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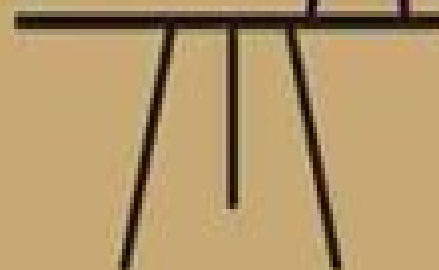


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Constitutional Faith Sanford Levinson, 2011-08-22 This book examines the constitutional faith that has since 1788 been a central component of American civil religion By taking seriously the parallel between wholehearted acceptance of the Constitution and religious faith Sanford Levinson opens up a host of intriguing questions about what it means to be American While some view the Constitution as the central component of an American religion that serves to unite the social order Levinson maintains that its sacred role can result in conflict fragmentation and even war To Levinson the Constitution's value lies in the realm of the discourse it sustains a uniquely American form of political rhetoric that allows citizens to grapple with every important public issue imaginable In a new afterword Levinson looks at the deepening of constitutional worship and attributes the current widespread frustrations with the government to the static nature of the Constitution The Invisible Constitution Laurence H. Tribe, 2008-09-17 In *The Invisible Constitution* Tribe argues that there is an unseen constitution impalpable but powerful that accompanies the parchment version Through a variety of historical episodes and key constitutional cases Tribe brings to life this invisible constitution showing how it has evolved and how it works Detailing its invisible structures and principles Tribe compellingly demonstrates the invisible constitution's existence and operative power **Makers of the American Republic** David Gregg, Sidney Howard Carney (Jr), 1904 **Implementing the Constitution** Richard H. FALLON, 2001 This book argues that the Supreme Court performs two functions The first is to identify the Constitution's idealized meaning The second is to develop tests and doctrines to realize that meaning in practice Bridging the gap between the two implementing the Constitution requires moral vision but also practical wisdom and common sense ingenuity and occasionally a willingness to make compromises In emphasizing the Court's responsibility to make practical judgments Implementing the Constitution takes issue with the two positions that have dominated recent debates about the Court's proper role Constitutional originalists maintain that the Court's essential function is to identify the original understanding of constitutional language and then apply it deductively to current problems This position is both

unwise and unworkable the book argues It also critiques well known accounts according to which the Court is concerned almost exclusively with matters of moral and constitutional principle Implementing the Constitution bridges the worlds of constitutional theory political theory and constitutional practice It illuminates the Supreme Court s decision of actual cases and its development of well known doctrines It is a doctrinal study that yields jurisprudential insights and a contribution to constitutional theory that is closely tied to actual judicial practice *The Invisible Constitution in Comparative Perspective* Rosalind Dixon, Adrienne Stone, 2018-11-08 Constitutions worldwide inevitably have invisible features they have silences and lacunae unwritten or conventional underpinnings and social and political dimensions not apparent to certain observers This contributed volume will help its wide audience including scholars students and practitioners understand the dimensions to contemporary constitutions and their role in the interpretation legitimacy and stability of different constitutional systems

The American economic review ,1936 The Language of Law and the Foundations of American Constitutionalism Gary L. McDowell, 2010-06-28 Argues that the Founders intended the Constitution to be interpreted according to the text s meaning and its framers original intentions Powers Reserved for the People and the States Jay S. Bybee, A. Christo Bryant, Thomas B. McAfee, 2006-08-30 American judges and legal scholars have long misunderstood the intended meaning of the Ninth Amendment and its relationship to the Tenth Because of misinterpretation the Ninth and Tenth Amendments have not been used to fulfill their original purposes The limited and unlimited powers of the federal government have been shaped greatly by that error In this book the authors clarify the actual meaning of the Ninth Amendment and its connection to the Tenth Amendment in order to provide a clear understanding of the full potential of the two amendments Historical and contemporary details are included to provide an appreciation of the intended purpose of the amendments *FDR's Long New Deal* Robert E. Wright, 2024-10-28 During his presidency FDR led the American public to believe that the US government could set policy that would transform the economy This book argues that this assumption which ultimately became embedded into the general American psyche has impacted our economy today in more ways than one Robert E Wright breaks down the negative societal impact of the New Deal throughout this book The chapters highlight the lasting influence of these policies providing new perspectives and never before seen archival research related to FDR s policies The book provides insight into how assumptions of governmental intervention in the economy have shifted the direction of the economy over time It also dives into socioeconomic topics related to social justice critiquing the New Deal in its original and historical contexts Wright brings a long term public choice perspective to the New Deal providing interdisciplinary insights into socioeconomic topics such as gender race and climate The resulting book is ideal for those interested in economics American history law and policy The Dynamic Constitution Richard H. Fallon, Jr, 2013-04-22 In this revised and updated second edition of *The Dynamic Constitution* Richard H Fallon Jr provides an engaging sophisticated introduction to American constitutional law Suitable for lawyers and non lawyers alike this book discusses contemporary constitutional doctrine

involving such issues as freedom of speech freedom of religion rights to privacy and sexual autonomy the death penalty and the powers of Congress Through examples of Supreme Court cases and portraits of past and present Justices this book dramatizes the historical and cultural factors that have shaped constitutional law The Dynamic Constitution 2nd edition combines detailed explication of current doctrine with insightful analysis of the political culture and theoretical debates in which constitutional practice is situated Professor Fallon uses insights from political science to explain some aspects of constitutional evolution and emphasizes features of the judicial process that distinguish constitutional law from ordinary politics

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Diminishing the Bill of Rights William Davenport Mercer, 2017-04-13 The modern effort to locate American liberties it turns out began in the mud at the bottom of Baltimore harbor John Barron Jr and John Craig sued the city for damages after Baltimore s rebuilt drainage system diverted water and sediment into the harbor preventing large ships from tying up at Barron and Craig s wharf By the time the case reached the U S Supreme Court in 1833 the issue had become whether the city s actions constituted a taking of property by the state without just compensation a violation of the Fifth Amendment to the U S Constitution The high court s decision in *Barron v Baltimore* marked a critical step in the rapid evolution of law and constitutional rights during the first half of the nineteenth century *Diminishing the Bill of Rights* examines the backstory and context of this decision as a turning point in the development of our current conception of individual rights Since the colonial period Americans had viewed their rights as springing from multiple sources including the common law natural right and English legal tradition Despite this rich heritage and a prohibition grounded in the Magna Carta against uncompensated state takings of property the Court ruled against Barron s claim The Bill of Rights Chief Justice John Marshall declared in his opinion for the majority restrained only the federal government not the states The Fifth Amendment accordingly did not apply to Maryland or any of the cities it chartered In explaining how the Court came to reject a multisourced view of human liberties a position seemingly inconsistent with its previous decisions William Davenport Mercer helps explain why we now envision the Constitution as essential to guaranteeing our rights Marshall s view of rights in *Barron* Mercer argues helped him navigate the Court

through the precarious political currents of the time While the chief justice may have effected a shrewd political maneuver the decision helped hasten a reconceptualization of rights as located in documents Its legacy as Mercer s work makes clear is among the Jacksonian era s significant democratic reforms and marks the emergence of a distinctly American constitutionalism

Living Law Roger Cotterrell, 2017-07-05 Living Law presents a comprehensive overview of relationships between legal and social theory and of current approaches to the sociological study of legal ideas It explores the nature of legal theory and sociolegal studies today as teaching and research fields and the work of many of the major sociolegal theorists In addition it sets out the author s distinctive approach to sociological analysis of law applying this in a range of studies in specific legal fields such as the law of contract property and trusts constitutional analysis and comparative law

The Rights Retained by the People: The Ninth Amendment and Constitutional Interpretation Randy E. Barnett, 1993-03-16 Volume II of The Rights Retained by the People explores how the Ninth Amendment affects the proper way of interpreting the Constitution as a whole Contributors Sotirios A Barber Michael W McConnell Sanford Levinson Stephen Macedo Andrzej Rapacznski Thomas C Grey Lawrence G Sager Morris S Arnold Earl M Maltz Susanna Sherry Calvin R Massey Thomas McAfee and Raoul Berger Together with Volume I which covers primarily the history and proper interpretation of the amendment itself these books constitute the definitive reference work on the Ninth Amendment

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