

PRACTICAL CONFLICTS

New
Philosophical
Essays

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JENNIFER BARNHARTT and
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OXFORD UNIVERSITY PRESS

Practical Conflicts New Philosophical Essays

Daniel Star



Practical Conflicts New Philosophical Essays:

Practical Conflicts Peter Baumann, Monika Betzler, 2004-01-26 In this collection a distinguished roster of philosophers analyse the diverse forms of practical conflict The Ethics of Self-Defense Christian Coons, Michael Weber, 2016-05-02 The fifteen new essays collected in this volume address questions concerning the ethics of self defense most centrally when and to what extent the use of defensive force especially lethal force can be justified Scholarly interest in this topic reflects public concern stemming from controversial cases of the use of force by police and military force exercised in the name of defending against transnational terrorism The contributors pay special attention to determining when a threat is liable to defensive harm though doubts about this emphasis are also raised The legitimacy of so called stand your ground policies and laws is also addressed This volume will be of great interest to readers in moral political and legal philosophy **Remorse** Anthony Bash, 2020-10-02 Though the Christian church has a well developed theology of Godward facing remorse about sin it has paid little attention to the interpersonal implications of the remorse that people feel when they wrong one another Since the nineteenth century important work has been done by psychologists anthropologists philosophers ethicists scientists and lawyers that has implications for the way theologians might think about remorse This book draws on the biblical record in its ancient settings as well as on insights from contemporary scholarship to offer a new and distinctively Christian contribution to an understanding of remorse **Authorities** Nicole Roughan, 2013-09 The interaction between state transnational and international law is overlapping and often conflicting Yet despite this messiness and multiplicity law still creates obligations for its subjects Despite its plurality law still claims some kind of authority The implications of this plurality of law can be troubling It generates uncertainty for law users over which law they are bound by or for law makers over the limits of their authority Thus the practical problem is not plurality of law in itself rather confusion over law s authority in such pluralist circumstances Roughan argues that understanding authority in such pluralist circumstances requires a new conception of relative authority This book seeks to provide the theoretical tools needed to bring the disciplines examining legal and constitutional pluralism into more direct engagement with theories of authority by examining the one practice in which they are all interested the practice of public authority **From Morality to Law and Back Again** Michelle Madden Dempsey, François Tanguay-Renaud, 2023-07-18 John Gardner was one of the most prolific widely read and influential scholars working in philosophy of law This book celebrates explores and develops themes of his work during his sixteen years as Professor of Jurisprudence at University of Oxford Written by a team of contributors whose own work has been influenced by Gardner s and with whom he has worked closely this book engages with many of the concepts themes and issues that were central to his philosophical work and outlook It expands on his arguments offers original rebuttals to some and draws connections with parallel and emerging fields that have been influenced by his work This is the first book length treatment covering the entire range of his scholarship and will serve as a handbook of sorts for those scholars seeking to engage

Gardner's work and make connections across the wide range of topics on which he has written. In particular, the volume comprises discussions of duties to try and succeed in relation to Hume's maxim that ought implies can, the role of continuity, conservatism and corrective justice in private law, the interrelations between wrongdoing, blame, punishment and the justification of criminal law, justifications, excuses and responsibility, the distinctiveness of the wrongs of rape and discrimination as well as general jurisprudence and how it may or may not illuminate the questions of normativity and the nature of constitutions. The volume also engages with further concepts and questions addressed through the prism of Gardner's work, including Indigenous rights and law, Equity, corporate responsibility and the possibility of state crimes and the nature, structure and phenomenology of virtue. Together, the papers collected in this volume pay homage to the breadth of John Gardner's legal philosophy. The conversations begun or continued in this volume will continue to inform the contributors' future work and thus increase the likelihood that John's body of work will have an ever greater influence on the future of legal philosophy.

The Restatement Third: Restitution and Unjust Enrichment Charles Mitchell, William Swadling, 2014-07-18. The publication of the Restatement Third, Unjust Enrichment and Restitution by the American Law Institute in July 2010 was an event of major importance not only for the development of the law of unjust enrichment in the US but also for global scholarship relating to this area of private law. The Restatement First appeared in 1937 and the Restatement Second was abandoned; hence the Restatement Third is the most significant survey of the American law on this topic for over 70 years. Private law has been a comparatively neglected area of study in US law schools for several decades and this is particularly true of the law of unjust enrichment. However, the appearance of the Restatement Third has prompted a renewal of interest in the subject among US scholars and it is hoped that the present volume of essays will contribute to this revival while reflecting on the lessons to be learned from the Restatement by other legal systems. Featuring the work of leading scholars from the UK, Germany, South Africa, Canada, Hong Kong and Australia, the essays undertake critical and comparative analysis of the Restatement and offer fresh insights into the rules that it articulates.

Understanding Private Law Evan Fox-Decent, John C. P. Goldberg, Lionel Smith, 2025-01-23. This book engages with some of Stephen A. Smith's most significant arguments illustrating that he was a towering figure in the field of private law with little of the field not impacted by his scholarship. The contributors explore Professor Smith's most controversial thinking on private law, interrogating questions of contract law, remedies, unjust enrichment, comparative law and the legal theory underlying these fields. This is an important publication in the field.

Emotions, Ethics and Decision-Making Wilfred J. Zerbe, Charmine E. J. Härtel, Neal M. Ashkanasy, 2008-06-16. The rapidly growing recognition of the importance of emotion in understanding all aspects of organizational life is facilitating the development of focused areas of scholarship. This volume includes articles which represent a selection of the papers presented at the sixth International Conference on Emotions and Organizational Life.

Rights and Private Law Donal Nolan, Andrew Robertson, 2011-12-02. In recent years a strand of thinking has developed in

private law scholarship which has come to be known as rights or rights based analysis Rights analysis seeks to develop an understanding of private law obligations that is driven primarily or exclusively by the recognition of the rights we have against each other rather than by other influences on private law such as the pursuit of community welfare goals Notions of rights are also assuming greater importance in private law in other respects Human rights instruments are having an increasing influence on private law doctrines And in the law of unjust enrichment an important debate has recently begun on the relationship between restitution of rights and restitution of value This collection is a significant contribution to debate about the role of rights in private law It includes essays by leading private law scholars addressing fundamental questions about the role of rights in private law as a whole and within particular areas of private law The collection includes contributions by advocates and critics of rights based approaches and provides a thorough and balanced analysis of the relationship between rights and private law The Limits of Moral Obligation Marcel van Ackeren, Michael

Kühler, 2015-09-16 This volume responds to the growing interest in finding explanations for why moral claims may lose their validity based on what they ask of their addressees Two main ideas relate to that question the moral demandingness objection and the principle ought implies can Though both of these ideas can be understood to provide an answer to the same question they have usually been discussed separately in the philosophical literature The aim of this collection is to provide a focused and comprehensive discussion of these two ideas and the ways in which they relate to one another and to take a closer look at the consequences for the limits of moral normativity in general Chapters engage with contemporary discussions surrounding ought implies can as well as current debates on moral demandingness and argue that applying the moral demandingness objection to the entire range of normative ethical theories also calls for an analysis of its metaethical presuppositions The contributions to this volume are at the leading edge of ethical theory and have implications for moral theorists philosophers of action and those working in metaethics theoretical ethics and applied ethics **The Retrieval of**

Ethics Talbot Brewer, 2011-04-21 Talbot Brewer presents an invigorating new approach to ethical theory in the context of human selfhood and agency The first main theme of the book is that contemporary ethical theorists have focused too narrowly on actions and the discrete episodes of deliberation through which we choose them and that the subject matter of the field looks quite different if one looks instead at unfolding activities and the continuous forms of evaluative awareness that carry them forward and that constitute an essential element of those activities The second is that ethical reflection is itself a centrally important life activity and that philosophical ethics is an extension of this practical activity rather than a merely theoretical reflection upon it Brewer's approach is founded on a far reaching reconsideration of the notions of the nature and sources of human agency and particularly of the way in which practical thinking gives shape to activities relationships and lives He contests the usual understanding of the relationship between philosophical psychology and ethics The Retrieval of Ethics shows the need for a new contemplative vision of the point or value of human action without which we

will remain unable to make optimal sense of our efforts to unify our lives around a tenable conception of how best to live them or of the yearnings that draw us to our ideals and to each other **Torts and Other Wrongs** John

Gardner, 2019-12-18 *Torts and other Wrongs* is a collection of eleven of the author's essays on the theory of the law of torts and its place in the law more generally Two new essays accompany nine previously published pieces a number of which are already established classics of theoretical writing on private law Together they range across the distinction between torts and other wrongs the moral significance of outcomes the nature and role of corrective and distributive justice the justification *Moral Psychology Today* David K. Chan, 2008-02-03 *Moral Psychology Today* David K Chan

Philosophers working in the field of moral psychology concern themselves with issues and questions that straddle across more than one sub discipline in philosophy The answers that they propose and the theories that they propound have implications for moral philosophy the philosophy of mind epistemology and metaphysics Philosophers with an interest in the will or the motivational psychology of human action divide between those investigating psychological and behavioral concepts for their own sake and those working on action theory for the sake of answering larger questions especially ethical ones The essays in this volume all of which were presented at a conference on Values Rational Choice and the Will belong largely in the latter category of research The essays here contribute to debates and discussions on a wide range of topics that are of current interest in moral psychology These essays demonstrate both the breadth of the field of moral psychology and the importance of the questions investigated Artificial boundaries between sub disciplines of philosophy are crossed in putting these essays together in the same anthology There are essays here in meta ethics and in normative ethics There are essays in ethical theory and in applied ethics There are essays that draw on discoveries in empirical psychology Articulating the Moral Community Henry

Richardson, 2018-08-31 Is morality fixed objectively independently of all human judgment or do we invent right and wrong *Articulating the Moral Community* argues that neither of these simple answers is correct Its central thesis is that working within zones of objective indeterminacy the moral community the community of all persons has the authority to introduce new moral norms Unlike political communities which are centralized non inclusive and backed by coercion the moral community is decentralized inclusive and not coercively backed This book explains in detail how its structure arises from efforts by individuals to work out intelligently with one another how to respond to morally important concerns Developing a novel theory of dyadic rights and duties based on this phenomenon the book argues that conscientious efforts of this kind provide moral input authoritative only over the parties involved After sufficient uptake and reflective acceptance by the moral community however these innovations become new moral norms This account of the moral community's moral authority is motivated by and supports a type of normative ethical theory constructive ethical pragmatism which to use an unfashionable distinction defended in the book rejects the consequentialist claim that rightness is to be defined as a function of goodness and the deontological claim that principles of right stand fixed independently of the good It holds rather that

what we ought to do depends on our continuing efforts to specify the right and the good in light of each other

The Oxford Handbook of Reasons and Normativity Daniel Star, 2018-05-31 The Oxford Handbook of Reasons and Normativity maps a central terrain of philosophy and provides an authoritative guide to it Few concepts have received as much attention in recent philosophy as the concept of a reason to do or believe something And one of the most contested ideas in philosophy is normativity the ought in claims that we ought to do or believe something This is the first volume to provide broad coverage of the study of reasons and normativity across multiple philosophical subfields In addition to focusing on reasons in ethics epistemology and the philosophy of mind action and language the Handbook explores philosophical work on the nature of normativity in general Topics covered include the unity of normativity the fundamentality of reasons attempts to explain reasons in other terms the relation of motivational reasons to normative reasons the internalist constraint the logic and language of reasons and ought connections between reasons intentions choices and actions connections between reasons reasoning and rationality connections between reasons knowledge understanding and evidence reasons encountered in perception and testimony moral principles prudence and reasons agent relative reasons epistemic challenges to our access to reasons normativity in relation to meaning concepts and intentionality instrumental reasons pragmatic reasons for belief aesthetic reasons and reasons for emotions

Ethical Decision-Making in Management Matej Drašček, Dana Mesner Andolšek, Adriana Rejc Buhovac, 2023-04-21 Moral pragmatism has been largely ignored in Business Ethics despite its natural attraction and the fact that it is prominent in philosophy and socio economic theories The main premise of the book is that the complexity of today s business world does not permit a grand ethical theory notwithstanding the different attempts made by scientists Moral pragmatism is the go to approach where the ethical decision making of managers varies dependent on different circumstances but it always integrates moral considerations Ethical decision making is no longer based simply on known rules but entails the constant dynamic interaction of circumstances the development of new rules managers past experiences their knowledge concerning ethics and skills of moral reasoning This book interweaves the postmodern approach to management studies and based on its innovative research reintroduces moral pragmatism in Business Ethics The combination of decision making theories philosophy and postmodernism paves the way for future novel research in Business Ethics making it an excellent resource for researchers academics and advanced students in the field of Business Ethics Practitioners on the other hand will benefit by improving their skills in ethical decision making and leadership

Self to Self J. David Velleman, 2006-01-26 This collection of essays by philosopher J David Velleman on personal identity autonomy and moral emotions is united by an overarching thesis that there is no single entity denoted by the self as well as themes from Kantian ethics and Velleman s work in the philosophy of action

Morality and Self-Interest Paul Bloomfield, 2008 The relationship between morality and self interest is a perennial one in philosophy For Plato Hobbes Kant Aristotle Hume Machiavelli and Nietzsche it lay at the heart of moral theory This text introduces the topic and looks at its place in

philosophical history **Contract Law Without Foundations** Prince Saprai, 2019-02-21 This book advances a theoretical account of contract law grounded in value pluralism Arguing against attempts to delineate branches of legal doctrine by reference to single unifying values the book suggests that a field such as contract law can only be explained and justified by the interaction of a multiplicity of moral values In recent times the philosophy of contract law has been dominated by the promise theory according to which the morality of promise provides a blueprint for the structure shape and content that contract law rules and doctrines should take The promise theory is an example of what this book calls a foundationalist theory whereby areas of law reflect or are underlain by particular moral principles or sets of such principles By considering contract law from the point of view of its theory rules and doctrines and broader political context the book argues that the promise theory can only ever offer part of the picture The book claims that top down theories of contract law such as the promise theory and its bitter rival the economic analysis of law seriously mishandle legal doctrine by ignoring or underplaying the irreducible plurality of values that shape contract law The book defends the role of this multiplicity of values in forging contract doctrine by developing from the ground up a radical and distinctly republican reinterpretation of the field The book encourages readers to move away from a top down theory of contract law such as the promise theory and instead embrace a distinctly republican approach to contract law that would justify the legal rules and doctrines we find in particular jurisdictions at particular times

The Right of Redress Andrew S. Gold, 2020-07-17 The law enables private parties to undo the wrongs committed against them allowing victims to seek redress A distinctive kind of justice governs our legal rights of redress different from the leading corrective justice approaches Through analysis of this key idea The Right of Redress helps to make sense of tort contract fiduciary law and unjust enrichment doctrine When a wrong is remedied the authorship of that remedy matters The justice in private law is sensitive to a right holder's authorship and understanding how solves a number of legal theory puzzles Many forms of redress are only available with state assistance and a full account of private law requires an account of the state's responsibility to assist It also requires an explanation of those cases in which the state declines to assist Prior accounts have drawn on Kantian principles or a Lockean social contract theory where The Right of Redress drawing on public fiduciary theory develops a distinctive account of the state's role This book offers a new take on various modern features of the private law landscape ranging from equity to damage caps to arbitration to corporate claims to class actions The Right of Redress thus offers a pathbreaking account of the justice in private law the political theory that underlies it and the contemporary features that shape our rights of redress today

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