
Liberalism
and
American
Constitutional
Law

Rogers M. Smith

Liberalism And American Constitutional Law

Jack Salzman



Liberalism And American Constitutional Law:

Liberalism and American Constitutional Law Rogers M. Smith, 1985 A major work in the field of American political and legal philosophy Smith analyzes the liberal goals of the framers of the Constitution and the weaknesses of their political thought This book will undoubtedly be the focus of debate in scholarly and legal circles for years to come It is a work of grand scholarship Thomas A Karel Law Books in Review American Constitutional Law Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2009-07-16 American Constitutional Law Essays Cases and Comparative Notes is a unique casebook that encourages citizens and students of the Constitution to think critically about the fundamental principles and policies of the American constitutional order In addition to its distinguished authorship the book has two prominent features that set it apart from other books in the field an emphasis on the social political and moral theory that provides meaning to constitutional law and interpretation and a comparative perspective that situates the American experience within a world context that serves as an invaluable prism through which to illuminate the special features of our own constitutional order While the focus of the book is entirely on American constitutional law the book asks students to consider what if anything is unique in American constitutional life and what we share with other constitutional democracies Each chapter is preceded by an introductory essay that highlights these major themes and also situates the cases in their proper historical and political contexts This new edition offers updated and expanded treatment of a number of important and timely topics including gerrymandering and campaign finance the death penalty privacy affirmative action and school segregation The new edition offers _ Updated and expanded treatment of key cases on gerrymandering and campaign finance _ Expanded discussion of the Court s work federalism and the commerce clause _ Discussions of the Court s new cases on the death penalty including a discussion of the controversy within the Court about the propriety of citing foreign case law _ An expanded discussion of the Court s recent work in the area of privacy including the Court s decisions with regard to partial birth abortions and same sex marriages _ An expanded section on the Court s continuing efforts to develop a coherent takings clause jurisprudence _ Full coverage of new developments and cases concerning affirmative action and school desegregation Conservatives and the Constitution Ken I. Kersch, 2019-03-28 Recovers a contested evolving tradition of conservative constitutional argument that shaped the past and is bidding to make the future **The Dilemmas of Individualism** Michael J. Phillips, 1983-07-20

American Social and Political Thought Andreas Hess, 2003-04 This concise comprehensive primer on modern American social and political thought is the ideal introduction to the rich intellectual tradition of the United States Andreas Hess helps the reader to understand of American culture and politics through careful exploration of key and theorists In the first half of the book he focuses on the core traditions of American social and political thought American exceptionalism Calvinist Protestantism republicanism liberalism and 20th century pragmatism The second half of the book applies these traditions to a broad range of 20th century conditions and issues power and democracy justice and injustice multiculturalism

and pluralism civil society social theory and the role of the intellectual The works of some of the most influential figures in the field such as De Tocqueville Lipset Arendt Hartz Pocock Dewey Moore Rawls Walzer Rorty and Alexander are drawn upon to illustrate the theories and issues being discussed Accessibly written and jargon free this treatment will be useful for students and scholars alike

American Studies Jack Salzman, 1990-05-25 This volume supplements the acclaimed three volume set published in 1986 and consists of an annotated listing of American Studies monographs published between 1984 and 1988 There are more than 6 000 descriptive entries in a wide range of categories anthropology and folklore art and architecture history literature music political science popular culture psychology religion science and technology and sociology

Citizenship and Education in Liberal-Democratic Societies Kevin McDonough, Walter Feinberg, 2003-08-28 The essays in this volume address the educational issues which arise when national sub national and supra national identities compete How can we determine the limits of parental educational rights when the concern of liberalism to protect and promote children s autonomy conflicts with the desire to maintain communal integrity Given the advances made by the forces of globalization can the liberal democratic state morally justify its traditional purpose of forging a cohesive national identity Or has increasing globalization rendered this educational aim obsolete and morally corrupt Should liberal education instead seek to foster a sense of global citizenship even if doing so would suppress patriotic identification In addressing these and many other questions the volume examines the theoretical and practical issues at stake between nationalists multiculturalists and cosmopolitans in the field of education The fifteen essays plus an introductory essay by the editors provide a genuine productive dialogue between political and legal philosophers and educational theorists

Hegel's Critique of Liberalism Steven B. Smith, 1991-09-10 In Hegel s Critique of Liberalism Steven B Smith examines Hegel s critique of rights based liberalism and its relevance to contemporary political concerns Smith argues that Hegel reformulated classic liberalism preserving what was of value while rendering it more attentive to the dynamics of human history and the developmental structure of the moral personality Hegel s goal Smith suggests was to find a way of incorporating both the ancient emphasis on the dignity and even architectonic character of political life with the modern concern for freedom rights and mutual recognition Smith s insightful analysis reveals Hegel s relevance not only to contemporary political philosophers concerned with normative issues of liberal theory but also to political scientists who have urged a revival of the state as a central concept of political inquiry

Civil Rights and the Paradox of Liberal Democracy Bradley C. S. Watson, 1999-01-01 In Civil Rights and the Paradox of Liberal Democracy Bradley Watson demonstrates the paradox of liberal democracy that its cornerstone principles of equality and freedom are principles inherently directed toward undermining it Modernity beyond bringing definition to political equality unleashed a whirlwind of individualism which feeds the soul s basic impulse to rule without limitation including the limitation of consent Here Watson begins his analysis of the foundations of liberalism looking carefully and critically at the moral and political philosophies that justify

modern civil rights litigation He goes on to examine the judicial manifestations of the paradox of liberal democracy seeking to bring a broad philosophical coherence to legal decision making in the United States and Canada Finally Watson illuminates the extent to which this decision making is in tension with liberal democracy and outlines proposals for reform

American Constitutional Law Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2004 Designed for an undergraduate course in US constitutional law the casebook takes a liberal arts approach tracing constitutional doctrine and policy back to their foundation in social moral and political theory and prompting students to engage the great questions of political life addressed by the Constitution and its interpretation Opinions of the US Supreme Court constitute the core of the documents The first edition was published in 1998 the second adds and updates topics Annotation 2004 Book News Inc Portland OR booknews com

[The Prophet of Modern Constitutional Liberalism](#) John Lawrence Hill, 2020-05-28 Explores Mill's influence on our constitutional rights tradition including the right to privacy free speech and how we understand liberty

Without Justice For All Adolph Reed, 2018-02-12 Without Justice for All The New Liberalism and Our Retreat from Racial Equality questions examines and explains the way a new orthodoxy of American leaders has contributed to the social stratification and inequality which plagues America today By looking at the history of our social policies since the New Deal as well as the status of specific policy arenas essayists show how political shifts over the past fifty years have moved us away from a more egalitarian politics Throughout the book responds critically to the now conventional argument that liberalism must be reconfigured in ways that retreat from immediate identification with the interests of labor minorities and the poor From a look at federal housing policy and the failure of New Deal social programs to an examination of long established public assistance programs and Affirmative Action Without Justice for All is a timely and important contribution to the dialogue on race in modern America

Becoming Free Emily R. Gill, 2001 As ethnic racial religious and gender based groups demand rights to pursue radically diverse lifestyles or maintain their cultural traditions conflict seems inevitable even in a free society Government may offer remedies to social dilemmas such as affirmative action curbs on immigration or protection of gay rights but these may only fan the flames of resentment Yet any society that tolerates and protects diversity is more likely to preserve the freedom to live one's life without interference Emily Gill reexamines the liberal tradition to reconcile its core commitments to autonomy and diversity values that in theory are complementary but in practice are often at odds and to show that the interaction of these values determines how we as individuals become free In *Becoming Free* she argues that true freedom is enhanced through the promotion of diversity and the encouragement of rational reflection on the options it allows and that limited choice or ignorance diminishes such freedom Yet an incomplete freedom is what many individuals groups and states advocate when they commit to particular cultural traditions or religious beliefs despite the autonomy they themselves enjoy Gill traces the implications of these conflicting views by drawing on recent scholarship and legal decisions in six areas national citizenship cultural membership ethnicity and gender religious belief sexuality and civic education By

exploring the tensions between autonomy and diversity in such instances as Boy Scouts membership restrictions gay rights legislation and education among the Amish she not only offers an insightful commentary on current issues but also explores the moral foundations of liberal thought Unlike those who criticize liberalism for its shallow philosophical grounding Gill shows it to have a substantive moral content grounded in the individual s capacity to make rational decisions based on critical reflection In her tightly woven arguments she explores real world problems in a meaningful way for students and for anyone concerned with the future of liberalism showing that becoming free is an ongoing process of human and social development

Liberalism Without Illusions Bernard Yack,1996-03 In this tightly organized collection of essays sixteen distinguished political theorists explore Shklar s intellectual legacy focusing both on her own ideas and on the broad range of issues that most intrigued her The volume opens with a series of varied and illuminating assessments of Shklar s conception of liberal politics The second part with essays on Descartes and Racine Hobbes Rousseau and Laski emphasizes the relation between individual freedom and moral psychology in modern political thought The third part addresses contemporary issues such as the role of hypocrisy offensive speech and constitutional courts in liberal democracies The book concludes with an autobiographical essay by Shklar that provides a vivid sense of her singular voice and personality

Putting Liberalism in Its Place Paul W. Kahn,2009-01-10 In this wide ranging interdisciplinary work Paul W Kahn argues that political order is founded not on contract but on sacrifice Because liberalism is blind to sacrifice it is unable to explain how the modern state has brought us to both the rule of law and the edge of nuclear annihilation We can understand this modern condition only by recognizing that any political community even a liberal one is bound together by faith love and identity Putting Liberalism in Its Place draws on philosophy cultural theory American constitutional law religious and literary studies and political psychology to advance political theory It makes original contributions in all these fields Not since Charles Taylor s *The Sources of the Self* has there been such an ambitious and sweeping examination of the deep structure of the modern conception of the self Kahn shows that only when we move beyond liberalism s categories of reason and interest to a Judeo Christian concept of love can we comprehend the modern self Love is the foundation of a world of objective meaning one form of which is the political community Arguing from these insights Kahn offers a new reading of the liberalism communitarian debate a genealogy of American liberalism an exploration of the romantic and the pornographic a new theory of the will and a refoundation of political theory on the possibility of sacrifice Approaching politics from the perspective of sacrifice allows us to understand the character of twentieth century politics which combined progress in the rule of law with massive slaughter for the state Equally important this work speaks to the most important political conflicts in the world today It explains why American response to September 11 has taken the form of war and why for the most part Europeans have been reluctant to follow the Americans in their pursuit of a violent sacrificial politics Kahn shows us that the United States has maintained a vibrant politics of modernity while Europe is moving into a postmodern form of the political that has turned

away from the idea of sacrifice Together with its companion volume Out of Eden Putting Liberalism in Its Place finally answers Clifford Geertz s call for a political theology of modernity *Twilight of the American State* Pierre Schlag,2023-02-16 The sudden emergence of the Trump nation surprised nearly everyone including journalists pundits political consultants and academics When Trump won in 2016 his ascendancy was widely viewed as a fluke Yet time showed it was instead the rise of a movement angry militant revanchist and unabashedly authoritarian How did this happen *Twilight of the American State* offers a sweeping exploration of how law and legal institutions helped prepare the grounds for this rebellious movement The controversial argument is that viewed as a legal matter the American state is not just a liberal democracy as most Americans believe Rather the American state is composed of an uneasy and unstable combination of different versions of the state liberal democratic administered neoliberal and dissociative Each of these versions arose through its own law and legal institutions Each emerged at different times historically Each was prompted by deficits in the prior versions Each has survived displacement by succeeding versions All remain active in the contemporary moment creating the political legal dysfunction America confronts today Pierre Schlag maps out a big picture view of the tribulations of the American state The book abjures conventional academic frameworks sets aside prescriptions for quick fixes dispenses with lamentations about polarization and bypasses historical celebrations of the American Spirit *Transactions of the Royal Historical Society* Andrew Spicer,2017-06-29 A collection of major articles representing some of the best historical research by some of the world s most distinguished historians [The Transformation of Aristotelian Political Epistemology in Eighteenth-century American Constitutional Discourse](#) Tomislav Han,2003 What is the pursuit of happiness This is one of the central questions addressed in this work It examines the extensive ideological genealogy of the concept whose roots are firmly grounded in Aristotelian political science *Reconceiving Liberalism* Oren M. Levin-Waldman,2010-11-23 Levin Waldman argues that if American public policy were to be evaluated against a different set of principles ones more closely aligned with core liberal values especially the common good liberalism would be in greater harmony with contemporary public opinion and thought Liberalism rests on a moral vision of what constitutes the good life and a set of principles that can measure whether public policy accords with society s underlying philosophical principles Levin Waldman faults modern liberalism for obscuring these principles through a misplaced reliance on neutrality Liberalism he contends appears to have diverged from mainstream perceptions of traditional American values because policy is debated and formulated within the confines of this neutrality standard Levin Waldman develops a new methodology intended to take us away from the usual cost benefit analysis and move us closer to assessing public policies in terms of what best serves the common good *Liberalism and American Education in the Eighteenth Century* Allen Oscar Hansen,1926

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