos menos transitados como el neuroderecho la ética profesional el bioderecho etc Asimismo la novedad de la obra descansa en la reflexión articulada sobre temas sensibles a la investigación jurídica en tanto investigación sociales como el papel del género en la construcción de la explicación normativa el problema de la objetividad científica o el alcance de la investigación cualitativa en el ámbito del Derecho **Current Legal Theory**, 1996 **Pluralism and Law** A. Soeteman, 2013-04-17 AREND SOETEMAN In the past we lived on one earth but in many different worlds Different civilisations in regions far apart knew about one another at least from about the 16th century they competed with one another or tried to dominate the other they influenced one another but in many important aspects they were independent from one another Somewhere in the 20th century however this changed There is no far apart anymore We have lived through two European wars which developed into world wars Modern aeroplanes allow us to travel in only a couple of hours around the world Instant communication between individuals who have the whole globe in between is a reality There still exist great differences between different civilisations But they can ignore one another only at their peril They deeply influence one another Today therefore we live in one world Conflicts in the Middle East in Rwanda and Uganda or in the former Yugoslavia have their impact all over the world Violations of human rights no matter where are increasingly considered to be the concern of all of us The whims and caprices of some dictator may influence the spending possibilities of the general public far away **Violence and Social Justice** V. Bufacchi, 2007-10-23 Violence and injustice are two major political problems facing the world today Offering a fresh innovative analysis of the concept of violence this book presents an original insight into the nature of injustice Addressing three key questions it forces us to rethink the scope and aims of a theory of social justice Conceptual Foundations of Antitrust Oliver Black, 2005-11-03 This is a philosophical study of concepts that lie at the foundation of antitrust a body of law and policy designed to promote or protect economic competition Topics covered are the nature of competition the relation between competition and welfare the distinction between per se rules and rules of reason agreements concerted practices and the spectrum from independent action to collusion Although there are many legal and economic books on antitrust this is

the first book devoted to the philosophical scrutiny of the concepts that underpin it No prior knowledge of philosophy is presupposed The book is primarily directed at students theorists and practitioners of antitrust but will also be useful to lawyers economists philosophers political scientists and others who have an interest in the discipline

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web use a pencil to mark the mounting holes 3 remove the wall plate from the wall and drill two holes in the wall as marked gently tap anchors provided into the drilled holes until flush with the wall 4 position the wall plate over the holes pulling wires through the wiring opening see fig 5 5

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