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2014 Supplement

Processes of Constitutional Decisionmaking

Cases and Materials

Fifth Edition



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Processes Of Constitutional Decisionmaking Cases And Materials Second Edition

**Sanford Levinson, Jack M. Balkin, Akhil
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instances of interpretive fidelity framed within each new temporal context Yet as Lessig also argues there is a repeatedly occurring countermove that upends the process of translation Throughout American history there has been a second fidelity in addition to interpretive fidelity what Lessig calls fidelity to role In each of the cycles of translation that he describes the role of the judge the ultimate translator has evolved too Old ways of interpreting the text now become illegitimate because they do not match up with the judge's perceived role And when that conflict occurs the practice of judges within our tradition has been to follow the guidance of a fidelity to role Ultimately Lessig not only shows us how important the concept of translation is to constitutional interpretation but also exposes the institutional limits on this practice The first work of both constitutional and foundational theory by one of America's leading legal minds Fidelity Constraint maps strategies that both help judges understand the fundamental conflict at the heart of interpretation whenever it arises and work around the limits it inevitably creates

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