

MODERN  
CONSTITUTIONAL  
THEORY:  
*A Reader*  
Fifth Edition

John H. Garvey  
T. Alexander Aleinikoff  
and  
Daniel A. Farber

# Modern Constitutional Theory Reader

**John H. Garvey, Thomas Alexander  
Aleinikoff**



## **Modern Constitutional Theory Reader:**

Modern Constitutional Theory John H. Garvey, Thomas Alexander Aleinikoff, 1999      Modern Constitutional Theory Thomas Alexander Aleinikoff, 1960      **Contemporary Perspectives On Constitutional Interpretation** Susan J Brison, 2018-03-08 Current controversies over abortion affirmative action school prayer hate speech and other issues have sparked considerable public debate about how the U S Constitution should be interpreted Such controversies along with the changing composition of an often deeply divided Supreme Court have led to a resurgence of interest in theories of constitutional interpretation This anthology edited by Susan J Brison and Walter Sinnott Armstrong presents some of the most exciting and influential contemporary work in this area Written by ten of the country s most prominent legal scholars the selections represent a wide variety of interpretive approaches reflecting different political orientations from the far right to the far left These theorists have drawn on a variety of other disciplines including literature economics history philosophy and politics and have in turn influenced these fields The selections were chosen for their accessibility originality variety and importance Together they provide an excellent introduction to constitutional interpretation as well as a valuable collection for experienced scholars in the field      **A Theory of Textuality** Jorge J. E. Gracia, 1995-07-01 This is the first comprehensive and systematic theory of textuality that takes into account the relevant views of both analytic and Continental thinkers and also of major historical figures The author shows that most of the confusion surrounding textuality is the result of three factors a too narrow understanding of the category a lack of a proper distinction among logical epistemological and metaphysical issues and a lack of proper grounding of epistemological and metaphysical questions on logic analyses The author begins with a logical analysis of the notion of text resulting in a definition that serves as the basis for the distinctions he subsequently draws between texts on the one hand and language artifacts and art objects on the other and for the classification of texts according to their modality and function The second part of the book uses the conclusions of the first part to solve the various epistemological issues which have been raised about texts by philosophers of language semioticians hermeneuticists literary critics semanticists aestheticians and historiographers      **American Constitutionalism** Stephen M. Griffin, 1998-07-27 Despite the outpouring of works on constitutional theory in the past several decades no general introduction to the field has been available Stephen Griffin provides here an original contribution to American constitutional theory in the form of a short lucid introduction to the subject for scholars and an informed lay audience He surveys in an unpolemical way the theoretical issues raised by judicial practice in the United States over the past three centuries particularly since the Warren Court and locates both theory and practices that have inspired dispute among jurists and scholars in historical context At the same time he advances an argument about the distinctive nature of our American constitutionalism regarding it as an instance of the interpenetration of law and politics American Constitutionalism is unique in considering the perspectives of both law and political science in relation to constitutional theory Constitutional theories

produced by legal scholars do not usually discuss state centered theories of American politics the importance of institutions behaviorist research on judicial decision making or questions of constitutional reform but this book takes into account the political science literature on these and other topics The work also devotes substantial attention to judicial review and its relationship to American democracy and theories of constitutional interpretation *American Law and Legal Systems* James V Calvi,Susan Coleman,2015-07-22 *American Law and Legal Systems* examines the philosophy of law within a political social and economic framework with great clarity and insight Readers are introduced to operative legal concepts everyday law practices substantive procedures and the intricacies of the American legal system Eliminating confusing legalese the authors skillfully explain the basics from how a lawsuit is filed to the final appeal This new edition provides essential updates to forensic and scientific evidence contract law family law and includes new text boxes and tables to help students understand remember and apply central concepts

**The United Nations Charter as the Constitution of the International Community** Bardo Fassbender,2009 The a eoconstitutionalizationa of international law is one of the most intensely debated issues in contemporary international legal doctrine The term is used to describe a number of features which distinguish the present international legal order from a oeclassicala international law in particular its shift from bilateralism to community interest and from an inter state system to a global legal order committed to the well being of the individual person The author of this book belongs to the leading participants of the constitutionalization debate He argues that there indeed exists a constitutional law of the international community that is built on and around the Charter of the United Nations In this book he explains why the Charter has a constitutional quality and what legal consequences arise from that characterization

**A Practical Companion to the Constitution** Jethro K. Lieberman,2023-07-28 This is the most comprehensive and readable one volume reference book in print accessible to lay readers and specialists alike on the meaning of the American Constitution as the Supreme Court has interpreted it It is an indispensable tool for students and lay persons who want to understand today s constitutional controversies and their background in our history It is equally useful to lawyers and other specialists who seek quick reviews of constitutional issues with immediate reference to cases for further research Unlike conventional treatises that discuss the Constitution clause by clause or under a few broad concepts this book uniquely treats every aspect of the Constitution and every constitutional topic in alphabetical order in more than 1 000 short essays It is extensively cross referenced and exhaustively indexed so that even a reader with only a minimal notion of the Constitution or constitutional law can quickly find clear answers to questions about pressing issues of the day Among the other unique features a set of introductory essays on the background of the Constitution and the many difficulties of interpreting it a concordance to each word and phrase in the Constitution a year by year chronology of justices who have served on the Supreme Court and a table of the more than 2 650 Supreme Court cases from 1792 to the present referred to in the book listing the vote the author of the majority opinion the concurring and dissenting justices and the length of the opinions This is

the most comprehensive and readable one volume reference book in print accessible to lay readers and specialists alike on the meaning of the American Constitution as the Supreme Court has interpreted it It is an indispensable tool for students

**Constitutional Theory** Carl Schmitt, 2008-01-23 This volume makes Schmitt's provocative work on comparative constitutionalism available in English for the first time since it was published in 1928 in Germany

**The Lyric Theory Reader** Virginia Walker Jackson, Yopie Prins, 2014-02 Reading lyric poetry over the past century The Lyric Theory Reader collects major essays on the modern idea of lyric made available here for the first time in one place Representing a wide range of perspectives in Anglo American literary criticism from the twentieth and twenty first centuries the collection as a whole documents the diversity and energy of ongoing critical conversations about lyric poetry Virginia Jackson and Yopie Prins frame these conversations with a general introduction bibliographies for further reading and introductions to each of the anthology's ten sections genre theory historical models of lyric New Criticism structuralist and post structuralist reading Frankfurt School approaches phenomenologies of lyric reading avant garde anti lyricism lyric and sexual difference and comparative lyric Designed for students teachers scholars poets and readers with a general interest in poetics this book presents an intellectual history of the theory of lyric reading that has circulated both within and beyond the classroom wherever poetry is taught read discussed and debated today

Roots of the Republic Stephen L. Schechter, 1991-11-01 Roots of the Republic shows how the Constitution was a product not simply of the Constitutional Convention in 1787 but of a legal and philosophical tradition almost two centuries old The editors have selected eighteen key documents in the development of that tradition and reproduced them with essays that explain what they mean why they were written and why they are important today Each key document is accompanied by an interpretive essay written by a contemporary scholar These essays focus on the importance of each frame of government and include commentaries on why they are meaningful today Intended to help readers learn how to read and understand these documents the book is also a handy reference and a strong introduction to the development of political thought and the debates surrounding the formation of the state governments and the federal union

**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

Popular Sovereignty in Early Modern Constitutional Thought Daniel Lee, 2016-02-19 Popular sovereignty the doctrine that the public powers of state originate in a concessive grant of power from the people is the cardinal doctrine of modern constitutional theory placing full constitutional authority in the people at large rather than in the hands of judges kings or a political elite This book explores the intellectual origins of this influential doctrine and investigates its chief source in late medieval and early modern thought the legal science of Roman law Long regarded the principal source for modern legal reasoning Roman law had a profound impact on the major architects of popular sovereignty such as Francois Hotman Jean Bodin and Hugo Grotius Adopting the juridical language of obligations property and personality as well as the classical model of the Roman constitution these jurists crafted a uniform theory that located the right of sovereignty in the people at large as the legal owners of state authority In recovering the origins of popular sovereignty the book demonstrates the importance of the Roman law as a chief source of modern constitutional thought

Theory of the Constitution, Compared with Its Practice in Ancient and Modern Times James Bernard Bernard, 1834

*Essentials Of The American Constitution* Charles H. Sheldon, 2018-10-08 Constitutional politics is the continuing search for equilibrium between the grants of power and the limits placed on that power The Essentials of the American Constitution examines the five closely integrated components which make up the fundamental law the Compact separation of powers federalism representation and the Bill of Rights It is the interaction between these components that gives the Constitution its dynamism Landmark decisions handed down by the U S Supreme Court involve two or more of these components This book's unique approach shows how the components more often than not work together one assisting another one explaining another or one reinforcing another It gives a firm foundation for students wishing to take advanced courses in constitutional law or civil liberties and provides an overall view of the fundamental principle of the American Constitution

**The Methodology of Constitutional Theory** Dimitrios Kyritsis, Stuart Lakin, 2022-02-24 What sort of methods are best suited to understanding constitutional doctrines and practices Should we look to lawyers and legal methods alone or should we draw upon other disciplines such as history sociology political theory and moral philosophy Should we study constitutions in isolation or in a comparative context To what extent must constitutional methods be sensitive to empirical data about the functioning of legal practice Can ideal theory aid our understanding of real constitutions This volume brings together constitutional experts from around the world to address these types of questions through topical events and challenges such as Brexit administrative law reforms and the increasing polarisations in law politics and constitutional scholarship Importantly it investigates the ways in which we can ensure that constitutional scholars do not talk past each other despite their persistent and often fierce disagreements In so

doing it aims systematically to re examine the methodology of constitutional theory

**The Communitarian Constitution** Beau Breslin, 2006-09-21 Bowling Alone the title of Robert Putnam s 1995 article later a bestselling book perfectly captured a sense of national unease Somewhere along the way America had become a nation divided by apathy and the bonds that held together civil society were disappearing But while the phrase resonated with our growing sense of atomization it didn t describe a new phenomenon The fear that isolation has eroded our social bonds had simmered for at least two decades when communitarianism first emerged as a cogent political philosophy Communitarianism as explained in the works of Michael Sandel Alasdair MacIntyre Amitai Etzioni and others elevates the idea of communal good over the rights of individuals Throughout the 1980s and 1990s communitarianism gained popular and political ground The Clintons touted its principles in the 90s and the two presidents Bush make frequent references to its central tenets In its short life the philosophy has generated plenty of books both pro and con Beau Breslin s authoritative and original examination The Communitarian Constitution contributes to the debate from a wholly original standpoint Existing critiques focus on the debate between liberalism and communitarianism in other words the conflict between individual rights and the communal good Breslin takes an entirely different stance examining the pragmatic question of whether or not communitarian policies are truly practicable in a constitutional society In tackling this question Breslin traces the evolution of American communitarianism He examines Lincoln s unconstitutional Civil War suspension of habeas corpus and draws on Federalist and Anti Federalist arguments pegging the Anti Federalists as communitarians intellectual forebearers He also grounds his arguments in the real world examining the constitutions of Germany and Israel which offer further insight into the relationship between constitutionalism and communitarianism At a moment when American politicians and citizenry are struggling to balance competing needs such as civil rights and homeland security The Communitarian Constitution is vital reading for anyone interested in the evolving tensions between individual rights and the good of the community

*The Rehnquist Legacy* Craig Bradley, 2006 This book is a legal biography of William Rehnquist of the U S Supreme Court

**Modern Constitutional Law** Ronald D. Rotunda, 1989

**Constitutional Law as Fiction** L. H. LaRue, 2010-11-01

The book delves into Modern Constitutional Theory Reader. Modern Constitutional Theory Reader is a vital topic that must be grasped by everyone, from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Modern Constitutional Theory Reader, encompassing both the fundamentals and more intricate discussions.

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- Chapter 3: Modern Constitutional Theory Reader in Everyday Life
- Chapter 4: Modern Constitutional Theory Reader in Specific Contexts
- Chapter 5: Conclusion

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6. In chapter 5, this book will draw a conclusion about Modern Constitutional Theory Reader. This chapter will summarize the key points that have been discussed throughout the book.

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