

THE SACRED FIRE OF LIBERTY

M. N. S. Sellers

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LIBERTY

Republicanism,
Liberalism and the Law

M. N. S. Sellers



Sacred Fire Of Liberty Republicanism Liberalism And The Law

Denis Galligan



Sacred Fire Of Liberty Republicanism Liberalism And The Law:

The Sacred Fire of Liberty M. Sellers, 1998-09-14 This book describes the origins of the concept of liberty in the legal and political thought of Rome Italy England France and the United States of America Professor Sellers traces the development of liberty and republican government over two centuries of European history in association with liberal ideas This study reveals republicanism as the parent of liberalism in modern law and politics and demonstrates the continuing value of republican ideas in securing the liberty of contemporary states and their citizens *American Comparative Law* David Scott Clark, 2022 Historical Comparative Law and Comparative Legal History Legal history and comparative law overlap in important respects This is more apparent with the use of some methods for comparison such as legal transplant natural law or nation building M N S Sellers nicely portrayed the relationship The past is a foreign country its people strangers and its laws obscure No one can really understand her or his own legal system without leaving it first and looking back from the outside The comparative study of law makes one s own legal system more comprehensible by revealing its idiosyncrasies Legal history is comparative law without travel Legal historians perhaps especially in the United States have been skeptical about the possibility of a fruitful comparative legal history preferring in general to investigate the distinctiveness of their national experience Comparatists however content with revealing or promoting similarities or differences between legal systems by their nature strive toward comparison Some American historians especially since World War II see the value in this *Autonomy and the Challenges to Liberalism* John Christman, Joel Anderson, 2005-02-07 In recent years the concepts of individual autonomy and political liberalism have been the subjects of intense debate but these discussions have occurred largely within separate academic disciplines *Autonomy and the Challenges to Liberalism* contains essays devoted to foundational questions regarding both the notion of the autonomous self and the nature and justification of liberalism Written by leading figures in moral legal and political theory the volume covers inter alia the following topics the nature of the self and its relation to autonomy the social dimensions of autonomy and the political dynamics of respect and recognition and the concept of autonomy underlying the principles of liberalism **The Oxford Handbook of Comparative Law** Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of *The Oxford Handbook of Comparative Law* provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields

such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field The Oxford Handbook of the History of Political Philosophy George Klosko,2011-05-26 The Oxford Handbook of the History of Political Philosophy presents fifty original essays each specially written by a leading figure in the field covering the entire subject of the history of political philosophy They provide not only surveys of the state of research but substantial pieces that engage with and move forward current debates Part I addresses questions of method Contributors discuss the contextual method classically articulated by Quentin Skinner along with important alternative methods associated with Leo Strauss and his followers and contemporary post modernism This section also examines the value of the history of political philosophy and the history of the discipline itself Part II Chronological Periods works through the entire history of Western political philosophy While most contributions address recognizable chronological periods others are devoted to more specialized topics including the influence of Roman Law medieval Arabic political philosophy Socialism and Marxism Aspects of the history of political philosophy that transcend specific periods are the subject of Part III Essays on topics such as democracy the state and imperialism trace theoretical developments over time The histories of major non Western traditions Muslim Confucian and Hindu are discussed in the final Part with special reference to their relationships to Western political thought

Law, Reason, and Emotion M. N. S. Sellers,2017-12-28 What place do reason and emotion have in justice and the law This thought provoking text brings together leading lawyers and legal philosophers to argue that law gains legitimacy and effectiveness when reason recognizes and embraces human emotions for the benefit of society as a whole **Congress and the Fourteenth Amendment** William B. Glidden,2013-08-29 The discrepancy between the fourteenth amendment s true meaning as originally understood and the Supreme Court s interpretation of its meaning over time has been dramatic and unfortunate The amendment was intended to be a constitutional rule for the promotion and protection of people s rights administered by the states as front line regulators of life liberty and property to be overseen by Congress and supported by federal legislation as necessary In this book William B Glidden makes the case that instead the amendment has operated as a judge dominated negative rights against government regime supervised by the Supreme Court Whenever Congress has enacted legislation to protect life liberty or property rights of people in the states the laws were often overturned narrowly construed or forced to rely on the power of Congress to regulate interstate commerce under the Supreme Court s constraining interpretations Glidden proposes that Congress must recover for itself or be restored to its proper role as the designated federal enforcement agency for the fourteenth amendment **Can Human Rights and National Sovereignty**

Coexist? Tetsu Sakurai, Mauro Zamboni, 2023-03-31 Looking at two of the key paradigms of the post Cold War era national sovereignty and human rights this book examines the possibilities for their reconciliation from a global perspective The real or imagined fear of a flood of immigrants has caused and fuelled the surge of an amalgam of populist political forces anti immigrant movements and exclusionist nationalism in many developed countries In the last decade we have witnessed the emergence of two phenomena in the political and legal spheres On the one hand there are liberal globalists asking for respect and the protection of the basic human rights of migrants and asylum seekers and arguing for their civic and social integration into host societies On the other hand there are growing calls for a tougher stance on immigration and powerful populist politicians and governments have emerged in many developed countries How can the idea of universal human rights survive exclusionist nationalism that uses a populist unscrupulous approach to its advantage The contributors to this book explore the meaning of and possible solutions to this dilemma using a wide range of approaches and seek appropriate ways of dealing with these normative predicaments shared by many developed societies Scholars and students of human rights migration nationalism and multiculturalism will find this a very valuable resource *Ibss: Political Science: 1998* Compiled by the British Library of Political and Economic Science, 2000-02 Renowned for its international coverage and rigorous selection procedures this series provides the most comprehensive and scholarly bibliographic service available in the social sciences Arranged by topic and indexed by author subject and place name each bibliography lists and annotates the most important works published in its field during the year of 1997 including hard to locate journal articles Each volume also includes a complete list of the periodicals consulted *Searching the Law, 3d Edition* Frank Bae, Edward Bander, Francis Doyle, Joel Fishman, Paul Richert, 2021-12-13 Republicanism: Volume 1, Republicanism and Constitutionalism in Early Modern Europe Martin van Gelderen, Quentin Skinner, 2002-11-21 These volumes are the fruits of a major European Science Foundation project and offer the first comprehensive study of republicanism as a shared European heritage Whilst previous research has mainly focused on Atlantic traditions of republicanism Professors Skinner and van Gelderen have assembled an internationally distinguished set of contributors whose studies highlight the richness and diversity of European traditions Volume I focuses on the importance of anti monarchism in Europe and analyses the relationship between citizenship and civic humanism concluding with studies of the relationship between constitutionalism and republicanism in the period between 1500 and 1800 Volume II first published in 2002 is devoted to the study of key republican values such as liberty virtue politeness and toleration This volume also addresses the role of women in European republican traditions and contains a number of in depth studies of the relationship between republicanism and the rise of a commercial society in early modern Europe International Law as the Law of Collectives John R. Morss, 2016-04-22 This book is concerned with how we can make sense of the confusing landscape of individualistic explanation in international law Arguing that international law lacks the vocabulary to deal with the collective dimension and therefore perpetuates an individualistic vocabulary the book

develops and articulates a more appropriate collective approach for public international law In doing so it reframes longstanding problems such as the conflict between self determination and the integrity of states and the effects and the limits of state sovereignty in an increasingly globalized world Presenting fresh perspectives on a range of contemporary issues in international law the book draws on the work of major contributors to legal and political theory **Freedom of Expression** Ioanna Tourkochorit, 2021-11-11 Two legal systems founded on similar Enlightenment philosophical and political values use state coercion differently to regulate a liberty at the core of the Enlightenment freedom of expression This comparative study of France and the United States proposes a novel theory of how the limits of freedom of expression are informed by different revolutionary experiences and constitutional and political arrangements Ioanna Tourkochorit argues that the different ways freedom of expression is balanced against other values in France and the United States can be understood in reference to the role of the government and the understanding of republicanism and liberty This understanding affects how jurists define the content and the limits of a liberty and strike a balance between liberties in conflict Exploring both the legal traditions of the two countries this study sheds new light on the broader historical social and philosophical contexts in which jurists operate **The political theory of the Irish Constitution** Eoin Daly, Tom Hickey, 2015-07-01 The political theory of the Irish Constitution considers Irish constitutional law and the Irish constitutional tradition from the perspective of Republican theory It analyses the central devices and doctrines of the Irish Constitution popular sovereignty constitutional rights and judicial review in light of Republican concepts of citizenship and civic virtue The Constitution it will argue can be understood as a framework for promoting popular participation in government as much as a mechanism for protecting individual liberties It will be of interest to students and researchers in Irish politics political theory and constitutional law and to all those interested in political reform and public philosophy in Ireland

Constitutions and the Classics Denis Galligan, 2014-12-11 The period from the fifteenth century to the late eighteenth century was one of critical importance to British constitutionalism Although the seeds were sown in earlier eras it was at this point that the constitution was transformed to a system of representative parliamentary government Changes at the practical level of the constitution were accompanied by a wealth of ideas on constitutions written from different and often competing perspectives Hobbes and Locke Harrington Hume and Bentham Coke the Levellers and Blackstone were all engaged in the constitutional affairs of the day and their writings influenced the direction and outcome of constitutional thought and development They treated themes of a universal and timeless character and as such have established themselves of lasting interest and importance in the history of constitutional thought Examining their works we can follow the shaping of contemporary ideas of constitutions and the design of constitutional texts At the same time major constitutional change and upheaval were taking place in America and France This was an era of intense discussion examination and constitution making The new nation of the United States looked to authors such as Locke Hume Harrington and Sydney for guidance in

their search for a new republicanism adding to the development of constitutional thought and practice This collection includes chapters examining the influences of Madison Hamilton Jefferson and Adams In France the influence of Rousseau was apparent in the revolutionary constitution and Sieyes was an active participant in its discussion and design Montesquieu and de Maistre reflected on the nature of constitutions and constitutional government and these French writers drew on engaged with and challenged the British and American writers The essays in this volume reveal a previously unexplored dynamic relationship between the authors of the three nations explaining the intimate connection between ruler and ruled

Legal Republicanism Samantha Besson, José Luis Martí, 2009-03-26 Interest in republicanism as a political theory has burgeoned in recent years but its implications for the understanding of law have remained largely unexplored *Legal Republicanism* is the first book to offer a comprehensive critical survey of the potential for creating republican accounts of fundamental issues in law and legal theory Bringing together contributors with backgrounds in political and legal philosophy the essays in the volume assess republicanism's historical traditions conceptual coherence and normative proposals The collection offers a valuable insight into new debates taking place in republican political and legal theory It also analyses potential republican approaches to concrete issues arising in areas of law such as criminal constitutional and international law Finally the book includes comparisons between republican legal traditions and how they react to contemporary challenges The book will be of value to political and democratic theorists to legal philosophers and constitutional theorists and all those interested in the legitimacy of decision making in national and international settings

Liberalism Versus Conservatism François B. Gérard, 2000 Everyone eschews labels yet we all seem to possess them in the minds of legions of politicians marketers and even the ever peering government We are being targeted daily by flaming liberals left wing liberals right wing conservatives compassionate conservatives religious conservatives and liberals pinko liberals middle of the road liberals conservatives and liberals pinko liberals middle of the road liberals and conservatives and of course by neoconservatives and neoliberals The search is on for kindred souls the types who will open their wallets to support whatever it is the hucksters are peddling But what do these concepts mean and do their torchbearers grasp the underlying philosophies or do they care This bibliography lists over hundreds of entries under each category which are then indexed by title an author

The U.S. Justice System Steven Harmon Wilson, 2011-12-06 A comprehensive three volume set that provides detailed background essays short topical entries and primary document excerpts to explain the organization history and functioning of the U S justice system *The U S Justice System An Encyclopedia* is a one stop resource uniquely structured to include both introductory information as well as more in depth and detailed resources It explains not only how the American civil and criminal justice system affects the parties to a particular case or other legal action but also how the rights benefits and legal protections of our country impact virtually all people in America The set comprises three volumes The first volume provides chapter length essays explaining the organization and functioning of federal state and local government as well as

the working of federal and state judiciaries regulatory bodies and penal systems The second volume contains shorter alphabetically arranged entries on hundreds of law related topics including case descriptions and biographies of major figures federal and state court organizational charts legal statistics and other background information The third volume contains original documents statutes and texts of important cases relevant to the functioning of the American justice system Readers will understand the structures concepts and vocabulary of American law and legal institutions and grasp how the U S legal system has evolved to meet the complex changing needs of the nation

The American Legal System Albert P. Melone, Allan Karnes, 2008 Firmly anchored in social science concepts the second edition of *The American Legal System* demonstrates the relationships among private law the business legal environment and public law issues as well as related subjects of interest This fifteen chapter book is divided into three parts Part I places the legal system in a political perspective centering on the origins of the law schools of jurisprudence branches and functions of law legitimacy of law how the judiciary functions in the federal system of government and judicial interpretation and decision making Part II contrasts legal processes civil suits for money damages criminal processes equity justice administrative processes and alternative dispute resolution Part III centers on the legal norms or rules governing both civil and criminal conduct property law family law contract law and government regulation of business Throughout the text features edited court opinions many new to this edition illustrating lively and thought provoking controversies that are certain to spark student interest Among the many compelling issues addressed are the legal and constitutional controversies surrounding the Bush Administration s War on Terror and the socially explosive developments concerning same sex marriage In addition each chapter includes at least three comparative notes showing how other legal cultures in different nation states treat legal matters A wealth of pedagogical features chapter opening objectives key terms names and concepts a glossary discussion questions and appendices are included to aid student comprehension The authors have prepared an Instructor s Manual and Test Bank to facilitate the book s use in the classroom

Encyclopedia of Global Justice Deen K. Chatterjee, 2012-01-23 This two volume *Encyclopedia of Global Justice* published by Springer along with Springer s book series *Studies in Global Justice* is a major publication venture toward a comprehensive coverage of this timely topic The *Encyclopedia* is an international interdisciplinary and collaborative project spanning all the relevant areas of scholarship related to issues of global justice and edited and advised by leading scholars from around the world The wide ranging entries present the latest ideas on this complex subject by authors who are at the cutting edge of inquiry The *Encyclopedia* sets the tone and direction of this increasingly important area of scholarship for years to come The entries number around 500 and consist of essays of 300 to 5000 words The inclusion and length of entries are based on their significance to the topic of global justice regardless of their importance in other areas

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