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Political Obligations
George Klosko

Provides a full defence of a theory of political obligation on the basis of the principle of fairness (or fair play). The book responds to the most important objections and extends a theory-based on fairness into a developed ‘multiple principle’ theory of obligation. The ‘self-image of the state’ in regard to political obligations is explored through examination of judicial decisions in three different democratic countries, while the book also breaks new ground by studying attitudes towards political obligations, through the use of small focus groups.

National Responsibility and Global Justice
David Miller

This book presents a non-cosmopolitan theory of global justice. In contrast to theories that seek to extend principles of social justice, such as equality of opportunity or resources, to the world as a whole, it argues that in a world made up of self-determining national communities, a different conception is needed. The book presents and defends an account of national responsibility which entails that nations may justifiably claim the benefits that their decisions and policies produce, while also being held liable for harms that they inflict on other peoples. Such collective responsibility extends to responsibility for the national past, so the present generation may owe redress to those who have been harmed by the actions of their predecessors. Global justice, therefore, must be understood not in terms of equality, but in terms of a minimum set of basic rights that belong to human beings everywhere. Where these rights are being violated or threatened, remedial responsibility
may fall on outsiders. The book considers how this responsibility should be allocated, and how far citizens of democratic societies must limit their pursuit of domestic objectives in order to discharge their global obligations.

Corporate Governance
Simon Learmount

Published in print: 2004 Published Online: September 2007
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780199269082.001.0001
Item type: book

This book explores current thinking on corporate governance by way of a detailed study of the governance practices of fourteen Japanese companies. The author of this book was granted extensive access to these Japanese companies, as well as to their partner companies, their shareholders, and their banks, and was therefore able to provide a detailed insight into the way that Japanese companies are actually governed on a day-to-day basis. The book suggests that current mainstream conceptualizations of corporate governance are inadequate, as they do not help to understand the way that these Japanese companies are directed and controlled in practice. In the majority of cases, governance operates through a system which draws on the reciprocal obligations, responsibilities, and trust generated in everyday interactions at the individual and organizational level. The conclusions of the research have important implications not only for our understanding of the Japanese system of corporate governance, but also for international corporate governance policy and research in general. In particular, the book commends greater recognition that alongside the currently dominant concern ‘controlling’ the behaviour of company managers, the governance of companies might equally be considered in terms of the responsibilities, reciprocal obligations, and trust inherent in everyday interactions.

The Nature of Caring and the Obligation to Care
Daniel Engster

in The Heart of Justice: Care ethics and Political Theory
Published in print: 2007 Published Online: May 2007
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DOI: 10.1093/acprof:oso/9780199214358.003.0002
Item type: chapter

Caring is usually defined either too narrowly or too broadly to support a moral and political theory. This chapter outlines a definition of caring
that is better suited for guiding the development of a moral and political theory. Caring is defined as a practice encompassing everything we do directly to help individuals satisfy their basic biological needs, develop or maintain their basic capabilities, and avoid or alleviate pain and suffering. The chapter further outlines a theory of obligation for caring, arguing that we all have obligations to care for others in need because we all have made claims upon others to care for us when in need. The last part of the chapter discusses the rightful distribution of our caring obligations, arguing that we might justifiably show partiality in caring for ourselves and our loved ones but ultimately have obligations to care for all individuals in need when we are capable of doing so.

The Logic of Leviathan

David P. Gauthier

This book presents the most plausible reading of Thomas Hobbes's moral and political theory based on his book, Leviathan. Hobbes constructs a political theory that bases unlimited political authority on unlimited individualism. The conclusion requires the premiss; anything less than unlimited individualism would justify only limited political authority. But the premiss is too strong for the conclusions; as this book shows, from unlimited individualism only anarchy follows. The theory is a failure. But it has two outstanding merits. First of all, Hobbes introduces a number of important moral and political concepts that deserve our attention. Obligation is his basic moral concept, while authorisation is his basic political concept. Hobbes relies neither on the goodwill of men – their willingness to consider each other's interests for their own sake, and not as means to self-satisfaction – nor on the efficacy of institutions, as the means of both concentrating and limiting political power. Aside from political and moral theory, the book explores Hobbes's views on the nature of man, sovereignty, and God.

Conclusion

Agnès Hurwitz

in The Collective Responsibility of States to Protect Refugees

Page 3 of 11
This chapter presents some concluding thoughts from the author. Two key questions were examined in this study. The first question dealt with the impact of safe third country practices on interstate relations. Yet, it is the second question, that is, the impact of safe third country practices on refugee's rights, which raises the greatest concerns, for these practices lead at the very least to States evading their fundamental obligations under international refugee law. It is argued that international supervision of States' obligations under international refugee law needs to be given central attention.

Reason’s Debt to Freedom
Ishtiyaque Haji

To have free will with respect to an act is to have the ability both to perform and to refrain from performing it. This book argues that no one can have practical reasons of a certain sort—“objective reasons”—to perform some act unless one has free will regarding that act. So we cannot have objective reasons to perform an act unless we could have done otherwise. This is reason’s debt to freedom. the book argues, further, for the thesis that various things we value, such as moral and prudential obligation, intrinsic value, and a range of moral sentiments that figure centrally in interpersonal relationships, presuppose our having free will. They do so because each of these things essentially requires that we have objective reasons, the having of which, in turn, demands that we have alternatives. Finally, the book distinguishes between two sorts of alternative, strong or incompatibilist alternatives and weak or compatibilist alternatives. Assuming, on the one hand, that obligation and some of the other things we value require strong alternatives, the book concludes that determinism precludes these things because determinism expunges strong alternatives. If, on the other hand, they require only weak alternatives, a chief compatibilist agenda of establishing the compatibility of these things with determinism without appeal to alternatives of any kind—the semi-compatibilist’s agenda—is jeopardized.

Justice as Fittingness
Geoffrey Cupit
This book puts forward an original theory of the nature of justice. It maintains that injustice is to be understood as a form of unfitting treatment — typically the treatment of people as less than they are. Justice is therefore closely related to unjustified contempt and disrespect, and ultimately to desert. This book offers a discussion of what is at issue when people take differing views on what justice requires. It demonstrates that the language of desert provides a suitable idiom in which to address substantive questions of justice, and shows why acting justly may require respect for differing entitlements, contributions, and needs. In the course of the book many important issues in moral and political philosophy are illuminated. The book looks at the nature of the obligation to keep a promise, explains how requests can generate reasons for action, and suggests a new approach to solving the problem of political obligation.

Consumer Focus
Alok Kumar and Sushanta K. Chatterjee
in Electricity Sector in India: Policy and Regulation
Published in print: 2012 Published Online: September 2012
Publisher: Oxford University Press DOI: 10.1093/acprof:oso/9780198082279.003.0016
Item type: chapter

Protection of consumers’ interest is one of the key objectives of the Electricity Act, 2003 and it has been explicitly articulated in the preamble of the Act. The chapter explains in brief the provisions of the Electricity Act and the policy regarding protection of consumers’ interest, for instance, universal service obligation, grievance handling mechanism, standards of performance, and consumer advocacy. Judicial pronouncements have also been relied upon to explain the context of some of these important provisions of the law and the policy.

Joint Commitment and Obligation
Margaret Gilbert
in A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society
Published in print: 2006 Published Online: September 2006
Publisher: Oxford University Press DOI: 10.1093/0199274959.003.0007
Item type: chapter
Joint commitments are compared and contrasted with personal decisions and intentions: all are in some sense commitments of the will. They provide one with sufficient reason for action, independently of one’s inclinations and self-interest. Aspects of joint commitment discussed include their formation, basic and non-basic cases, and ways of being freed from them. An argument is presented for the obligating nature of joint commitments. The directed obligation argued for is not context-sensitive and is therefore, in a sense, ‘absolute’.

Conclusion
Ishtiyaque Haji

in Reason’s Debt to Freedom: Normative Appraisals, Reasons, and Free Will
Published in print: 2012 Published Online: September 2012
DOI: 10.1093/acprof:oso/9780199899203.003.0008
Item type: chapter

The final chapter summarizes the book’s principal argument and it draws some general conclusions.

The Ethics of Parenthood
Norvin Richards

Published in print: 2010 Published Online: September 2010
DOI: 10.1093/acprof:oso/9780199731749.001.0001
Item type: book

It is argued that the strong claim biological parents have to raise their children isn't a property right but an instance of our general right to continue whatever we have begun. Implications are drawn for a wide range of cases in which there is a dispute over who should serve as parents to a child. Arguments are offered against saying that our only proper concern in such cases is the best interest of the child. A way is offered of also identifying what claims the various adults have in the matter and deciding how those are properly balanced with the child's own claims. The book also contends that children have a claim of their own to have their autonomy respected. Conclusions are drawn about paternalism toward one's children, about reacting differently to bad behavior when the wrongdoer is “only a child,” and about the way in which children should participate in their raising. A final set of chapters concern parents and their grown children. One conclusion is that parents do not have an obligation to love their grown children come what may. Another is that the filial obligations grown children have are best understood not as debts of gratitude but as obligations to give your
parents a place in your affections that is roughly equivalent to the one they gave you while you were under their care. The closing chapter offers an alternative to John Hardwig’s view about an obligation to die rather than cost your loved ones too dearly.

Reconsidering Actual Contract Theory
Margaret Gilbert

in A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society
Published in print: 2006 Published Online: September 2006
Item type: chapter

The actual contract theory of political obligation is reconsidered in light of a plural subject account of agreements. Given the proposed account of agreements, both immoral and coerced agreements are possible and obligate the parties. The obligation in question is not a moral requirement deriving from a general moral principle, it is an obligation of joint commitment as discussed in Chapter 7. Actual contract theory can thus be defended against the no-obligation objection construed in terms of obligation simply; the no-agreement objection remains. Plural subject theory avoids both objections and is therefore to be preferred.

Regulating Unfair Banking Practices in Europe
Aurelia Colombi Ciacchi and Stephen Weatherill (eds)
Published in print: 2010 Published Online: January 2011
Item type: book

Private persons often stand surety for a business debt incurred by family members, friends, or employers. These suretyships are commonly banking guarantees contracted by means of standard terms. Sometimes the guarantor signs the contract while he/she is not aware of the financial risk related to the guarantee. He or she may not even know what a suretyship is. But in other circumstances the guarantor may be well aware of the risk, but may nonetheless assume it because of strong emotional ties which exist between him/her and the main debtor. How, then, (if at all) does the law address the potential for ‘unfairness’ in such situations? Some systems choose to rely on objective criteria, such as identification of a manifest disproportion between the guaranteed amount and the surety’s income and assets, while others are more open to subjective inquiry. The key point is variation. Different jurisdictions
in Europe operate different models with different priorities. This book provides a comparative overview of the remedies against unfair obligations of non-professional guarantors available in twenty-two EU Member States, based on a questionnaire which has been completed by an expert in each particular jurisdiction and covering both legal rules and the economic context of different credit markets and banking practices.

The Impact of Human Rights Law on General International Law
Menno T. Kamminga and Martin Scheinin (eds)
Published in print: 2009 Published Online: May 2009
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780199565221.001.0001
Item type: book

Traditional international law aims to protect the values and interests of states. The rapidly increasing corpus of international human rights law (including international humanitarian law and international criminal law) increasingly challenges the basic tenets of general international law. In order to become accepted as the law of the world community, general international law needs to reflect better the values and interests of a wider range of actors, including the individual. This book examines the impact of international human rights law on general international law. It considers areas including the structure of international obligations, the formation of customary international law, treaty law, immunities, state responsibility, and diplomatic protection. The book traces the extent to which concepts emanating from international human rights law are being incorporated by the guardians of traditional international law: the International Court of Justice and the International Law Commission.

The Membership Problem
Margaret Gilbert
in A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society
Published in print: 2006 Published Online: September 2006
Publisher: Oxford University Press
DOI: 10.1093/0199274959.003.0001
Item type: chapter

Does membership in a political society obligate one to support the political institutions of that society? Dubbed the membership problem, its terms are given some initial clarification. Among other things, a society is construed as a social group in a relatively narrow sense illustrated with examples. The membership problem is carefully distinguished from several distinct but closely resembling problems familiar from the
literature of political philosophy. Importantly, it concerns obligations that are genuine but not necessarily best referred to as moral obligations.

Obligations: Preliminary Points
Margaret Gilbert

in A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society

People speak of ‘obligations’ in a variety of contexts. This chapter offers a partial characterization of the broad class of obligations with which this book is concerned. This class is important from the perspective of practical reasoning, since reason requires one to fulfill such an obligation all else being equal: they provide one with sufficient reason to act in a certain way. Further, they are independent of one’s inclinations or self-interest. This class includes directed obligations, which are a matter of one person’s owing an action to another, but does not include imputed obligations.

Actual Contract Theory: Attractions
Margaret Gilbert

in A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society

The best-known theory of political obligation is actual contract theory: a political society is founded on an agreement, and the parties to the agreement — now the members of the society — are obligated accordingly. As is generally admitted, actual contract theory has significant attractions as a solution to the membership problem. For one, agreements are a canonical source of obligations. For another, an agreement may indeed suffice to found a social group in general. This chapter details eight analytic points that have been or might be judged to favour of the theory, and five ways in which it might appear to be morally attractive.
There has been a great deal of interest in moral sentimentalism in recent years, but most of that interest has been exclusively either in metaethical questions about the meaning of moral terms or in normative issues about benevolence, caring, and compassion and their place in the moral life. This book seeks to deal with both sorts of issues and to do so primarily in terms of the notion of empathy. Hume tried to do something like this more than two centuries ago, though he didn't have the word empathy and used the term sympathy instead. But Hume misconstrued the phenomenology of moral approval and disapproval, and the nascent theories of moral meaning he grounded in approval and disapproval allow for (much) less objectivity than moral judgments seem to possess. The present book uses a semi-Kripkean reference-fixing view of terms like right and wrong to show how moral claims can be objectively valid a priori and yet at the same time action-guiding and motivating — something that Kantian ethics seeks to provide, but sentimentalism turns out to be more capable of giving us. In addition to dealing with semantic issues, this book shows how sentimentalist forms of moral education and moral learning are possible; and in its later chapters, it also focuses on normative issues of public morality: discussing respect, autonomy, justice, and objectivity itself in strictly sentimentalist care-ethical terms and demonstrating that such an approach can be thoroughly feminist in its implications and goals. Rationalism now dominates the scene in moral philosophy, but there are signs of change, and this book works to encourage those possibilities.

Rule Consequentialism
Tim Mulgan

This chapter explores Rule Consequentialism. It begins with a brief introduction to contemporary Rule Consequentialism, focusing on Brad Hooker’s formulation. A new formulation of Rule Consequentialism
is developed, incorporating the lexical value theory presented in Chapter 3. It then demonstrates the general intuitive appeal of this formulation, focusing on parental obligations to demonstrate that Rule Consequentialism avoids at least one of the failings of the Hybrid View.