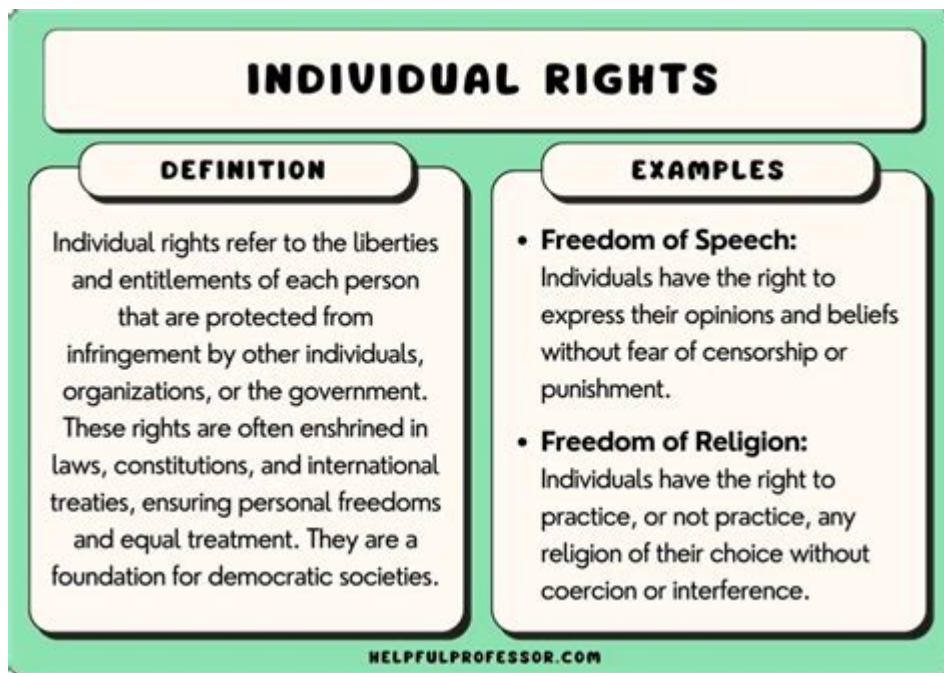


Government Power And Individual Rights



Government Power and Individual Rights: A Delicate Balance

The age-old tension between government power and individual rights is a cornerstone of any functioning democracy. Too much power concentrated in the state can lead to oppression and tyranny; too little, and society descends into chaos. This post delves into this crucial relationship, exploring the historical context, philosophical underpinnings, and modern challenges to striking the right balance between the power of the state and the freedoms of its citizens. We'll examine various perspectives, explore case studies, and consider the ongoing debate surrounding this fundamental aspect of governance.

H2: Historical Context: The Evolution of Rights and Governance

The relationship between government power and individual rights hasn't always been as defined as it is today. Ancient civilizations often saw the ruler's authority as absolute, with individual rights largely undefined or subservient to the state's interests. The Magna Carta (1215) represents a significant early step, limiting the power of the English monarch and establishing certain rights for nobles. However, it was the Enlightenment, with thinkers like John Locke and Jean-Jacques Rousseau emphasizing natural rights and social contracts, that fundamentally shifted the paradigm. Locke's concept of individual rights preceding government drastically altered the way people viewed

the relationship between the state and its citizens, laying the groundwork for modern democratic thought. The American and French Revolutions, directly influenced by these ideas, further cemented the importance of codified individual rights in limiting government power.

H2: Philosophical Underpinnings: Competing Ideologies

Different political ideologies approach the balance between government power and individual rights in vastly different ways. Libertarianism, for instance, prioritizes individual liberty above all else, advocating for minimal government intervention. Conversely, authoritarian systems prioritize the power of the state, often at the expense of individual freedoms. Socialism and communism, while varying in their approaches, generally emphasize collective well-being, potentially justifying limitations on individual rights for the greater good. Understanding these contrasting perspectives is crucial for navigating the complexities of the debate.

H3: The Social Contract Theory: A Framework for Understanding

The social contract theory, a cornerstone of modern political philosophy, posits that individuals voluntarily surrender certain rights to the state in exchange for protection and order. However, this contract is not absolute. If the government violates the terms of the contract – that is, if it systematically infringes upon fundamental rights – the people have the right to resist or alter the government. This theory provides a framework for understanding the legitimacy of government power and the limits to its exercise.

H2: Modern Challenges: Balancing Security and Freedom

In the modern era, the balance between government power and individual rights faces new challenges. The rise of terrorism, cybercrime, and global pandemics has led to increased demands for enhanced security measures. These measures, however, often necessitate surveillance, data collection, and restrictions on individual liberties. Striking a balance between protecting citizens from threats and safeguarding their fundamental rights is an ongoing and complex challenge. The debate around data privacy, national security, and freedom of expression illustrates this tension acutely.

H3: The Role of the Judiciary: Safeguarding Individual Rights

Independent judiciaries play a vital role in safeguarding individual rights against government overreach. Judicial review, the power of courts to invalidate laws deemed unconstitutional or incompatible with fundamental rights, is a critical mechanism for ensuring that the government

operates within established limits. However, the effectiveness of judicial review depends on factors like the independence of the judiciary, the clarity of constitutional provisions, and the political will to uphold judicial decisions.

H2: Case Studies: Examining the Practical Application

Examining real-world case studies provides valuable insights into the practical application (and potential pitfalls) of balancing government power and individual rights. The ongoing debate surrounding freedom of speech online, the use of facial recognition technology by law enforcement, and the implementation of emergency powers during public health crises all offer valuable case studies. Analyzing these situations reveals the complexities involved in navigating the practical implications of this fundamental tension.

Conclusion

The delicate balance between government power and individual rights is a continuous and evolving process. It requires constant vigilance, critical analysis, and a commitment to upholding the principles of justice, fairness, and freedom. There is no easy answer, and the appropriate balance will inevitably vary across societies and contexts. However, a robust understanding of the historical context, philosophical underpinnings, and modern challenges is essential for navigating this fundamental tension and ensuring a just and equitable society.

FAQs

1. What are some examples of fundamental individual rights? Fundamental individual rights typically include the right to life, liberty, and security of person; freedom of speech, religion, and assembly; the right to a fair trial; and protection against discrimination. The specific rights protected vary across jurisdictions.
2. How can citizens hold their governments accountable for infringements on individual rights? Citizens can hold their governments accountable through various means, including voting, peaceful protests, engaging in legal challenges, utilizing the media to expose abuses, and advocating for legislative reforms.
3. What role does international law play in protecting individual rights? International human rights law, through treaties and conventions, sets minimum standards for the protection of individual rights globally. While not always enforceable directly, it provides a framework for accountability and can influence domestic legal systems.
4. How does the concept of "due process" relate to government power and individual rights? Due

process ensures that individuals are treated fairly by the government, including the right to a fair hearing, legal representation, and protection against arbitrary actions. It is a crucial mechanism for safeguarding individual rights against arbitrary government power.

5. What is the difference between positive and negative rights? Negative rights are freedoms from government interference (e.g., freedom of speech), while positive rights are entitlements to certain goods or services (e.g., the right to education or healthcare). The debate around the extent to which the government should be responsible for fulfilling positive rights is a key aspect of the broader discussion on government power and individual rights.

government power and individual rights: American Government 3e Glen Krutz, Sylvie Waskiewicz, 2023-05-12 Black & white print. American Government 3e aligns with the topics and objectives of many government courses. Faculty involved in the project have endeavored to make government workings, issues, debates, and impacts meaningful and memorable to students while maintaining the conceptual coverage and rigor inherent in the subject. With this objective in mind, the content of this textbook has been developed and arranged to provide a logical progression from the fundamental principles of institutional design at the founding, to avenues of political participation, to thorough coverage of the political structures that constitute American government. The book builds upon what students have already learned and emphasizes connections between topics as well as between theory and applications. The goal of each section is to enable students not just to recognize concepts, but to work with them in ways that will be useful in later courses, future careers, and as engaged citizens. In order to help students understand the ways that government, society, and individuals interconnect, the revision includes more examples and details regarding the lived experiences of diverse groups and communities within the United States. The authors and reviewers sought to strike a balance between confronting the negative and harmful elements of American government, history, and current events, while demonstrating progress in overcoming them. In doing so, the approach seeks to provide instructors with ample opportunities to open discussions, extend and update concepts, and drive deeper engagement.

government power and individual rights: The Federalist Papers Alexander Hamilton, John Jay, James Madison, 2018-08-20 Classic Books Library presents this brand new edition of "The Federalist Papers", a collection of separate essays and articles compiled in 1788 by Alexander Hamilton. Following the United States Declaration of Independence in 1776, the governing doctrines and policies of the States lacked cohesion. "The Federalist", as it was previously known, was constructed by American statesman Alexander Hamilton, and was intended to catalyse the ratification of the United States Constitution. Hamilton recruited fellow statesmen James Madison Jr., and John Jay to write papers for the compendium, and the three are known as some of the Founding Fathers of the United States. Alexander Hamilton (c. 1755-1804) was an American lawyer, journalist and highly influential government official. He also served as a Senior Officer in the Army between 1799-1800 and founded the Federalist Party, the system that governed the nation's finances. His contributions to the Constitution and leadership made a significant and lasting impact on the early development of the nation of the United States.

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government power and individual rights: A History of the Supreme Court the late Bernard Schwartz, 1995-02-23 When the first Supreme Court convened in 1790, it was so ill-esteemed that its justices frequently resigned in favor of other pursuits. John Rutledge stepped down as Associate Justice to become a state judge in South Carolina; John Jay resigned as Chief

Justice to run for Governor of New York; and Alexander Hamilton declined to replace Jay, pursuing a private law practice instead. As Bernard Schwartz shows in this landmark history, the Supreme Court has indeed travelled a long and interesting journey to its current preeminent place in American life. In *A History of the Supreme Court*, Schwartz provides the finest, most comprehensive one-volume narrative ever published of our highest court. With impeccable scholarship and a clear, engaging style, he tells the story of the justices and their jurisprudence--and the influence the Court has had on American politics and society. With a keen ability to explain complex legal issues for the nonspecialist, he takes us through both the great and the undistinguished Courts of our nation's history. He provides insight into our foremost justices, such as John Marshall (who established judicial review in *Marbury v. Madison*, an outstanding display of political calculation as well as fine jurisprudence), Roger Taney (whose legacy has been overshadowed by *Dred Scott v. Sanford*), Oliver Wendell Holmes, Louis Brandeis, Benjamin Cardozo, and others. He draws on evidence such as personal letters and interviews to show how the court has worked, weaving narrative details into deft discussions of the developments in constitutional law. Schwartz also examines the operations of the court: until 1935, it met in a small room under the Senate--so cramped that the judges had to put on their robes in full view of the spectators. But when the new building was finally opened, one justice called it almost bombastically pretentious, and another asked, What are we supposed to do, ride in on nine elephants? He includes fascinating asides, on the debate in the first Court, for instance, over the use of English-style wigs and gowns (the decision: gowns, no wigs); and on the day Oliver Wendell Holmes announced his resignation--the same day that Earl Warren, as a California District Attorney, argued his first case before the Court. The author brings the story right up to the present day, offering balanced analyses of the pivotal Warren Court and the Rehnquist Court through 1992 (including, of course, the arrival of Clarence Thomas). In addition, he includes four special chapters on watershed cases: *Dred Scott v. Sanford*, *Lochner v. New York*, *Brown v. Board of Education*, and *Roe v. Wade*. Schwartz not only analyzes the impact of each of these epoch-making cases, he takes us behind the scenes, drawing on all available evidence to show how the justices debated the cases and how they settled on their opinions. Bernard Schwartz is one of the most highly regarded scholars of the Supreme Court, author of dozens of books on the law, and winner of the American Bar Association's Silver Gavel Award. In this remarkable account, he provides the definitive one-volume account of our nation's highest court.

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individual professional contacts, and visits to the region, in conducting their research. The methodology of the survey is derived in large measure from the Universal Declaration of Human Rights, and these standards are applied to all countries and territories, irrespective of geographical location, ethnic or religious composition, or level of economic development.

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Re-organized to improve topic focus, with sections covering The President, Congress, and the Courts; Governance on the Ground; The Rights of Individuals; Disaster Management and Reconstruction; Health Emergencies; Preserving the Social Fabric; and Liability - Includes a new disaster scenario (a dirty bomb explosion in Washington, DC) to illustrate the application of key concepts - Features two new appendices that provide key excerpts from the U.S. Constitution and the Stafford Act - Includes a new glossary of legal and legislative terms

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government power and individual rights: *The Constitution of Liberty* F.A. Hayek, 2020-06-29 Originally published in 1960, *The Constitution of Liberty* delineates and defends the principles of a free society and traces the origin, rise, and decline of the rule of law. Casting a skeptical eye on the growth of the welfare state, Hayek examines the challenges to freedom posed by an ever expanding government as well as its corrosive effect on the creation, preservation, and utilization of knowledge. In distinction to those who confidently call for the state to play a greater role in society, Hayek puts forward a nuanced argument for prudence. Guided by this quality, he elegantly demonstrates that a free market system in a democratic polity—under the rule of law and with strong constitutional protections of individual rights—represents the best chance for the continuing existence of liberty. Striking a balance between skepticism and hope, Hayek's profound insights remain strikingly vital half a century on. This definitive edition of *The Constitution of Liberty* will give a new generation the opportunity to learn from Hayek's enduring wisdom.

government power and individual rights: *How to Save a Constitutional Democracy* Tom Ginsburg, Aziz Z. Huq, 2018-10-05 Democracies are in danger. Around the world, a rising wave of populist leaders threatens to erode the core structures of democratic self-rule. In the United States, the tenure of Donald Trump has seemed decisive turning point for many. What kind of president intimidates jurors, calls the news media the "enemy of the American people," and seeks foreign assistance investigating domestic political rivals? Whatever one thinks of President Trump, many think the Constitution will safeguard us from lasting damage. But is that assumption justified? *How to Save a Constitutional Democracy* mounts an urgent argument that we can no longer afford to be complacent. Drawing on a rich array of other countries' experiences with democratic backsliding, Tom Ginsburg and Aziz Z. Huq show how constitutional rules can both hinder and hasten the decline of democratic institutions. The checks and balances of the federal government, a robust civil society and media, and individual rights—such as those enshrined in the First Amendment—often fail as bulwarks against democratic decline. The sobering reality for the United States, Ginsburg and Huq contend, is that the Constitution's design makes democratic erosion more, not less, likely. Its structural rigidity has had unforeseen consequence—leaving the presidency weakly regulated and empowering the Supreme Court conjure up doctrines that ultimately facilitate rather than inhibit rights violations. Even the bright spots in the Constitution—the First Amendment, for example—may have perverse consequences in the hands of a deft communicator who can degrade the public sphere by wielding hateful language banned in many other democracies. We—and the rest of the world—can do better. The authors conclude by laying out practical steps for how laws and

constitutional design can play a more positive role in managing the risk of democratic decline.

government power and individual rights: Limited Government and the Bill of Rights

Patrick M. Garry, 2012-07-15 Eric Hoffer Award Grand Prize Short List, 2015 What was the intended purpose and function of the Bill of Rights? Is the modern understanding of the Bill of Rights the same as that which prevailed when the document was ratified? In *Limited Government and the Bill of Rights*, Patrick Garry addresses these questions. Under the popular modern view, the Bill of Rights focuses primarily on protecting individual autonomy interests, making it all about the individual. But in Garry's novel approach, one that tries to address the criticisms of judicial activism that have resulted from the Supreme Court's contemporary individual rights jurisprudence, the Bill of Rights is all about government—about limiting the power of government. In this respect, the Bill of Rights is consistent with the overall scheme of the original Constitution, insofar as it sought to define and limit the power of the newly created federal government. Garry recognizes the desire of the constitutional framers to protect individual liberties and natural rights, indeed, a recognition of such rights had formed the basis of the American campaign for independence from Britain. However, because the constitutional framers did not have a clear idea of how to define natural rights, much less incorporate them into a written constitution for enforcement, they framed the Bill of Rights as limited government provisions rather than as individual autonomy provisions. To the framers, limited government was the constitutional path to the maintenance of liberty. Moreover, crafting the Bill of Rights as limited government provisions would not give the judiciary the kind of wide-ranging power needed to define and enforce individual autonomy. With respect to the application of this limited government model, Garry focuses specifically on the First Amendment and examines how the courts in many respects have already used a limited government model in their First Amendment decision-making. As he discusses, this approach to the First Amendment may allow for a more objective and restrained judicial role than is often applied under contemporary First Amendment jurisprudence. *Limited Government and the Bill of Rights* will appeal to anyone interested in the historical background of the Bill of Rights and how its provisions should be applied to contemporary cases, particularly First Amendment cases. It presents an innovative theory about the constitutional connection between the principle of limited government and the provisions in the Bill of Rights.

government power and individual rights: Our Republican Constitution

Randy E. Barnett, 2016-04-19 A concise history of the long struggle between two fundamentally opposing constitutional traditions, from one of the nation's leading constitutional scholars—a manifesto for renewing our constitutional republic. The Constitution of the United States begins with the words: "We the People." But from the earliest days of the American republic, there have been two competing notions of "the People," which lead to two very different visions of the Constitution. Those who view "We the People" collectively think popular sovereignty resides in the people as a group, which leads them to favor a "democratic" constitution that allows the "will of the people" to be expressed by majority rule. In contrast, those who think popular sovereignty resides in the people as individuals contend that a "republican" constitution is needed to secure the pre-existing inalienable rights of "We the People," each and every one, against abuses by the majority. In *Our Republican Constitution*, renowned legal scholar Randy E. Barnett tells the fascinating story of how this debate arose shortly after the Revolution, leading to the adoption of a new and innovative "republican" constitution; and how the struggle over slavery led to its completion by a newly formed Republican Party. Yet soon thereafter, progressive academics and activists urged the courts to remake our Republican Constitution into a democratic one by ignoring key passages of its text. Eventually, the courts complied. Drawing from his deep knowledge of constitutional law and history, as well as his experience litigating on behalf of medical marijuana and against Obamacare, Barnett explains why "We the People" would greatly benefit from the renewal of our Republican Constitution, and how this can be accomplished in the courts and the political arena.

government power and individual rights: Protecting the right to freedom of expression under the European Convention on Human Rights Bychawska-Siniarska, Dominika, 2017-08-04 European

Convention on Human Rights – Article 10 – Freedom of expression 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. In the context of an effective democracy and respect for human rights mentioned in the Preamble to the European Convention on Human Rights, freedom of expression is not only important in its own right, but it also plays a central part in the protection of other rights under the Convention. Without a broad guarantee of the right to freedom of expression protected by independent and impartial courts, there is no free country, there is no democracy. This general proposition is undeniable. This handbook is a practical tool for legal professionals from Council of Europe member states who wish to strengthen their skills in applying the European Convention on Human Rights and the case law of the European Court of Human Rights in their daily work.

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government power and individual rights: ADKAR Jeff Hiatt, 2006 In his first complete text on the ADKAR model, Jeff Hiatt explains the origin of the model and explores what drives each building block of ADKAR. Learn how to build awareness, create desire, develop knowledge, foster ability and reinforce changes in your organization. The ADKAR Model is changing how we think about managing the people side of change, and provides a powerful foundation to help you succeed at change.

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government power and individual rights: Preserving Electronic Evidence for Trial Ernesto F. Rojas, Ann D. Zeigler, 2016-02-18 The ability to preserve electronic evidence is critical to presenting a solid case for civil litigation, as well as in criminal and regulatory investigations. Preserving Electronic Evidence for Trial provides everyone connected with digital forensics investigation and litigation with a clear and practical hands-on guide to the best practices in preserving electronic evidence. Corporate management personnel (legal & IT) and outside counsel need reliable processes for the litigation hold – identifying, locating, and preserving electronic evidence. Preserving Electronic Evidence for Trial provides the road map, showing you how to organize the digital evidence team before the crisis, not in the middle of litigation. This practice

handbook by an internationally known digital forensics expert and an experienced litigator focuses on what corporate and litigation counsel as well as IT managers and forensic consultants need to know to communicate effectively about electronic evidence. You will find tips on how all your team members can get up to speed on each other's areas of specialization before a crisis arises. The result is a plan to effectively identify and pre-train the critical electronic-evidence team members. You will be ready to lead the team to success when a triggering event indicates that litigation is likely, by knowing what to ask in coordinating effectively with litigation counsel and forensic consultants throughout the litigation progress. Your team can also be ready for action in various business strategies, such as merger evaluation and non-litigation conflict resolution. - Destroy your electronic evidence, destroy your own case—learn how to avoid falling off this cliff - Learn how to organize the digital evidence team before the crisis, not in the middle of litigation - Learn effective communication among forensics consultants, litigators and corporate counsel and management for pre-litigation process planning - Learn the critical forensics steps your corporate client must take in preserving electronic evidence when they suspect litigation is coming, and why cheerful neglect is not an option

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government power and individual rights: *The Ayn Rand Lexicon* Ayn Rand, 1988-01-01 A prolific writer, bestselling novelist, and world-renowned philosopher, Ayn Rand defined a full system of thought--from epistemology to aesthetics. Her writing is so extensive and the range of issues she covers so enormous that those interested in finding her discussions of a given topic may have to search through many sources to locate the relevant passage. *The Ayn Rand Lexicon* brings together all the key ideas of her philosophy of Objectivism. Begun under Rand's supervision, this unique volume is an invaluable guide to her philosophy or reason, self-interest and laissez-faire capitalism--the philosophy so brilliantly dramatized in her novels *The Fountainhead*, *We the Living*, and *Anthem*.

government power and individual rights: *Libraries in the Twenty-First Century* Stuart J. Ferguson, 2007-05-31 *Libraries in the Twenty-First Century* brings together library educators and practitioners to provide a scholarly yet accessible overview of library and information management and the challenges that the twenty-first century offers the information profession. The papers in this collection illustrate the changing nature of the library as it evolves into its twenty-first century manifestation. The national libraries of Australia and New Zealand, for instance, have harnessed information and communication technologies to create institutions that are far more national, even democratic, in terms of delivery of service and sheer presence than their print-based predecessors. Aimed at practitioners and students alike, this publication covers specific types of library and information agencies, discusses specific aspects of library and information management and places developments in library and information services in a number of broad contexts: socio-economic, ethico-legal, historical and educational.

government power and individual rights: The Virtue of Selfishness Ayn Rand, 1964-11-01

A collection of essays that sets forth the moral principles of Objectivism, Ayn Rand's controversial, groundbreaking philosophy. Since their initial publication, Rand's fictional works—*Anthem*, *The Fountainhead*, and *Atlas Shrugged*—have had a major impact on the intellectual scene. The underlying theme of her famous novels is her philosophy, a new morality—the ethics of rational self-interest—that offers a robust challenge to altruist-collectivist thought. Known as Objectivism, her divisive philosophy holds human life—the life proper to a rational being—as the standard of moral values and regards altruism as incompatible with man's nature. In this series of essays, Rand asks why man needs morality in the first place, and arrives at an answer that redefines a new code of ethics based on the virtue of selfishness. More Than 1 Million Copies Sold!

government power and individual rights: State of Immunity James Colgrove, 2006-10-05 This first comprehensive history of the social and political aspects of vaccination in the United States tells the story of how vaccination became a widely accepted public health measure over the course of the twentieth century. One hundred years ago, just a handful of vaccines existed, and only one, for smallpox, was widely used. Today more than two dozen vaccines are in use, fourteen of which are universally recommended for children. *State of Immunity* examines the strategies that health officials have used—ranging from advertising and public relations campaigns to laws requiring children to be immunized before they can attend school—to gain public acceptance of vaccines. Like any medical intervention, vaccination carries a small risk of adverse reactions. But unlike other procedures, it is performed on healthy people, most commonly children, and has been mandated by law. Vaccination thus poses unique ethical, political, and legal questions. James Colgrove considers how individual liberty should be balanced against the need to protect the common welfare, how experts should act in the face of incomplete or inconsistent scientific information, and how the public should be involved in these decisions. A well-researched, intelligent, and balanced look at a timely topic, this book explores these issues through a vivid historical narrative that offers new insights into the past, present, and future of vaccination.

government power and individual rights: Government's Greatest Achievements Paul C. Light, 2010-12-01 In an era of promises to create smaller, more limited government, Americans often forget that the federal government has amassed an extraordinary record of successes over the past half century. Despite seemingly insurmountable odds, it helped rebuild Europe after World War II, conquered polio and other life-threatening diseases, faced down communism, attacked racial discrimination, reduced poverty among the elderly, and put men on the moon. In *Government's Greatest Achievements*, Paul C. Light explores the federal government's most successful accomplishments over the previous five decades and anticipates the most significant challenges of the next half century. While some successes have come through major legislation such as the 1965 Medicare Act, or large-scale efforts like the Apollo space program, most have been achieved through collections of smaller, often unheralded statutes. Drawing on survey responses from 230 historians and 220 political scientists at colleges and universities nationwide, Light ranks and summarizes the fifty greatest government achievements from 1944 to 1999. The achievements were ranked based on difficulty, importance, and degree of success. Through a series of twenty vignettes, he paints a vivid picture of the most intense government efforts to improve the quality of life both at home and abroad—from enhancing health care and workplace safety, to expanding home ownership, to improving education, to protecting endangered species, to strengthening the national defense. The book also examines how Americans perceive government's greatest achievements, and reveals what they consider to be its most significant failures. America is now calling on the government to resolve another complex, difficult problem: the defeat of terrorism. Light concludes by discussing this enormous task, as well as government's other greatest priorities for the next fifty years.

government power and individual rights: End of History and the Last Man Francis Fukuyama, 2006-03-01 Ever since its first publication in 1992, the New York Times bestselling *The End of History and the Last Man* has provoked controversy and debate. Profoundly realistic and important...supremely timely and cogent...the first book to fully fathom the depth and range of the

changes now sweeping through the world. —The Washington Post Book World Francis Fukuyama's prescient analysis of religious fundamentalism, politics, scientific progress, ethical codes, and war is as essential for a world fighting fundamentalist terrorists as it was for the end of the Cold War. Now updated with a new afterword, *The End of History and the Last Man* is a modern classic.

government power and individual rights: *War and Individual Rights* Kai Draper, 2016 Kai Draper begins his book with the assumption that individual rights exist and stand as moral obstacles to the pursuit of national no less than personal interests. That assumption might seem to demand a pacifist rejection of war, for any sustained war effort requires military operations that predictably kill many noncombatants as collateral damage, and presumably at least most noncombatants have a right not to be killed. Yet Draper ends with the conclusion that sometimes recourse to war is justified. In making his argument, he relies on the insights of John Locke to develop and defend a framework of rights to serve as the foundation for a new just war theory. Notably missing from that framework is any doctrine of double effect. Most just war theorists rely on that doctrine to justify injuring and killing innocent bystanders, but Draper argues that various prominent formulations of the doctrine are either untenable or irrelevant to the ethics of war. Ultimately he offers a single principle for assessing whether recourse to war would be justified. He also explores in some detail the issue of how to distinguish discriminate from indiscriminate violence in war, arguing that some but not all noncombatants are liable to attack.

government power and individual rights: *The Future of the Public's Health in the 21st Century* Institute of Medicine, Board on Health Promotion and Disease Prevention, Committee on Assuring the Health of the Public in the 21st Century, 2003-02-01 The anthrax incidents following the 9/11 terrorist attacks put the spotlight on the nation's public health agencies, placing it under an unprecedented scrutiny that added new dimensions to the complex issues considered in this report. *The Future of the Public's Health in the 21st Century* reaffirms the vision of Healthy People 2010, and outlines a systems approach to assuring the nation's health in practice, research, and policy. This approach focuses on joining the unique resources and perspectives of diverse sectors and entities and challenges these groups to work in a concerted, strategic way to promote and protect the public's health. Focusing on diverse partnerships as the framework for public health, the book discusses: The need for a shift from an individual to a population-based approach in practice, research, policy, and community engagement. The status of the governmental public health infrastructure and what needs to be improved, including its interface with the health care delivery system. The roles nongovernment actors, such as academia, business, local communities and the media can play in creating a healthy nation. Providing an accessible analysis, this book will be important to public health policy-makers and practitioners, business and community leaders, health advocates, educators and journalists.

government power and individual rights: *Pain Management and the Opioid Epidemic* National Academies of Sciences, Engineering, and Medicine, Health and Medicine Division, Board on Health Sciences Policy, Committee on Pain Management and Regulatory Strategies to Address Prescription Opioid Abuse, 2017-09-28 Drug overdose, driven largely by overdose related to the use of opioids, is now the leading cause of unintentional injury death in the United States. The ongoing opioid crisis lies at the intersection of two public health challenges: reducing the burden of suffering from pain and containing the rising toll of the harms that can arise from the use of opioid medications. Chronic pain and opioid use disorder both represent complex human conditions affecting millions of Americans and causing untold disability and loss of function. In the context of the growing opioid problem, the U.S. Food and Drug Administration (FDA) launched an Opioids Action Plan in early 2016. As part of this plan, the FDA asked the National Academies of Sciences, Engineering, and Medicine to convene a committee to update the state of the science on pain research, care, and education and to identify actions the FDA and others can take to respond to the opioid epidemic, with a particular focus on informing FDA's development of a formal method for incorporating individual and societal considerations into its risk-benefit framework for opioid approval and monitoring.

government power and individual rights: Oration by Frederick Douglass. Delivered on the Occasion of the Unveiling of the Freedmen's Monument in Memory of Abraham Lincoln, in Lincoln Park, Washington, D.C., April 14th, 1876, with an Appendix Frederick Douglass, 2024-06-14 Reprint of the original, first published in 1876.

government power and individual rights: The Collected Works of James M. Buchanan James M. Buchanan, 2002 An index to the series The Collected works of James M. Buchanan.

government power and individual rights: 51 Imperfect Solutions Judge Jeffrey S. Sutton, 2018-05-07 When we think of constitutional law, we invariably think of the United States Supreme Court and the federal court system. Yet much of our constitutional law is not made at the federal level. In 51 Imperfect Solutions, U.S. Court of Appeals Judge Jeffrey S. Sutton argues that American Constitutional Law should account for the role of the state courts and state constitutions, together with the federal courts and the federal constitution, in protecting individual liberties. The book tells four stories that arise in four different areas of constitutional law: equal protection; criminal procedure; privacy; and free speech and free exercise of religion. Traditional accounts of these bedrock debates about the relationship of the individual to the state focus on decisions of the United States Supreme Court. But these explanations tell just part of the story. The book corrects this omission by looking at each issue-and some others as well-through the lens of many constitutions, not one constitution; of many courts, not one court; and of all American judges, not federal or state judges. Taken together, the stories reveal a remarkably complex, nuanced, ever-changing federalist system, one that ought to make lawyers and litigants pause before reflexively assuming that the United States Supreme Court alone has all of the answers to the most vexing constitutional questions. If there is a central conviction of the book, it's that an underappreciation of state constitutional law has hurt state and federal law and has undermined the appropriate balance between state and federal courts in protecting individual liberty. In trying to correct this imbalance, the book also offers several ideas for reform.

government power and individual rights: A Summary View of the Rights of British America Thomas Jefferson, 1774

government power and individual rights: Principles of Politics Applicable to All Governments Benjamin Constant, 2003 Benjamin Constant (1767-1830) was born in Switzerland and became one of France's leading writers, as well as a journalist, philosopher, and politician. His colourful life included a formative stay at the University of Edinburgh; service at the court of Brunswick, Germany; election to the French Tribunate; and initial opposition and subsequent support for Napoleon, even the drafting of a constitution for the Hundred Days. Constant wrote many books, essays, and pamphlets. His deepest conviction was that reform is hugely superior to revolution, both morally and politically. While Constant's fluid, dynamic style and lofty eloquence do not always make for easy reading, his text forms a coherent whole, and in his translation Dennis O'Keeffe has focused on retaining the 'general elegance and subtle rhetoric' of the original. Sir Isaiah Berlin called Constant 'the most eloquent of all defenders of freedom and privacy' and believed to him we owe the notion of 'negative liberty', that is, what Biancamaria Fontana describes as the protection of individual experience and choices from external interferences and constraints. To Constant it was relatively unimportant whether liberty was ultimately grounded in religion or metaphysics -- what mattered were the practical guarantees of practical freedom -- autonomy in all those aspects of life that could cause no harm to others or to society as a whole. This translation is based on Etienne Hofmann's critical edition of Principes de politique (1980), complete with Constant's additions to the original work.

government power and individual rights: American Federalism and Individual Rights Stephanie Mora Walls, 2021-02-15 The protection of individual rights and the division of power between the national government and the states are core principles upon which American governance is built, but how well do these concepts work together and to what extent could they be at cross purposes? American Federalism and Individual Rights presents both of these founding concepts and explores their compatibility through policy-specific studies, including civil rights,

education, marriage equality, and physician-assisted death. Written for anyone interested in American politics, the author presents all of the foundational information one would need to make their own assessment of how federalism works to either promote or undermine the protection of the individual in these policy areas along with suggestions for further study.

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