The Progressive Assault on Laissez Faire: Robert Hale and the First Law and Economics Movement

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The Progressive Assault on Laissez Faire: Barbara Fried 2009-06-30 Law and economics is the leading intellectual movement in law today. This book examines the first great law and economics movement in the early part of the twentieth century through the work of one of its most original thinkers, Robert Hale. Beginning in the 1890s and continuing through the 1930s, progressive academics in law and economics mounted parallel assaults on free-market economic principles. They showed first that "private," unregulated economic relations were in fact determined by a state-imposed regime of property and contract rights. Second, they showed that the particular regime of rights that existed at that time was hard to square with any common-sense notions of social justice. Today, Hale is best known among contemporary legal academics and philosophers for his groundbreaking writings on coercion and consent in market relations. The bulk of his writing, however, consisted of a critique of natural property rights. Taken together, these writings on coercion and property rights offer one of the most profound and elaborated critiques of libertarianism, far outrshining the better-known efforts of Richard Ely and John R. Commons. In his writings on public utility regulation, Hale also made important contributions to a theory of just, market-based distribution. This first, full-length study of Hale's work should be of interest to legal, economic, and intellectual historians.

The Canon of American Legal Thought: David Kennedy 2018-06-05 This anthology presents, for the first time, full texts of the twenty most important works of American legal thought since 1890. Drawing on a course the editors teach at Harvard Law School, the book traces the rise and evolution of a distinctly American form of legal reasoning. These are the articles that have made these authors--from Oliver Wendell Holmes, Jr., to Ronald Coase, from Ronald Dworkin to Catherine MacKinnon--among the most recognized names in American legal history. These authors proposed answers to the classic question: "What does it mean to think like a lawyer--an American lawyer?" Their answers differed, but taken together they form a powerful brief for the existence of a distinct and powerful style of reasoning--and of rulership. The legal mind is as often critical as constructive, however, and these texts form a canon of critical thinking, a toolbox for resisting and unravelling the arguments of the best legal minds. Each article is preceded by a short introduction highlighting the article's main ideas and situating it in the context of its author's broader intellectual projects, the scholarly debates of his or her time, and the reception the article received. Law students and their teachers will benefit from seeing these classic writings, in full, in the context of their original development. For lawyers, the collection will take them back to their best days in law school. All readers will be struck by the richness, the subtlety, and the sophistication with which so many of what have become the clichés of
The Blessings of Liberty - Michael Les Benedict
2016-09-30 This concise, accessible text provides students with a history of American constitutional development in the context of political, economic, and social change. Constitutional historian Michael Benedict stresses the role that the American people have played over time in defining the powers of government and the rights of individuals and minorities. He covers important trends and events in U.S. constitutional history, encompassing key Supreme Court and lower-court cases. The volume begins by discussing the English and colonial origins of American constitutionalism. Following an analysis of the American Revolution's meaning to constitutional history, the text traces the Constitution's evolution from the Early Republic to the present day. This third edition is updated to include the election of 2000, the Tea Party and the rise of popular constitutionalism, and the rise of judicial supremacy as seen in cases such as Citizens United, the Affordable Care Act, and gay marriage.

The End of Laissez-Faire? - Damien Cahill
2014-07-31 When the global financial crisis hit in 2007, many commentators thought it heralded the end of neoliberalism. Several years later, neoliberalism continues to dominate policy making. This book sets out why such commentators got it so wrong, and why neo...

The A to Z of the Progressive Era - Peter C. Holloran
2009-09-24 The Progressive Era, the period in the United States between 1898 and 1917, was a time of great social, political, and industrial change. Following the Spanish-American War of 1898, an event that signaled the emergence of the United States as a great power, the country soon was involved in its first overseas guerrilla war, in the Philippines. Vast changes in communications and transportation, immigration and migration patterns, social mores, gender roles, family structure, class structure, work patterns, business methods, education, intellectual life, religion, the professions, technology, science, medicine, and much else were transforming the scope and feel of people's lives and relationships. In many ways what happened in this era set the agenda for the rest of the 20th century. The A to Z of the Progressive Era is the most comprehensive and coherent reference work on the Progressive Era. Through its chronology, introductory essay, bibliography, appendices, and hundreds of cross-referenced dictionary entries on the key events, people, organizations, and ideas of the period, this resource is a lively, complete, and accessible overview of this significant era.

The Oxford Handbook of the New Private Law - Andrew S. Gold
2020-10-27 The Oxford Handbook of the New Private Law reflects exciting developments in scholarship dedicated to reinvigorating the study of the broad field of private law. This field embraces the traditional common law subjects (property, contracts, and torts), as well as adjacent, more statutory areas, such as intellectual property and commercial law. It also includes important areas that have been neglected in the United States but are beginning to make a comeback. These include unjust enrichment, restitution, equity, and remedies more generally. "Private law" can also mean private law as a whole, which invites consideration of issues such as the public-private distinction, the similarities and differences between the various areas of private law, and the institutional framework supporting private law - including courts, arbitrators, and even custom. The New Private Law is an approach to these subjects that aims to bring a new outlook to the study of private law by moving beyond reductively instrumentalist policy evaluation and narrow, rule-by-rule, doctrine-by-doctrine analysis, so as to consider and capture how private law's various features fit and work together, as well as the normative underpinnings of these larger structures. This movement has begun resuscitating the notion of private law itself in the United States and has brought an interdisciplinary perspective to the more traditional, doctrinal approach prevalent in Commonwealth countries. The Handbook embraces a broad range of perspectives to private law - including philosophical, economic, historical, and psychological, to name a few - yet it offers a unifying theme of seriousness about the structure and content of private law. It will be an essential resource for legal scholars interested in the future of this important field.

The Once and Future Worker - Oren Cass
2020-08-04 "[Cass's] core principle--a culture of respect for work of all kinds--can help close the gap dividing the two Americas...." - William A. Galston, The Brookings Institution

The American worker is in crisis. Wages have stagnated for more than a generation. Reliance on welfare programs has surged. Life expectancy is falling as substance abuse and obesity rates climb. These woes are not the inevitable result of irresistible global and technological forces. They are the direct consequence of a decades-long economic consensus that prioritized increasing consumption--regardless of the costs to American workers, their families, and their communities. Donald Trump's rise to the presidency focused attention on the depth of the nation's challenges, yet while everyone agrees something must change, the Left's insistence on still more government spending and the Right's faith in still more economic growth are recipes for repeating the mistakes of the past. In this groundbreaking re-evaluation of American society, economics, and public policy, Oren Cass challenges our basic assumptions about what prosperity means and where it comes from to reveal how we lost our way. The good news is that we can still turn things around--if the nation's proverbial elites are willing to put the American worker's interests first. Which is more important, pristine air quality, or well-paying jobs that support families? Unfettered access to the cheapest labor in the world, or renewed investment in the employment of Americans? Smoothing the path through college for the best students, or ensuring that every student acquires the skills to succeed in the modern economy? Cutting taxes, expanding the safety net, or adding money to low-wage paychecks? The renewal of work in America demands new answers to these questions. If we reinforce their vital role, workers supporting strong families and communities can provide the foundation for a thriving, self-sufficient society that offers opportunity to all.

**The Second Bill of Rights** - Cass Sunstein

2006-07-04 Using FDR's 1944 State of the Union Address as a starting point, the author delves deeply into the revolutionary mind that penned this remarkable declaration of economic rights and illuminates the demise of this ambitious program for reform in the wake of the president's death. Reprint.

**Non-Legality in International Law** - Fleur Johns

2013-01-03 Shows how international lawyers make non-law (extra-legal, illegal and other non-legal phenomena) and why this matters in global politics today.

**Age of Betrayal** - Jack Beatty 2008 Capturing a world of social unrest and upheaval, a study of America's Gilded Age offers a fresh analysis of a post-Civil War era marked by corrupt politicians, racism, a tyranny of wealth, the power of the business world over the rights of workers, labor unrest, violence, and the corporate rule of government. Reprint. 12,500 first printing.

**Law in America** - Lawrence M. Friedman

2004-10-12 Throughout America's history, our laws have been a reflection of who we are, of what we value, of who has control. They embody our society's genetic code. In the masterful hands of the subject's greatest living historian, the story of the evolution of our laws serves to lay bare the deciding struggles over power and justice that have shaped this country from its birth pangs to the present. Law in America is a supreme example of the historian's art, its brevity a testament to the great elegance and wit of its composition.

**Illiberal Reformers** - Thomas C. Leonard

2017-01-24 In Illiberal Reformers, Thomas Leonard reexamines the economic progressives whose ideas and reform agenda underwrote the Progressive Era dismantling of laissez-faire and the creation of the regulatory welfare state, which, they believed, would humanize and rationalize industrial capitalism. But not for all. Academic social scientists such as Richard T. Ely, John R. Commons, and Edward A. Ross, together with their reform allies in social work, charity, journalism, and law, played a pivotal role in establishing minimum-wage and maximum-hours laws, workmen's compensation, progressive income taxes, antitrust regulation, and other hallmarks of the regulatory welfare state. But even as they offered uplift to some, economic progressives advocated exclusion for others, and did both in the name of progress. Leonard meticulously reconstructs the influence of Darwinism, racial science, and eugenics on scholars and activists of the late nineteenth and early twentieth centuries, revealing a reform community deeply ambivalent about America's poor. Economic progressives championed labor
legislation because it would lift up the deserving poor while excluding immigrants, African Americans, women, and 'mental defectives,' whom they vilified as low-wage threats to the American workingman and to Anglo-Saxon race integrity. Economic progressives rejected property and contract rights as illegitimate barriers to needed reforms. But their disregard for civil liberties extended much further. Illiberal Reformers shows that the intellectual champions of the regulatory welfare state proposed using it not to help those they portrayed as hereditary inferiors, but to exclude them. -- Provided by publisher.

**The Last Utopia**-Samuel Moyn 2010-09-15
Human rights offer a vision of international justice that today’s idealistic millions hold dear. Yet the very concept on which the movement is based became familiar only a few decades ago when it profoundly reshaped our hopes for an improved humanity. In this pioneering book, Samuel Moyn elevates that extraordinary transformation to center stage and asks what it reveals about the ideal’s troubled present and uncertain future.

**City of Courts**-Michael Willrich 2003-03-17 This 2003 book looks at contesting concepts of crime, and social justice in nineteenth-century industrial America.

**The Meaning of Property**-Jedediah Purdy 2010-01-01 From the bestselling author of For Common Things, a brilliant and ambitious rethinking of the meaning of property in democratic society In his latest book, Jedediah Purdy takes up a question of deep and lasting importance: why is property ownership a value to society? His answer returns us to the foundations of American society and enables us to interpret the writings of the patron saint of liberal economics, Adam Smith, in a wholly new light. Unlike Milton Friedman and other free-market scholars, who consider property a key to efficient markets, Purdy draws upon Smith’s theories to argue that the virtues of wealth are social rather than economic. In Purdy’s view, ownership does much more than shield one from government interference. Property shapes social life in ways that bring us closer to, or take us farther from, the ideal of a community of free and equal members. This view of property is neither libertarian nor communitarian but treats the community as the precondition of individual freedom. This view informed U.S. law in the early days of the republic, Purdy writes, and it is one that we need to restore today. Touching upon some of the most charged issues in American politics and law, including slavery, inheritance, international development, and climate change, The Meaning of Property offers a compelling new view of property and freedom and enriches our understanding of democratic society.

**Democracy Against Domination**-K. Sabeel Rahman 2017 In 2008, the collapse of the US financial system plunged the economy into the worst economic downturn since the Great Depression. In its aftermath, the financial crisis pushed to the forefront fundamental moral and institutional questions about how we govern the modern economy. What are the values that economic policy ought to prioritize? What institutions do we trust to govern complex economic dynamics? Much of popular and academic debate revolves around two competing approaches to these fundamental questions: laissez-faire defenses of self-correcting and welfare-enhancing markets on the one hand, and managerialist turns to the role of insulated, expert regulation in mitigating risks and promoting growth on the other. In Democracy Against Domination, K. Sabeel Rahman offers an alternative vision for how we should govern the modern economy in a democratic society. Drawing on a rich tradition of economic reform rooted in the thought and reform politics of early twentieth century progressives like John Dewey and Louis Brandeis, Rahman argues that the fundamental moral challenge of economic governance today is two-fold: first, to counteract the threats of economic domination whether in the form of corporate power or inequitable markets; and second, to do so by expanding the capacity of citizens themselves to exercise real political power in economic policymaking. This normative framework in turn suggests a very different way of understanding and addressing major economic governance issues of the post-crisis era, from the challenge of too-big-to-fail financial firms, to the dangers of regulatory capture and regulatory reform. Synthesizing a range of insights from history to political theory to public policy, Democracy Against Domination offers an exciting reinterpretation of progressive economic thought; a fresh normative approach to democratic theory; and an urgent hope for
realizing a more equitable and democratically accountable economy through practical reforms in our policies and regulatory institutions.

The Gospel of Progressivism - R. Todd Laugen 2011-05-18 Chronicling the negotiations of Progressive groups and the obstacles that constrained them, The Gospel of Progressivism details the fight against corporate and political corruption in Colorado during the early twentieth century. While the various groups differed in their specific agendas, Protestant reformers, labor organizers, activist women, and mediation experts struggled to defend the public against special-interest groups and their stranglehold on Colorado politics. Sharing enemies like the party boss and corporate lobbyist who undermined honest and responsive government, Progressive leaders were determined to root out selfish political action with public exposure. Labor unions defied bosses and rallied for government protection of workers. Women's clubs appealed to other women as mothers, calling for social welfare, economic justice, and government responsiveness. Protestant church congregations formed a core of support for moral reform. Labor relations experts struggled to prevent the outbreak of violence through mediation between corporate employers and organized labor. Persevering through World War I, Colorado reformers faced their greatest challenge in the 1920s, when leaders of the Ku Klux Klan drew upon the rhetoric of Protestant Progressives and manipulated reform tools to strengthen their own political machine. Once in power, Klan legislators turned on Progressive leaders in the state government. A story of promising alliances never fully realized, zealous crusaders who resisted compromise, and reforms with unexpected consequences, The Gospel of Progressivism will appeal to those interested in Progressive Era reform, Colorado history, labor relations, and women's activism.

Twentieth-Century Multiplicity - Daniel H. Borus 2011-12 The book describes the ways in which American thinkers and artists in the first two decades of the twentieth century challenged notions that a single principle explained all relevant phenomena, opting instead for a pluralistic world in which many truths, goods, and beauties coexisted. It argues that the bracketing of the idea that all knowledge was integrated allowed for a new appreciation of the importance of context and contingency.

Skepticism and Freedom - Richard A. Epstein 2004-09 With this book, Richard A. Epstein provides a spirited and systematic defense of classical liberalism against the critiques mounted against it over the past thirty years. One of the most distinguished and provocative legal scholars writing today, Epstein here explains his controversial ideas in what will quickly come to be considered one of his cornerstone works. He begins by laying out his own vision of the key principles of classical liberalism: respect for the autonomy of the individual, a strong system of private property rights, the voluntary exchange of labor and possessions, and prohibitions against force or fraud. Nonetheless, he not only recognizes but insists that state coercion is crucial to safeguarding these principles of private ordering and supplying the social infrastructure on which they depend. Within this framework, Epstein then shows why limited government is much to be preferred over the modern interventionist welfare state. Many of the modern attacks on the classical liberal system seek to undermine the moral, conceptual, cognitive, and psychological foundations on which it rests. Epstein rises to this challenge by carefully rebutting each of these objections in turn. For instance, Epstein demonstrates how our inability to judge the preferences of others means we should respect their liberty of choice regarding their own lives. And he points out the flaws in behavioral economic arguments which, overlooking strong evolutionary pressures, claim that individual preferences are unstable and that people are unable to adopt rational means to achieve their own ends. Freedom, Epstein ultimately shows, depends upon a skepticism that rightly shuns making judgments about what is best for individuals, but that also avoids the relativistic trap that all judgments about our political institutions have equal worth. A brilliant defense of classical liberalism, Skepticism and Freedom will rightly be seen as an intellectual landmark.

The Grasping Hand - Ilya Somin 2015-05-28 In 2005, the Supreme Court ruled that the city of New London, Connecticut, could condemn fifteen residential properties in order to transfer them to a new private owner. Although the Fifth Amendment only permits the taking of private
Richard Greenwald explains, it was an attempt to "square free market capitalism with ideals of democracy to provide a fair and just workplace." Led by Louis Brandeis, this group negotiated the "Protocols of Peace." But in the midst of this experiment, 146 mostly young, immigrant women died in the Triangle Factory Fire of 1911. As a result of the fire, a second, interrelated experiment, New York's Factory Investigating Commission (FIC)—led by Robert Wagner and Al Smith—created one of the largest reform successes of the period. The Triangle Fire, the Protocols of Peace, and Industrial Democracy in Progressive Era New York uses these linked episodes to show the increasing interdependence of labor, industry, and the state. Greenwald explains how the Protocols and the FIC best illustrate the transformation of industrial democracy and the struggle for political and economic justice.

The Triangle Fire, Protocols Of Peace-
Richard Greenwald 2011-02-07 America searched for an answer to "The Labor Question" during the Progressive Era in an effort to avoid the unrest and violence that flared so often in the late nineteenth and early twentieth century. In the ladies' garment industry, a unique experiment in industrial democracy brought together labor, management, and the public. As Richard Greenwald explains, it was an attempt to "square free market capitalism with ideals of democracy to provide a fair and just workplace." Led by Louis Brandeis, this group negotiated the "Protocols of Peace." But in the midst of this experiment, 146 mostly young, immigrant women died in the Triangle Factory Fire of 1911. As a result of the fire, a second, interrelated experiment, New York's Factory Investigating Commission (FIC)—led by Robert Wagner and Al Smith—created one of the largest reform successes of the period. The Triangle Fire, the Protocols of Peace, and Industrial Democracy in Progressive Era New York uses these linked episodes to show the increasing interdependence of labor, industry, and the state. Greenwald explains how the Protocols and the FIC best illustrate the transformation of industrial democracy and the struggle for political and economic justice.

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point of reference, these essays explore ways to understand the people who live, commute, work, create, govern, commit crime and conduct business in them. Cities, for the most part, are America. Their values and problems define not only what the United States is, but what other nations perceive the United States to be. Roads and transportation, on the other hand, and their impact on the American culture and lifestyle, form not only the integral part of the historical rise-and-shine of the modern city, but a physical release from and a cultural antidote to its pressure-cooker stresses. Tracing the boundless variety and complexity of these twin themes, All Roads Lead to the American City is built around an interlinked series of essays on the urban culture in America. Juxtaposing the city and the road, it looks alternatively at cities as historical, geographical, social and cultural centres of life in the land, and at roads as physical as well as metaphorical arteries that lead in and out of the city.

God’s Economy-Lew Daly 2009-12-15 President Obama has signaled a sharp break from many Bush Administration policies, but he remains committed to federal support for religious social service providers. Like George W. Bush’s faith-based initiative, though, Obama’s version of the policy has generated loud criticism—from both sides of the aisle—even as the communities that stand to benefit suffer through an ailing economy. God’s Economy reveals that virtually all of the critics, as well as many supporters, have long misunderstood both the true implications of faith-based partnerships and their unique potential for advancing social justice. Unearthing the intellectual history of the faith-based initiative, Lew Daly locates its roots in the pluralist tradition of Europe’s Christian democracies, in which the state shares sovereignty with social institutions. He argues that Catholic and Dutch Calvinist ideas played a crucial role in the evolution of this tradition, as churches across nineteenth-century Europe developed philosophical and legal defenses to protect their education and social programs against ascendant governments. Tracing the influence of this heritage on the past three decades of American social policy and church-state law, Daly finally untangles the radical beginnings of the faith-based initiative. In the process, he frees it from the narrow culture-war framework that has limited debate on the subject since Bush opened the White House Office for

Faith-Based and Community Initiatives in 2001. A major contribution from an important new voice at the intersection of religion and politics, God’s Economy points the way toward policymaking that combines strong social support with a new moral focus on the protection of families and communities.

A Tolerable Anarchy-Jedediah Purdy 2009-03-03 In A Tolerable Anarchy, Jedediah Purdy traces the history of the American understanding of freedom, an ideal that has inspired the country’s best—and worst—moments, from independence and emancipation to war and economic uncertainty. Working from portraits of famous American lives, like Frederick Douglas and Ralph Waldo Emerson, Purdy asks crucial questions about our relationship to liberty: Does capitalism perfect or destroy freedom? Does freedom mean following tradition, God’s word, or one’s own heart? Can a nation of individuals also be a community of citizens? This is history that speaks plainly to our lives today, urging readers to explore our understanding of our country and ourselves, and a provocative look at one of America’s cherished principles.

People, Power, and Profits: Progressive Capitalism for an Age of Discontent-Joseph E. Stiglitz 2019-04-23 A Nobel prize winner challenges us to throw off the free market fundamentalists and reclaim our economy. We all have the sense that the American economy—and its government—tilts toward big business, but as Joseph E. Stiglitz explains in his new book, People, Power, and Profits, the situation is dire. A few corporations have come to dominate entire sectors of the economy, contributing to skyrocketing inequality and slow growth. This is how the financial industry has managed to write its own regulations, tech companies have accumulated reams of personal data with little oversight, and our government has negotiated trade deals that fail to represent the best interests of workers. Too many have made their wealth through exploitation of others rather than through wealth creation. If something isn’t done, new technologies may make matters worse, increasing inequality and unemployment. Stiglitz identifies the true sources of wealth and of increases in standards of living, based on learning, advances in science and technology, and the rule of law. He shows that the assault on
the judiciary, universities, and the media undermines the very institutions that have long been the foundation of America’s economic might and its democracy. Helpless though we may feel today, we are far from powerless. In fact, the economic solutions are often quite clear. We need to exploit the benefits of markets while taming their excesses, making sure that markets work for us—the U.S. citizens—and not the other way around. If enough citizens rally behind the agenda for change outlined in this book, it may not be too late to create a progressive capitalism that will recreate a shared prosperity. Stiglitz shows how a middle-class life can once again be attainable by all. An authoritative account of the predictable dangers of free market fundamentalism and the foundations of progressive capitalism, People, Power, and Profits shows us an America in crisis, but also lights a path through this challenging time.

Bulls, Bears, Boom, and Bust—John M. Dobson 2007 This book includes over 200 entries in five chronological sections, which translates the language of business. It offers an informative compilation of facts about the techniques, instruments, policies, and personalities that influenced the rise of the world’s most successful business system. It also offers over 150 biographical entries, a virtual Who’s Who of inventors, entrepreneurs, and business innovators.—[book cover].

The Decline of Private Law—Gonçalo de Almeida Ribeiro 2019-05-02 This book is a large-scale historical reconstruction of liberal legalism, from its inception in the mid-nineteenth century, the moment in which the jurists forged the alliance between political liberalism and legal expertise embodied in classical private law doctrine, to the contemporary anxiety about the possibility of both a liberal solution to the problem of political justification and of law as a respectable form of expert knowledge. Each stage in the history is a moment of synthesis between a substantive and a methodological idea. The former is the liberal political theory of the period, purporting to provide a solution to the problem of political justification. The latter is a conception of legal method or science, supposedly vindicating the access of the expert to the political choices embodied in the law. Thus, each moment in the history of liberal legalism integrates a political theory with a jurisprudential conception. Although it reaches the unsettling conclusion that liberal legalism has largely failed by its own standards, the book urges us to avoid quietism, scepticism or cynicism, in the hope that a deeper understanding of the fragility of our values and institutions inspires a more thoughtful, broadminded and nurtured citizenship.

Eminent Domain—Iljoong Kim 2017-04-03 The taking of private property for development projects has caused controversy in many nations, where it has often been used to benefit powerful interests at the expense of the general public. This edited collection is the first to use a common framework to analyze the law and economics of eminent domain around the world. The authors show that seemingly disparate nations face a common set of problems in seeking to regulate the condemnation of private property by the state. They include the tendency to forcibly displace the poor and politically weak for the benefit of those with greater influence, disputes over compensation, and resort to condemnation in cases where it destroys more economic value than it creates. With contributions from leading scholars in the fields of property law and economics, the book offers a comparative perspective and considers a wide range of possible solutions to these problems.

Social and Political Thought of American Progressivism—Eldon J. Eisenach 2006-03-15 Through a variety of primary sources—including speeches, poems, magazine articles, and book excerpts—this collection illustrates the origins, ambitions, and political legacy of the American Progressivism movement (1886–1924). A general introduction offers a history of the movement and a brief discussion of recent historiographical debates; headnotes introduce each selection and provide historical and political context.

Facing Up to Scarcity—Barbara H. Fried 2020-02-27 Facing Up to Scarcity offers a powerful critique of the nonconsequentialist approaches that have been dominant in Anglophone moral and political thought over the last fifty years. In these essays Barbara H. Fried examines the leading schools of contemporary nonconsequentialist thought, including Rawlsianism, Kantianism, libertarianism, and social contractarianism. In the realm of moral
philosophy, she argues that nonconsequentialist theories grounded in the sanctity of "individual reasons" cannot solve the most important problems taken to be within their domain. Those problems, which arise from irreducible conflicts among legitimate (and often identical) individual interests, can be resolved only through large-scale interpersonal trade-offs of the sort that nonconsequentialism foundationally rejects. In addition to scrutinizing the internal logic of nonconsequentialist thought, Fried considers the disastrous social consequences when nonconsequentialist intuitions are allowed to drive public policy. In the realm of political philosophy, she looks at the treatment of distributive justice in leading nonconsequentialist theories. Here one can design distributive schemes roughly along the lines of the outcomes favoured—but those outcomes are not logically entailed by the normative premises from which they are ostensibly derived, and some are extraordinarily strained interpretations of those premises. Fried concludes, as a result, that contemporary nonconsequentialist political philosophy has to date relied on weak justifications for some very strong conclusions.

Tax Policy, Women and the Law—Ann Mumford 2010-11-04 Tax policy frequently targets the choices that women face in many aspects of their lives. Decisions regarding working away from home, having children, marrying, registering a partnership or cohabiting with a partner all entail tax consequences. The end of the twentieth century saw progress in women's legal and social equality, but many governments began to increase their reliance on the tax system as a means of influencing the choices that women make. The juxtaposition of this instrumentalist deployment of tax with persisting economic inequality for women is the starting point for this book. Employing a range of theoretical approaches, and grounding its investigations in sociological theory and cultural philosophy, it provides the foundation for a comparative, contextual consideration of the issues that arise at the intersection of women, tax policy and the law.

The Long Gilded Age—Leon Fink 2014-12-10 From the end of the nineteenth century through the first decades of the twentieth, the United States experienced unprecedented structural change. Advances in communication and manufacturing technology brought about a revolution for major industries such as railroads, coal, and steel. The still-growing nation established economic, political, and cultural entanglements with forces overseas. Local strikes in manufacturing, urban transit, and construction placed labor issues front and center in political campaigns, legislative corridors, church pulpits, and newspapers of the era. The Long Gilded Age considers the interlocking roles of politics, labor, and internationalism in the ideologies and institutions that emerged at the turn of the twentieth century. Presenting a new twist on central themes of American labor and working-class history, Leon Fink examines how the American conceptualization of free labor played out in iconic industrial strikes, and how "freedom" in the workplace became overwhelmingly tilted toward individual property rights at the expense of larger community standards. He investigates the legal and intellectual centers of progressive thought, situating American policy actions within an international context. In particular, he traces the development of American socialism, which appealed to a young generation by virtue of its very un-American roots and influences. The Long Gilded Age offers both a transnational and comparative look at a formative era in American political development, placing this tumultuous period within a worldwide confrontation between the capitalist marketplace and social transformation.

commercial speech doctrine, Alien Tort Statute claims against an Abu Ghraib contractor, preemption of local zoning ordinances banning hydrofracking, and the Department of Justice’s new presumption of electronically recording custodial interviews. Finally, the issue features several summaries of Recent Publications. The Harvard Law Review is a student-run organization whose primary purpose is to publish a journal of legal scholarship. The Review comes out monthly from November through June and has roughly 2500 pages per volume. The organization is formally independent of the Harvard Law School. Student editors make all editorial and organizational decisions. This issue of the Review is March 2015, the fifth issue of academic year 2014-2015 (Volume 128). The digital edition features active Contents, linked notes, and proper ebook and Bluebook formatting.

**Human Rights and the Uses of History**
Samuel Moyn 2014-06-17 What are the origins of human rights? This question, rarely asked before the end of the Cold War, has in recent years become a major focus of historical and ideological strife. In this sequence of reflective and critical studies, Samuel Moyn engages with some of the leading interpreters of human rights, thinkers who have been creating a field from scratch without due reflection on the local and temporal contexts of the stories they are telling. Having staked out his own claims about the postwar origins of human rights discourse in his acclaimed Last Utopia, Moyn, in this volume, takes issue with rival conceptions—including, especially, those that underlie justifications of humanitarian intervention.

**Civil Society in British History**
Jose Harris 2005-07-14 This book explores the many different strands in the language of civil society from the sixteenth to the twentieth centuries. Through a series of case-studies it investigates the applicability of the term to a wide range of historical settings. These include 'state interference', voluntary associations, economic decision-making, social and economic planning, the 'bourgeois public sphere', civil society in wartime, the 'inclusion' and 'exclusion' of women, and relations between the state, the voluntary sector, and individual citizens. The contributors suggest that the sharp distinction between civil society and the state, common in much continental thought, was of only limited application in a British context. They show how past understandings of the term were often very different from (even in some respects the exact opposite of) those held today, arguing that it makes more sense to understand civil society as a phenomenon that varies between different cultures and periods, rather than a universally applicable set of principles and procedures.

**Coercion, Contract, and Free Labor in the Nineteenth Century**
Robert J. Steinfeld 2001-02-05 Presents a fundamental reassessment of the nature of wage labor in the nineteenth century.

**Tipping Points in International Law**
Jean d'Aspremont 2021-10-28 Addressing some of the most perilous, controversial issues in international law and governance, this volume brings together legal scholars from diverse geographic, personal and scholarly perspectives. They reflect on the pervasive feeling of crisis in the world today and share their views on the possibilities and limits of the international legal architecture and its expert communities in shaping the world of tomorrow. What exactly is this feeling that the contemporary international legal architecture is at a tipping point? What do these possible risks expose about the fragility and limits of our current conceptual and institutional order? What commitments drive our hopes and anxieties? Authors explore these questions across a wide range of possible tipping points and offer readers a unique snapshot of the lived experience of what it means to be an expert engaged right now in international law and governance. Each chapter covers both theory and practice in analysing a current problem.

**The Oxford Handbook of the Corporation**
Thomas Clarke 2019-02-21 The Oxford Handbook of the Corporation assesses the contemporary relevance, purpose, and performance of the corporation. The corporation is one of the most significant, if contested, innovations in human history, and the direction and effectiveness of corporate law, corporate governance, and corporate performance are being challenged as never before. Continuously evolving, the corporation as the primary instrument for wealth generation in contemporary economies demands frequent assessment and reinterpretation. The
focus of this work is the transformative impact of innovation and change upon corporate structure, purpose, and operation. Corporate innovation is at the heart of the value-creation process in increasingly internationalized and competitive market economies, and corporations today are embedded in a world of complex global supply chains and rising state and state-directed capitalism. In questioning the fundamental purpose and performance of the corporation, this Handbook continues a tradition commenced by Berle and Means, and contributed to by generations of business scholars. What is the corporation and what is it becoming? How do we define its form and purpose and how are these changing? To whom is the corporation responsible, and who should judge the ultimate performance of corporations? By investigating the origins, development, strategies, and theories of corporations, this volume addresses such questions to provide a richer theoretical account of the corporation and its contested future.

The Cambridge Companion to Nozick's Anarchy, State, and Utopia-Ralf M. Bader
2011-09-01 Robert Nozick's Anarchy, State, and Utopia (1974) is recognised as a classic of modern political philosophy. Along with John Rawls's A Theory of Justice (1971), it is widely credited with breathing new life into the discipline in the second half of the twentieth century. This Companion presents a balanced and comprehensive assessment of Nozick's contribution to political philosophy. In engaging and accessible chapters, the contributors analyse Nozick's ideas from a variety of perspectives and explore neglected areas of the work such as his discussion of anarchism and his theory of utopia. Their detailed and illuminating picture of Anarchy, State, and Utopia, its impact and its enduring influence will be invaluable to students and scholars in both political philosophy and political theory.