



Modern Constitutional Theory A Reader

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



Modern Constitutional Theory A Reader:

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Thomas Alexander Aleinikoff, 1960 **Modern Constitutional Theory** John H. Garvey, Thomas Alexander Aleinikoff, 1999

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 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 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.

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

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.

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

A Theory of Textuality Jorge J. E. Gracia, 1995-07-01 This book is just what it says it is A theory of textuality divided into two parts logical and epistemological

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

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 **Constitutional Theory** Carl Schmitt,2008-01-23 Carl Schmitt s magnum opus written during the Weimar regime wherein Schmitt challenges the theories and practices of Western constitutional government claiming that classical conceptions of democracy cannot be transposed onto modern political life *The Rehnquist Legacy* Craig Bradley,2006 This book is a legal biography of William Rehnquist of the U S Supreme Court

Constituting Democracy Heinz Klug,2000 This book explores the role of constitutionalism in facilitating political change in South Africa What If the American Political System Were Different? Herbert M. Levine,2015-02-24 First Published in 2015 This unique book is an ideal supplement for an introductory American politics course Each chapter considers a basic

aspect of the American political system or historical tradition and speculates as to the consequences were that aspect fundamentally different Engagingly written by political scientists historians and a legal solicitor the book is non ideological throughout and invites reflection and discussion Each chapter will encourage readers to think critically about the American political system relate the relationships between different political structures and policy outcomes and in general consider American politics in an exciting new way **Constitutional Rights in Two Worlds** Mark S. Kende,2009-03-02 This book

examines the South African Constitutional Court to determine how it has functioned during the nation s transition Trade and Human Health and Safety George A. Bermann,Petros C. Mavroidis,2006-01-23 This book discusses the standards established for the regulation of public health and safety issues **Critical Theory and Democracy** Enrique

Peruzzotti,Martín Plot,2012 Andrew Arato has become a prominent political theorist in the fields of democratic theory constitutional law and comparative politics He has had a profound and global influence on the thinking of several generations of scholars The Critical Theory and Democracy of Andrew Arato brings together original essays honouring Arato s intellectual contribution to the field based around the themes in Arato s work of Critical Theory and Civil Society Democracy and Dictatorship and Constitution Making It includes contributions from leading

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