

Freedom And The Law

Guyer revises the traditional interpretation of Kant's philosophy and shows how Kant's coherent liberalism can guide us in current debates.

Explores the dynamics of the First Amendment rights in the United States, showing how social, economic, and political changes in this nation affect the views and practice of free speech.

Law and Veganism explores the rights of vegans and how vegans can be protected from discrimination. Framed in a legal and socio-political context, this book will appeal to the broadest range of legal practitioners and legal and critical scholars alike.

This collection of essays takes as its starting point Arthur Ripstein's *Force and Freedom: Kant's Legal and Political Philosophy*, a seminal work on Kant's thinking about law, which also treats many of the contemporary issues of legal and political philosophy. The essays offer readings and elucidations of Ripstein's thought, dispute some of his claims and extend some of his themes within broader philosophical contexts, thus developing the significance of Ripstein's ideas for contemporary legal and political philosophy. All of the essays are contributions to normative philosophy in a broadly Kantian spirit. Prominent themes include rights in the body, the relation between morality and law, the nature of coercion and its role in legal obligation, the role of indeterminacy in law, the nature and justification of political society and the theory of the state. This volume will be of interest to a wide audience, including legal scholars, Kant scholars, and philosophers with an interest in Kant or in legal and political philosophy.

Human Rights Law and Regulating Freedom of Expression in New Media

The Constitution of Freedom

Freedom Bound

Rights and Liberties Under the Law

Law, Labor, and Civic Identity in Colonizing English America, 1580–1865

Between Group Rights and Individual Rights

Law, Love and Freedom

This book demonstrates the difficulties the law is likely to encounter in regulating the expressive activities of the state, particularly with regard to the stigmatization of vulnerable groups and minorities. Freedom of speech is indispensable to a democratic society, enabling it to operate with a healthy level of debate and discussion. Historically, legal scholars have underappreciated the power of stigmatization, instead focusing on anti-discrimination law, and the implicit assumption that the state is permitted to communicate freely with little fear of legal consequences. Whilst integral to a democratic society, the freedom of a state to express itself can however also be corrosive, allowing influential figures and organizations the possibility to stigmatize vulnerable groups within society. The book takes this idea and, uniquely weaving legal analysis with extant psychological and sociological research, shows that current legal approaches to stigmatization are limited. Starting with a deep insight into what constitutes state expressions and how they can become stigmatizing, the book then goes on to look into the capacity the law currently has to limit these expressions and asks even if it could, should it? This fascinating study of an increasingly topical subject will be of interest to any legal scholar working in the field of freedom of expression and discrimination law. A sceptical appraisal of the claim that freedom of expression is a human right.

Freedom and the Rule of Law takes a critical look at the historical beginnings of law in the United States, and how that history has influenced current trends regarding law and freedom. Anthony Peacock has compiled articles that examine the relationship between freedom and the rule of law in America. The rule of law is fundamental to all liberal constitutional regimes whose political orders recognize the equal natural rights of all.

Every successive generation finds fresh reasons for the study of natural law. Current interest in the natural law may well be due to a pervasive moral pessimism in the Western cultural context and wider contemporary geopolitical challenges. Those geopolitical challenges result from two significant and worrisome global developments – unprecedented violent persecution of religious minorities on several continents and a growing climate of secular hostility toward religious faith in Western societies. Natural Law and Religious Freedom aims to address what is relatively absent from the literature by demonstrating the importance of natural law ethics in both establishing and preserving basic human rights, of which religious freedom has pride of place. Probing contemporary challenges to natural law thinking that are both internal and external to religious faith, and examining the character and constitution of natural law ethics, Natural Law and Religious Freedom will be of interest to theologians, ethicists and philosophers as well as policy analysts, politicians and activists who are concerned to anchor religious freedom and human rights policy considerations in an enduring way.

The Role of Moral First Things in Grounding and Protecting the First Freedom

Freedom for the Thought That We Hate

Freedom and Force

Freedom of Expression and Freedom of Religion

Conceptualizing a Common Right

Law and Veganism

A Biography of the First Amendment

Moving from monasticism to constitutionalism, and from antinomianism to anarchism, this book reveals law's connection with love and freedom.

Constitutional democracy is more fragile and less 'natural' than autocracy. While this may sound surprising to complacent democrats, more and more people find autocracy as they were never forced to understand or imagine what despotism is. Generations who have lived in stable democracies with the promise that their enviable world will find government rule without constitutionalism difficult to conceive. It is difficult, but never too late, to see one's own constitutional system as something that is fragile and in need of constant attention and care. In this book, András Sajó and Renáta Uitz explore how constitutionalism protects us and how it might be undone by its own means. Sajó's history of the constitutional ideal is rich in contextual detail and informed by case studies that give an overview of both the theory and practice of constitutionalism. Uitz's constitutions are contrasted with twentieth-century and contemporary endeavours, and experimentations in checks and balances. Their endeavour is neither apologetic (nor celebratory), nor purely defensive: this book demonstrates why constitutionalism should continue to matter. Between the rise of populist, anti-constitutional sentiment and the apparatus of counter-terrorism, it is imperative that the political communities who seek to sustain democracy as freedom understand the importance of constitutionalism. This book is a must reading for students of law and general readers without prior knowledge of the field, as well as those in politics who believe they know how government works. It sheds new light on the debate on constitutionalism.

This book explains why we should stop thinking of freedom as limited to a right to be left alone. It explores how Kantian philosophy and Jewish thought instead give rise to a positive freedom. At heart, freedom is inextricably linked to the obligation to respect the autonomy and dignity of others. Freedom thus requires relationships with others and a sense of meaning in liberal democratic societies. While individualism is said to foster detachment, positive freedom fosters relations. Moving from moral theory to law, duties and rights. The book considers test cases involving the law of expression, regarding authorial rights and women's prayer at Jerusalem's holy site of the Western Wall. Affirming the essential. Rights held by copyright owners require that all authors – including so-called users – are shown respect. Moreover, rights held by the authorities at the Western Wall worshippers – including those whose interpretation of Jewish law differs from that adopted by the authorities – are respected.

The central question in legal philosophy is the relationship between law and morality. The legal systems of many countries around the world have been influenced by the Enlightenment: freedom, equality and fraternity. The position is similar in relation to the accompanying state ideal of the democratic constitutional state as well as the rule of law. The foundation of these principles lies in the ideal of individual autonomy. The law must in this view guarantee a social order which secures the equal freedom of all. This is fundamental because in modern pluralistic societies a great diversity of views exist concerning the appropriate way of life. This freedom ideal is however also strongly influenced by the Enlightenment and Freedom, a historical overview is given pertaining to the question of the extent to which the modern Enlightenment values can serve as the universal foundation of the rule of law.

Religious Freedom and the Law

The Concept of Freedom in Anthropology

Natural Law and Religious Freedom

Implications of Freedom of Speech

Positive Freedom and the Law

Freedom and the Law

Freedom, Constitution and Common Law

More than any other people on earth, we Americans are free to say and write what we think. The press can air the secrets of government, the corporate boardroom, or the bedroom with little fear of punishment or penalty. This extraordinary freedom results not from America's culture of tolerance, but from fourteen words in the constitution: the free expression clauses of the First Amendment. In Freedom for the Thought That We Hate, two-time Pulitzer Prize-winner Anthony Lewis describes how our free-speech rights were created in five distinct areas—political speech, artistic expression, libel, commercial speech, and unusual forms of expression such as T-shirts and campaign spending. It is a story of hard choices, heroic judges, and the fascinating and eccentric defendants who forced the legal system to come face to face with one of America's great founding ideas.

The Nordic countries are well known globally for their high human rights standards and, at the same time, high degree of internet freedom. This edited collection reveals how the Nordic countries have succeeded in the task of protecting freedom of expression in the new media. It contains an overview of public policy choices and best practices of domestic online companies, which have the aspiration of finding global acceptance. Reviewing the topic of freedom of expression in new media within Nordic and Baltic countries, this book incorporates both general themes and interesting country-specific themes that will provide wider knowledge on the development of freedom of expression and media law in the online media era. A comprehensive analysis of regulation of online media, both at the level of legislation and application of law in courts and other authorities, are included. This book will contribute to the ongoing discussion as to whether there is a need to modify prevailing interpretation of freedom of expression. Human Rights Law and Regulating Freedom of Expression in New Media focuses on the multi-layered and complicated relationship between internet and human rights law. It contributes to the ongoing discussion regarding the protection of freedom of expression on the internet in the context of various doctrines of constitutional law, including the proliferation of constitutional adjudication. It will be of interest to researchers, academics, policymakers, and students in the fields of human rights law, internet law, political science, sociology, cultural studies, media and communications studies and technology.

This new casebook rests on a straightforward premise: The First Amendment can be viewed as history, as policy, and as theory, but from a lawyer's perspective, it is above all law-albeit a special kind of law. One thing that is special is that the governing texts have receded into the background. The law is the cases, and the cases are the law. Close analysis of precedent is therefore the principal tool of argumentation and adjudication. The purpose of this casebook is to help students to learn the law in a way that will enable them to use it in the service of clients. Several features of the book promote this goal. The cases are edited with a relatively light hand. Notes and questions provide guidance in working with the opinions. The structure of the book- closely tracking the structure that the Supreme Court has imposed- helps to reinforce learning. Non-case materials (including drafts and memoranda from the Justices' private papers) are used to shed light on what was established by existing precedents and how a new decision changes (or does not change) the law. By giving primacy to the Justices' won words and the Court's own doctrinal structure, the book offers maximum flexibility for teachers to place their own imprint on the course. The accompanying Teacher's Manual offers extensive guidance for taking advantage of the breadth-and depth-of coverage offered by the casebook. The authors have included three different sample syllabi. The running commentary fully analyzes the cases and suggests possible directions for class discussion. The authors also provide answers to the questions that appear in the notes and identify the origins and sources for the Problems. Freedom Bound is about the origins of modern America - a history of colonizing, work and civic identity from the beginnings of English presence on the mainland until the Civil War. It is a history of migrants and migrations, of colonizers and colonized, of households and servitude and slavery, and of the freedom all craved and some found. Above all it is a history of the law that framed the entire process. Freedom Bound tells how colonies were planted in occupied territories, how they were populated with migrants - free and unfree - to do the work of colonizing and how the newcomers secured possession. It tells of the new civic lives that seemed possible in new commonwealths and of the constraints that kept many from enjoying them. It follows the story long past the end of the eighteenth century until the American Civil War, when - just for a moment - it seemed that freedom might finally be unbound.

Freedom and the Rule of Law

Becoming Free, Becoming Black

Freedom's Law

Controversial Applications of Law and Theory

The Right to Religious Freedom in International Law

The Law of Freedom and Bondage in the United States

Lessons from Nordic Approaches

Academic Freedom and the Law: A Comparative Study provides a critical analysis of the law relating to academic freedom in three major jurisdictions: the United Kingdom, Germany and the United States. The book outlines the various claims which may be made to academic freedom by individual university teachers and by universities and other higher education institutions, and it examines the justifications which have been put forward for these claims. Three separate chapters deal with the legal principles of academic freedom in the UK, Germany, and the USA. A further chapter is devoted to the restrictions on freedom of research which may be imposed by the regulation of clinical trials, by intellectual property laws, and by the terms of contracts made between researchers and the companies sponsoring medical and other research. The book also examines the impact of recent terrorism laws on the teaching and research freedom of academics, and it discusses their freedom to speak about general political and social topics unrelated to their work. This is the first comparative study of a subject of fundamental importance to all academics and others working in universities. It emphasises the importance of academic freedom, while pointing out that, on occasion, exaggerated claims have been made to its exercise.

Martin van Hees presents a new approach to the study of law - legal reductionism - which combines elements of legal positivism, new institutionalism and decision theory. From legal positivism Van Hees derives some fundamental insights into the nature of legal systems, but he also revises some of its key tenets. He argues that law can be reduced to facts; moreover, he re-establishes the relation between law and morality by arguing that law and positive morality are inherently related. He subsequently uses decision-theoretic tools to develop and defend his reductionist methodology. The second part of the study applies the resulting approach to an analysis of legal freedom. By showing that legal reductionism allows us to analyse the value of liberal legal systems, Van Hees makes a forceful case for including the study of law in moral and political philosophy. The book is accessible to a wide readership, including legal and moral philosophers, political theorists and social scientists.

This volume presents a timely analysis of some of the current controversies relating to freedom for religion and freedom from religion that have dominated headlines worldwide. The collection trains the lens closely on select issues and contexts to provide detailed snapshots of the ways in which freedom for and from religion are conceptualized, protected, neglected, and negotiated in diverse situations and locations. A broad range of issues including migration, education, the public space, prisons and healthcare are discussed drawing examples from Europe, the US, Asia, Africa and South America. Including contributions from leading experts in the field, the book will be essential reading for researchers and policy-makers interested in Law and Religion.

What is the place assigned to religion in the constitutions of contemporary States? What role is religion expected to perform in the fields that are the object of constitutional regulation? Is separation of religion and politics a necessary precondition for democracy and the rule of law? These questions are addressed in this book through an analysis of the constitutional texts that are in force in different parts of the world. Constitutions are at the centre of almost all contemporary legal systems and provide the principles and values that inspire the action of the national law-makers. After a discussion of some topics that are central to the

constitutional regulation of religion, the book considers a number of national systems covering countries with a variety of religious and cultural backgrounds. The final section of the book is devoted to the discussion of the constitutional regulation of some particularly controversial issues, such as religious education, the relation between freedom of speech and freedom of religion, abortion, and freedom of conscience.

Legal Reductionism and Freedom

The Freedom to Read

New Edition

Freedom from Religion and Human Rights Law

Race, Freedom, and Law in Cuba, Virginia, and Louisiana

Freedom of Speech in Practice

Freedom of Religion, Equal Treatment, and the Law

Conflicts caused by competing concepts of property are the subject of this book that reshapes study of the relationship between law and society in Australasia and North America. Chapters analyse decisions made by governments and courts upon questions of policy and law in terms of their consequences for rights and models of personhood. Late twentieth-century decisions concerning native title in Canada and Australia demonstrate the relevance of historical case studies of communal and fee-simple land holding in colonial and post-colonial societies. An international team of contributors draw on their experience from a wide range of disciplinary backgrounds and jurisdictions.

This work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. To ensure a quality reading experience, this work has been proofread and republished using a format that seamlessly blends the original graphical elements with text in an easy-to-read typeface. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

International Law and The Future of Freedom is the late John Barton's exploration into ways to protect our freedoms in the new global international order. This book forges a unique approach to the problem of democracy deficit in the international legal system as a whole—looking at how international law concretely affects actual governance. The book draws from the author's unparalleled mastery of international trade, technology, and financial law, as well as from a wide array of other legal issues, from espionage law, to international criminal law, to human rights law. The book defines the new and changing needs to assert our freedoms and the appropriate international scopes of our freedoms in the context of the three central issues that our global system must resolve: the balance between security and freedom, the balance between economic equity and opportunity, and the balance between community and religious freedom. Barton explores the institutional ways in which those rights can be protected, using a globalized version of the traditional balance of powers division into the global executive, the global legislature, and the global judiciary.

This book considers the application of free speech principles in controversial contexts discussing United States law and equivalent law in Europe, Canada and Australia. Anthony Gray examines the extent to which speech of public sector employees is and should be protected. He tackles the difficult question of hate speech and the degree to which regulation of it has been permitted, and should be permitted. The growing controversy of speech in a university setting is discussed along with the roles campuses play in fostering intellectual debate which democracies depend on. Lastly, Gray looks at free speech issues at stake in the exponential growth of online activity and analyzes questions the of liability these tech companies have and their role as facilitators of mass communication, to what extent does the first amendment even apply, and the potential of the internet to support democratic traditions. Overall, Gray finds that in these several key areas, free speech rights are not as strongly protected as they should be. Courts have often bowed to decision makers balancing away free speech rights in favor of other objectives and instead need to re-assert the importance of free speech in these disparate contexts.

Kant on Freedom, Law, and Happiness

Warships, States and the Use of Force

Essays on Kant's Legal Philosophy

Academic Freedom and the Law

A Comparative Study

Stigma, State Expressions and the Law

Law, Religion, Constitution

There has been a recent increase in clashes between warships asserting rights to navigate and states asserting sovereignty over coastal waters. This book argues for a set of rules which respect the rights of coastal states to protect their sovereignty and of warships to navigate lawfully, whilst also outlining the limits of each. The book addresses the issue of the clash between warships and states by considering the general principles applying to use of force in the law of the sea and the law of national self-defence. It focuses on the right of coastal states to use force to prevent passage of warships which threaten their sovereignty, with particular reference to the specific maritime zones, as well as by warships to ensure passage or to defend themselves. The book also assesses the extent to which the law of armed conflict may be applicable to these issues. The conclusion draws together a set of rules which take account of both contemporary and historical events and seeks to balance the competing interests at stake. Providing a concise overview of the enduring issue of freedom of navigation, this book will appeal to anyone studying international law, the law of the sea, security studies and international relations. It will also be of interest to naval, coast guard and military officers as well as government legal advisors. Dworkin's important book is a collection of essays which discuss almost all of the great constitutional issues of the last two decades, including abortion, euthanasia, capital punishment, homosexuality, pornography, and free speech. Dworkin offers a consistently liberal view of the Constitution and argues that fidelity to it and to law demands that judges make moral judgments. He proposes that we all interpret the abstract language of the Constitution by reference to moral principles about political decency and justice. His 'moral reading' therefore brings political morality into the heart of constitutional law. The various chapters of this book were first published separately; now drawn together they provide the reader with a rich, full-length treatment of Dworkin's general theory of law.

In these essays J. Willard Hurst shows the correlation between the conception of individual freedom and the application of law in the nineteenth-century United States—how individuals sought to use law to increase both their personal freedom and their opportunities for personal growth. These essays in jurisprudence and legal history are also a contribution to the study of social and intellectual history in the United States, to political science, and to economics as it concerns the role of public policy in our economy. The nonlawyer will find in them demonstration of how "technicalities" express deep issues of social values.

Although human rights belong to all persons on the basis of their humanity, this book demonstrates that in the practice of international human rights law, the freedom to be non-religious or atheist does not receive the same protection as the freedom to be religious. Despite the claimed universality of freedom of religion and belief contained in article 18 of the International Covenant on Civil and Political Rights, the key assertion made is that there is a hierarchy of religion and belief, with followers of major established religions enjoying high protection and low regulation at the top, and atheists and non-believers enduring high persecution and weaker protection at the bottom. The existence of this hierarchy is proven and critiqued through three case study chapters that respectively explore the extent to which non-religious and atheist rights-holders enjoy freedom from proselytism, freedom from hate and freedom from the religions of their parents.

The Sovereignty of Law

Law, Order and Freedom

The First Amendment

An Introduction to Legal Constitutionalism

The Impossibility of Religious Freedom

Freedom of Navigation and the Law of the Sea

International Perspectives on the Human Right to Freedom of Conscience

The Sovereignty of Law presents Trevor Allan's most recent and fully elaborated defence of common law constitutionalism - an account of the unwritten or non-codified constitution as a complex articulation of legal and moral principles, defining what in the British context are the requirements of the rule of law. The British constitution is conceived as a coherent set of fundamental principles of the rule of law, legislative supremacy, and separation of powers. These principles combine to provide an overarching unity of legality, legitimacy, and democracy, reconciling political authority and individual freedom or autonomy. Allan's interpretative approach is applied to wide range of contemporary issues of public law; his response to critics and commentators seeks to deepen the argument by exploring the theoretical grounds of these current debates and controversies.

This book analyses the right to religious freedom in international law, drawing on an array of national and international cases. Taking a rigorous approach to the right to religious freedom, Anat Scolnicov argues that the interpretation and application of religious freedom must be understood as a conflict between individual and group claims of rights, and that although some states, based on their respective histories, religions, and cultures, protect the group over the individual, only an individualistic approach of international law is a coherent way of protecting religious freedom. Analysing legal structures in a variety of both Western and Non-Western jurisdictions, the book sets out a topography of different constitutional structures of religions within states and evaluates their compliance with international human rights law. The book also considers the position of women's religious freedom vis-à-vis community claims of religious freedom, of children's right to religious freedom and of the rights of dissenters within religious groups.

This book examines major conceptual challenges confronting freedom of religion or belief in contemporary settings. The volume brings together chapters by leading experts from law, religious studies, and international relations, who provide perspectives from both sides of the Atlantic. At a time when the polarization of 'culture wars' is aggravating tensions between secular and religious views about accommodating the conscientious claims of individuals and groups, and when the right to freedom of religion itself is facing misunderstanding and erosion, the work provides welcome clarity and depth. Some chapters adopt a primarily conceptual and historical approach; others analyze particular difficulties or conflicts that have emerged in European and

American jurisdictions, along with concrete applications and recommendations for the future. The book will be a valuable resource for students, academics, and policy-makers with an interest in law, religion, and human rights.

Shows that the law of freedom, not slavery, determined the way that race developed over time in three slave societies.

Land and Freedom

International Law and the Future of Freedom

Law and the Conditions of Freedom in the Nineteenth-century United States

From the Sacred to the Secular

A Historical Introduction to Legal Philosophy

Emerging Contexts for Freedom for and from Religion

First Amendment Law

The Constitution may guarantee it. But religious freedom in America is, in fact, impossible. So argues this timely and iconoclastic work by law and religion scholar Winnifred Sullivan. Sullivan uses as the backdrop for the book the trial of Warner vs. Boca Raton, a recent case concerning the laws that protect the free exercise of religion in America. The trial, for which the author served as an expert witness, concerned regulations banning certain memorials from a multiconfessional nondenominational cemetery in Boca Raton, Florida. The book portrays the unsuccessful struggle of Catholic, Protestant, and Jewish families in Boca Raton to preserve the practice of placing such religious artifacts as crosses and stars of David on the graves of the city-owned burial ground. Sullivan demonstrates how, during the course of the proceeding, citizens from all walks of life and religious backgrounds were harassed to define just what their religion is. She argues that their plight points up a shocking truth: religion cannot be coherently defined for the purposes of American law, because everyone has different definitions of what religion is. Indeed, while religious freedom as a political idea was arguably once a force for tolerance, it has now become a force for intolerance, she maintains. A clear-eyed look at the laws created to protect religious freedom, this vigorously argued book offers a new take on a right deemed by many to be necessary for a free democratic society. It will have broad appeal not only for religion scholars, but also for anyone interested in law and the Constitution. Featuring a new preface by the author, *The Impossibility of Religious Freedom* offers a new take on a right deemed by many to be necessary for a free democratic society.

Freedom Under the Law

Law, Religion, and Freedom

Is There a Right of Freedom of Expression?

The Moral Reading of the American Constitution

Law, Property Rights and the British Diaspora

Freedom of Speech

Strengthening the Right to Freedom of Religion and Belief for Non-Religious and Atheist Rights-Holders