
REMNANTS CONTEMPORARY CONSTITUTIONAL ISSUES OF BELIEF

Louis Michael Seidman and Mark V. Tushnet

Remnants Of Belief Contemporary Constitutional Debate

Gautam Bhatia



Remnants Of Belief Contemporary Constitutional Debate:

Remnants of Belief Louis Michael Seidman, Mark V. Tushnet, 1996 Congress, the Court, and the Constitution United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, 1999 Integrity and Conscience Ian Shapiro, Robert Adams, 1998-04 Can individuals believe that they are acting with integrity yet in disobedience to the dictates of their conscience Can they retain fidelity to their conscience while ignoring a sense of what integrity requires Integrity and conscience are often thought to be closely related perhaps even different aspects of a single impulse This timely book supports a different and more complicated view Acting with integrity and obeying one's conscience might be mutually reinforcing in some settings but in others they can live in varying degrees of mutual tension Bringing together prominent scholars of legal theory and political philosophy the volume addresses both classic ruminations on integrity and conscience by Plato Hume and Kant as well as more contemporary examinations of professional ethics and the complex relations among politics law and personal morality The Supreme Court and Religion in American Life, Vol. 2 James Hitchcock, 2009-01-10 School vouchers The Pledge of Allegiance The ban on government grants for theology students The abundance of church and state issues brought before the Supreme Court in recent years underscores an incontrovertible truth in the American legal system the relationship between the state and religion in this country is still fluid and changing This the second of two volumes by historian and legal scholar James Hitchcock offers a complete analysis and interpretation of the Court's historical understanding of religion explaining the revolutionary change that occurred in the 1940s In Volume I The Odyssey of the Religion Clauses Princeton Hitchcock provides the first comprehensive survey of the court cases involving the Religion Clauses including a number that scholars have ignored Here Hitchcock examines how in the early history of our country a strict separation of church and state was sustained through the opinions of Jefferson and Madison even though their views were those of the minority Despite the Founding Fathers' ideas the American polity evolved on the assumption that religion was necessary to a healthy society and cooperation between religion and government was assumed This view was seldom questioned until the 1940s notes Hitchcock Then with the beginning of the New Deal and the appointment of justices who believed they had the freedom to apply the Constitution in new ways the judicial climate changed Hitchcock reveals the personal histories of these justices and describes how the nucleus of the Court after World War II was composed of men who were alienated from their own faiths and who looked at religious belief as irrational divisive and potentially dangerous assumptions that became enshrined in the modern jurisprudence of the Religion Clauses He goes on to offer a fascinating look at how the modern Court continues to grapple with the question of whether traditional religious liberty is to be upheld Deterrence Thom Brooks, 2019-11-11 Deterrence is a theory which claims that punishment is justified through preventing future crimes and is one of the oldest and most powerful theories about punishment The argument that punishment ought to secure crime reduction occupies a central place in criminal justice policy and is the site for much debate Should the state

deter offenders through the threat of punishment What available evidence is there about the effectiveness of deterrence Is deterrence even possible This volume brings together the leading work on deterrence from the dominant international figures in the field Deterrence is examined from various critical perspectives including its diversity relation with desert the relation of deterrence with incapacitation and prevention the role deterrence has played in debates over the death penalty and deterrence and corporate crime *Constitutionalism, Executive Power, and the Spirit of Moderation* Giorgi Arshidze, Paul O. Carrese, Suzanna Sherry, 2016-05-20 Leading scholars and legal practitioners explore constitutional legal and philosophical topics In *Constitutionalism Executive Power and the Spirit of Moderation* contributors ranging from scholars to practitioners in the federal executive and judicial branches blend philosophical and political modes of analysis to examine a variety of constitutional legal and philosophical topics Part 1 The Role of Courts in Constitutional Democracy analyzes the proper functions and limits of the judiciary and judicial decision making in constitutional government Part 2 Law and Executive Authority reflects on the tensions between constitutionalism and presidential leadership in both domestic and international arenas Part 3 Liberal Education Constitutionalism and Philosophic Moderation shifts the focus to the relationship between constitutionalism and political philosophy and especially to the modern modes of philosophy that most directly influenced the American Founders A valuable resource for specialists the book also will be of use in political science and law school classes New Directions in American Politics Raymond J. La Raja, 2013-02-15 *New Directions in American Politics* introduces students not just to how the American political system works but also to how political science works La Raja brings together top scholars to write original essays across the standard curriculum of American government and politics capturing emerging research in the discipline in a way that is accessible for undergraduates Each chapter combines substantive knowledge with the kind of skill building and analytical inquiry that is being touted in higher education everywhere Contributors to *New Directions* highlight why the questions they seek to answer are critical for understanding American politics and situate them in the broader context of controversies in research The teaching of American politics follows a well worn path Textbooks for introductory courses hew to a traditional set of chapters that describe the Founding American institutions the ways citizens participate in politics and sometimes public policy The material rarely engages students in the kind of questions that animate scholarship on politics One hurdle for instructors is finding material that reflects quality scholarship and thus teaches students about why not just what and yet is accessible for undergraduates Articles in scholarly journals are typically unsuited for undergraduate courses particularly introductory courses What is needed is a book that conveys exciting trends in scholarship across vital topics in American politics and illustrates analytical thinking *New Directions in American Politics* is that book and will be an ideal companion to standard textbooks that focus mostly on nuts and bolts of politics The book features Contributions from a top notch cast of active scholars and a highly regarded editor A focus on analytical thinking that addresses questions of causality Full coverage of the American politics

curriculum Short interviews with each contributor on a companion website to help the research come alive and prompt critical thinking questions for students Work that draws on the highest quality research in political science but is written specifically for first year undergraduate students There is simply no book like this available to the growing number of faculty who want their introductory American politics course to be a reflection of the political science discipline and not just the nuts and bolt facts of the American political system

The American Supreme Court Robert G. McCloskey, 2010-07-15 Celebrating its fiftieth anniversary Robert McCloskey's classic work on the Supreme Court's role in constructing the U S Constitution has introduced generations of students to the workings of our nation's highest court For this new fifth edition Sanford Levinson extends McCloskey's magisterial treatment to address the Court's most recent decisions As in prior editions McCloskey's original text remains unchanged In his historical interpretation he argues that the strength of the Court has always been its sensitivity to the changing political scene as well as its reluctance to stray too far from the main currents of public sentiments In two revised chapters Levinson shows how McCloskey's approach continues to illuminate developments since 2005 including the Court's decisions in cases arising out of the War on Terror which range from issues of civil liberty to tests of executive power He also discusses the Court's skepticism regarding campaign finance regulation its affirmation of the right to bear arms and the increasingly important nomination and confirmation process of Supreme Court justices including that of the first Hispanic justice Sonia Sotomayor The best and most concise account of the Supreme Court and its place in American politics McCloskey's wonderfully readable book is an essential guide to the past present and future prospects of this institution

Michigan Law Review, 2003

Law's Interior Kevin Crotty, 2018-10-18 In *Law's Interior* Kevin M Crotty draws on several important literary works to offer a new model of the relationship between citizens and their laws one that emphasizes the power of law to shape citizens and to foster or discourage their autonomy Crotty maintains that citizens are inside the law they are the law's interior Literature he finds can be relevant to law by emphasizing the connections between law and the world around it a stance that corrects the tendency of legal theory to treat law as a separate autonomous entity The texts Crotty examines Aeschylus Oresteia St Augustine's Confessions and the poetry of Wallace Stevens question the rationalist optimism that Crotty regards as distorting much recent theorizing about law Further he asserts that the inability of courts to state clearly the principles animating their decisions demonstrates the stranglehold the positivist model has on us and our legal imaginations Crotty sketches a model of the relation between citizens and laws that supplements the more familiar idea of law as something deliberated and enacted by rational inherently autonomous citizens The most important legal decisions of the past fifty years Crotty says rest on the perception that the state far from merely respecting the innate autonomy of its citizens actively shapes that autonomy *Law's Interior* should contribute to a better understanding of the real principles underlying some landmark decisions by the Supreme Court

Moral Debates in Contemporary Catholic Thought James Bretzke, 2024-11-26 How do we navigate a morally complex world How do we

know how to do the right thing especially when so many voices are clamoring for our attention telling us that they have the full truth of just what the right thing is and what it requires of us James T Bretzke S J one of most lucid interpreters of the Catholic tradition writing today helps students morally analyze a wide range of controversial and contested issues in society today through the use of principles paradigms and the cardinal virtue of prudence After introducing the approach of principled prudence drawing on Thomas Aquinas Catholic Social Teaching and other sources Bretzke engages a range of moral considerations in the following chapters the death penalty abortion gender immigration and border security welfare economics and faithful citizenship In the concluding chapter Bretzke surveys our current political landscape and its attendant culture wars and suggests a possible path forward drawing on the central moral concept of the common good While politics has often been described as the art of compromise U S society seems to be short of such artists today Bretzke a master of moral theology gives students the tools to better interpret and assess critical issues and to appreciate the depth of the Catholic tradition s wisdom on such issues Ideal for classroom use including such courses as Catholic ethics theological ethics and moral theology this text illuminates the core moral principles that deal with moral discernment in an imperfect and increasingly polarized world Each chapter includes case studies questions for reflection and discussion and resources for further reading

Critiquing Free Speech Matthew D. Bunker, 2001-04-01 In this exceptional volume Matthew D Bunker explores the work of contemporary free speech critics and argues that while at times these critics provide important lessons many of their conclusions must be rejected Moreover Bunker suggests that we be wary of interdisciplinary approaches to free speech theory that by their very assumptions and techniques are a poor fit with existing free speech theory and doctrine In his investigation of diverse critiques of free speech theory and his sophisticated rebuttal he provides an innovative and important examination of First Amendment theory In doing so he establishes a new agenda for First Amendment theory scholarship that incorporates some of the critics insights without abandoning the best aspects of the free speech tradition COPY FOR MAILER Distinctive features in this volume include an overview of the traditional approaches to First Amendment theory an examination of work from key First Amendment scholars and theorists at both the individual and group level an emphasis on interdisciplinarity ranging from feminist and critical legal scholars to economists and literary theorists and a new agenda for First Amendment theory scholarship which incorporates critical comment while preserving the best aspects of the free speech tradition

Contest for Constitutional Authority Susan Burgess, 1992 Is the judiciary the ultimate authority on constitutional questions Susan Burgess says no Basing her argument on the theory of departmental review Burgess contends that each branch of government has the right to interpret the Constitution and that no branch has final authority Through close study of the abortion and war powers debates Burgess illustrates that the practice of departmental review improves the quality of constitutional debate deepens constitutional consciousness and enhances respect for the rule of law First she investigates the constitutional issues relating to the debates over Roe v Wade and in its wake the 1981

human life bill the 1985 Abortion Funding Restriction Act and contemporaneous court cases She follows with a comparative analysis of the constitutional debates that focused on the infamous 1964 Gulf of Tonkin Resolution and the Persian Gulf crisis of the late 1980s one before and the other after the passage of the 1973 War Powers Act Burgess demonstrates the considerable potential and possible drawbacks of departmental review for creating a common constitutional language that transcends the polemical impasses characterizing much current debate for recapturing active and thoughtful citizen participation and for renewing our faith in the authority of the Constitution

The Oxford Handbook of Freedom of Speech, 2021-01-26 Freedom of speech is central to the liberal democratic tradition It touches on every aspect of our social and political system and receives explicit and implicit protection in every modern democratic constitution It is frequently referred to in public discourse and has inspired a wealth of legal and philosophical literature The liberty to speak freely is often questioned what is the relationship between this freedom and other rights and values how far does this freedom extend and how is it applied to contemporary challenges The Oxford Handbook on Freedom of Speech seeks to answer these and other pressing questions It provides a critical analysis of the foundations rationales and ideas that underpin freedom of speech as a political idea and as a principle of positive constitutional law In doing so it examines freedom of speech in a variety of national and supranational settings from an international perspective Compiled by a team of renowned experts in the field this handbook features original essays by leading scholars and theorists exploring the history legal framework and controversies surrounding this tenet of the democratic constitution

Recrafting the Rule of Law David Dyzenhaus, 1999-07-01 This collection of essays on the rule of law focuses on the traditional question whether the rule of law is necessarily the rule of moral principles the question of the legitimacy of law Essays by lawyers philosophers and political theorists illuminate and take forward both that question and debate about issues to do with the reach of the rule of law which complicate its answer The essays are divided into sections which deal first with legal orders where the rule of law is under severe stress second with the question of the value of the rule of law as a conceptual problem and third with the question of the limits of legal order Contributors Richard Abel Jody Freeman Robert Alexy Neil MacCormick Kenneth Winston Andras Sajó Alon Harel Anton Fagan Anthony Sebok Christine Sypnowich Allan Hutchinson Bill Scheuerman John MacCormick Julian Rivers Henry Richardson David Dyzenhaus

Contemporary Debates in Political Philosophy Thomas Christiano, John Christman, 2009-03-30 This collection of 24 essays written by eminent philosophers and political theorists brings together fresh debates on some of the most fundamental questions in contemporary political philosophy including human rights equality constitutionalism the value of democracy identity and political neutrality Presents fresh debates on six of the fundamental questions in contemporary political philosophy Each question is treated by a pair of opposing essays written by eminent scholars Lively debate format sharply defines the issues invites the reader to participate in the exchange of arguments and paves the way for further discussion Will serve as an accessible introduction to the major topics in political

philosophy whilst also capturing the imagination of professional philosophers Offers the unique opportunity to observe leading philosophers engaging in head to head debate **Political Theory** Mr. Rohit Manglik,2023-09-11 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels *The Oxford Handbook of Political Theory* John S Dryzek,Bonnie Honig,Anne Phillips,2008-06-12 Oxford Handbooks of Political Science are the essential guide to the state of political science today With engaging contributions from 51 major international scholars the Oxford Handbook of Political Theory provides the key point of reference for anyone working in political theory and beyond

Horizontal Rights Gautam Bhatia,2023-08-24 This book provides a new conceptual model for considering constitutional rights from a comparative perspective A prestigious club bars women from standing for executive positions A homeowner refuses to rent their house to a person on grounds of their race Each of these real life cases involves the exercise of private power which deprives individuals of their rights Can these individuals invoke the Constitution in response Horizontal Rights An Institutional Approach brings a fresh perspective to these age old yet fraught issues This book argues that constitutional scholarship and doctrine across jurisdictions has proceeded from an inarticulate premise called default verticality This is based on a set of underlying philosophical assumptions which presumes that constitutional rights are presumptively applicable against the State and need special justification to be applied against private parties Departing from default verticality and its assumptions this book argues that constitutional rights should apply horizontally between private parties where the existence of an economic social or cultural institution creates a difference in power between the parties and allows one to violate the rights of the other The institutional approach aims to be both theoretically convincing as well as a providing a workable model for constitutional adjudication It applies both to classic issues such as restrictive covenants as well as cutting edge contemporary legal problems around the regulation of platform work and the distribution of property upon divorce This promises to be an exciting new contribution to the global conversation around constitutional rights and private power **Introduction to American Law** St. Clements University - Türkiye, Introduction to American Law Overview of the U S Legal System Branches of Government and Separation of Powers The U S Constitution and Bill of Rights Administrative Law and Federal Agencies Civil Procedure and the Court System Criminal Law and the Criminal Justice Process Contract Law and Business Transactions Tort Law and Personal Injury Property Law and Real Estate Intellectual Property Law Family Law and Domestic Relations Immigration and Citizenship Law Conclusion and Key Takeaways

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