



Ratification Debates

Nik de Boer



Ratification Debates:

Debates on the Federal Judiciary, 2013 *Creating the Constitution* Thornton Anderson, 2011-09-30 Creating the Constitution presents a different interpretation of the Convention and the First Congress derived largely from a close reading of Farrand's Records and the Annals of Congress Among its special features are a critical perspective on the Framers an examination of Court Whig influence on the Federalists the identification of a third group the state Federalists between the nationalists and states righters and a view of the First Congress as distorting the aims of the Convention No Property in Man Sean Wilentz, 2019-09-03 Wilentz brings a lifetime of learning and a mastery of political history to this brilliant book David W Blight author of Frederick Douglass A New York Times Book Review Editors Choice A Foreign Affairs Best Book of the Year Americans revere the Constitution even as they argue fiercely over its original toleration of slavery In this essential reconsideration of the creation and legacy of our nation's founding document Sean Wilentz reveals the tortured compromises that led the Founders to abide slavery without legitimizing it a deliberate ambiguity that fractured the nation seventy years later Contesting the Southern proslavery version of the Constitution Abraham Lincoln and Frederick Douglass pointed to the framers refusal to validate what they called property in man No Property in Man has opened a fresh debate about the political and legal struggles over slavery that began during the Revolution and concluded with the Civil War It drives straight to the heart of the single most contentious issue in all of American history Revealing and passionately argued Wilentz insists that because the framers did not sanction slavery as a matter of principle the antislavery legacy of the Constitution has been misconstrued for over 200 years Khalil Gibran Muhammad New York Times Wilentz's careful and insightful analysis helps us understand how Americans who hated slavery such as Abraham Lincoln and Frederick Douglass could come to see the Constitution as an ally in their struggle Eric Foner The EU Economic and Social Model in the Global Crisis Dagmar Schiek, 2016-02-11 This book addresses the viability of the EU economic and social model within and after the global economic crisis It identifies four key issues which warrant further discussion 1 the asymmetry of the legal and policy framework of the euro and potential recalibration 2 substantive tensions between the EU economic constitution and its normative aim of social justice and impacts on national policy 3 the role of civil society including the two sides of industry in overcoming these tensions and 4 the EU's global aspirations towards the creation of a viable socio economic model Its chapters offer two perspectives on each of the four main issues In drawing these debates together the book provides a broad understanding as well as starting points for future research Bringing together different disciplinary approaches ranging from legal studies to political economy sociology and macroeconomics it is a valuable contribution to the debate on the European social model and introduces new insights by focusing on legal and political tensions the impact of the financial crisis and other economic contexts as well as global dimensions American Constitutional Law, Volume I Ralph A. Rossum, G. Alan Tarr, 2018-05-04 This book considers the distribution of power in the national government and explores how the

constitutional scheme of separation of powers and checks and balances grants and controls power It examines how the American Constitution and its amendments oblige the national and state governments **Contemporary International Law Issues: Opportunities at a Time of Momentous Change** ASIL/NVIR,2024-12-09 Contemporary International Law Issues Opportunities at a Time of Momentous Change is the record of the Second Joint Conference of The American Society of International Law and the Nederlandse Vereniging voor Internationaal Recht which was held in The Hague on July 22 24 1993 At this event international scholars practitioners and experts gathered to discuss the latest developments in such areas as trade and investment the environment human rights law of the sea settlement of disputes international criminal law NAFTA the European Community and commercial arbitration with particular reference to Central and Eastern Europe The content of these Proceedings bears evidence of the wide range of dialogue that occurred during the Joint Conference and directs the reader to issues which might form suitable subjects for further research and elaboration in other scholarly work The book will be of interest to academics and diplomats as well as legal practitioners **American Constitutional Law 8E, 2-VOL SET** Ralph A. Rossum,2021-11-19 American Constitutional Law provides a comprehensive account of the nation's defining document Based on the premise that the study of the Constitution and constitutional law is of fundamental importance to understanding the principles prospects and problems of America the volumes in this set put current events in terms of what those who initially drafted and ratified the Constitution sought to accomplish The authors examine the constitutional thought of the founders as well as interpretations of the Constitution by the Supreme Court Congress the President lower federal courts and state judiciaries Volume I focuses on federal rights and powers and volume II focuses on individuals rights and responsibilities Available individually or as a two volume set they are perfect for a one or two semester course on constitutional law and civil liberties **The Federalist Papers** Kyle Scott,2013-02-14 The Federalist Papers constitute a key document in the understanding of the American government Written by John Jay James Madison and Alexander Hamilton these 85 texts were published between 1787 and 1788 to convince the state of New York to ratify the Constitution Today the Papers are studied in courses on American government American political thought and constitutional law However the size and organization of the full text notwithstanding its complex political concepts and context make it difficult for students to apprehend The Reader's Guide will be a key tool to help them understand the issues at hand and the significance of the Papers then and now Organized around key issues such as the branches of the government the utility of the Union or skepticism of a national regime the work will walk the reader through the 85 Papers providing them with the needed intellectual and historical contexts Designed to supplement the reading of The Federalist Papers the guide will help elucidate not only their contents but also their importance and contemporary relevance **The Death of Treaty Supremacy** David Sloss,2016-09-20 This book provides the first detailed history of the Constitution's treaty supremacy rule It describes a process of invisible constitutional change The traditional supremacy rule provided that all treaties supersede

conflicting state laws it precluded state governments from violating U S treaty obligations Before 1945 treaty supremacy and self execution were independent doctrines Supremacy governed the relationship between treaties and state law Self execution governed the division of power over treaty implementation between Congress and the President In 1945 the U S ratified the UN Charter which obligates nations to promote human rights for all without distinction as to race In 1950 a California court applied the Charter s human rights provisions and the traditional treaty supremacy rule to invalidate a state law that discriminated against Japanese nationals The implications were shocking the decision implied that the United States had effectively abrogated Jim Crow laws throughout the South by ratifying the UN Charter In response conservatives mobilized support for a constitutional amendment known as the Bricker Amendment to abolish the treaty supremacy rule The amendment never passed but Bricker s supporters achieved their goals through de facto constitutional change The de facto Bricker Amendment created a novel exception to the treaty supremacy rule for non self executing NSE treaties The exception permits state governments to violate NSE treaties without authorization from the federal political branches The death of treaty supremacy has significant implications for U S foreign policy and for U S compliance with its treaty obligations *The Failed Promise of Originalism* Frank Cross,2013-01-09 Originalism is an enormously popular and equally criticized theory of constitutional interpretation As Elena Kagan stated at her confirmation hearing We are all originalists Scores of articles have been written on whether the Court should use originalism and some have examined how the Court employed originalism in particular cases but no one has studied the overall practice of originalism The primary point of this book is an examination of the degree to which originalism influences the Court s decisions Frank B Cross tests this by examining whether originalism appears to constrain the ideological preferences of the justices which are a demonstrable predictor of their decisions Ultimately he finds that however theoretically appealing originalism may seem the changed circumstances over time and lack of reliable evidence means that its use is indeterminate and meaningless Originalism can be selectively deployed or manipulated to support and legitimize any decision desired by a justice *Electoral College Reform* Gary Bugh,2016-04-29 The United States has not updated the Electoral College system since the Twelfth Amendment was ratified in 1804 despite public opinion polls showing a majority of Americans are in favor of changing or outright abolishing it So why hasn t the United States reformed this system Electoral College Reform brings together new essays examining all aspects of this crucial debate including the reasons for reform the issues surrounding a constitutional amendment the effect of the Electoral College on political campaigns and the possibilities for extra constitutional avenues to change The authors consider both the Federalists vision of balanced representation and a more democratic and equality based ideal These competing frameworks perhaps more than any other factor account for centuries of American indecision on this key issue By offering an unprecedented and carefully researched analysis of an always controversial subject this volume explores the potential for changing a system that many contend is long overdue *Enemyship* Jeremy Engels,2010-11-01 The Declaration of

Independence is usually celebrated as a radical document that inspired revolution in the English colonies in France and elsewhere In Enemyship however Jeremy Engels views the Declaration as a rhetorical strategy that outlined wildly effective arguments justifying revolution against a colonial authority and then threatened political stability once independence was finally achieved Enemyship examines what happened during the latter years of the Revolutionary War and in the immediate post Revolutionary period when the rhetorics and energies of revolution began to seem problematic to many wealthy and powerful Americans To mitigate this threat says Engles the founders of the United States deployed the rhetorics of what he calls enemyship calling upon Americans to unite in opposition to their shared national enemies **The Power to Legislate** Richard E. Levy,2006-07-30 In a political climate where the machinery of the federal government has grown increasingly complex The Power to Legislate offers a comprehensive and in depth analysis of the extent and limitations of legislative power granted by the U S Constitution By examining the historical development of the Constitution as well as judicial precedent set by the Supreme Court Richard E Levy develops a systematic account of federal legislative power that is ideal for anyone interested in constitutional history and political science Levy focuses his investigation on three distinct yet related aspects of federal legislative power the necessary and proper clause of Article I the delegation of powers to the various federal institutions and the deliberative powers of Congress to conduct investigations and interrogations The Power to Legislate synthesizes these three crucial ideas into a fresh perspective that sheds light on today s controversies

Contemporary International Law Issues ,1994-04-28 Contemporary International Law Issues Opportunities at a Time of Momentous Change is the record of the Second Joint Conference of The American Society of International Law and the Nederlandse Vereniging voor Internationaal Recht which was held in The Hague on July 22 24 1993 At this event international scholars practitioners and experts gathered to discuss the latest developments in such areas as trade and investment the environment human rights law of the sea settlement of disputes international criminal law NAFTA the European Community and commercial arbitration with particular reference to Central and Eastern Europe The content of these Proceedings bears evidence of the wide range of dialogue that occurred during the Joint Conference and directs the reader to issues which might form suitable subjects for further research and elaboration in other scholarly work The book will be of interest to academics and diplomats as well as legal practitioners **The Vietnam War and International Law, Volume 4** Richard A. Falk,2015-03-08 This concluding volume of The Vietnam War and International Law focuses on the last stages of America s combat role in Indochina The articles in the first section deal with general aspects of the relationship of international law to the Indochina War Sections II and III are concerned with the adequacy of the laws of war under modern conditions of combat and with related questions of individual responsibility for the violation of such laws Section IV deals with some of the procedural issues related to the negotiated settlement of the war The materials in Section V seek to reappraise the relationship between the constitutional structure of the United States and the way in which the war was

conducted while the final section presents the major documents pertaining to the end of American combat involvement in Indochina A supplement takes account of the surrender of South Vietnam in spring 1975 Contributors to the volume lawyers scholars and government officials include Dean Rusk Eugene V Rostow Richard A Falk John Norton Moore and Richard Wasserstrom Originally published in 1976 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905 [A Companion to the American Revolution](#) Jack P. Greene, J. R. Pole, 2008-04-15 A Companion to the American Revolution is a single guide to the themes events and concepts of this major turning point in early American history Containing coverage before during and after the war as well as the effect of the revolution on a global scale this major reference to the period is ideal for any student scholar or general reader seeking a complete reference to the field Contains 90 articles in all including guides to further reading and a detailed chronological table Explains all aspects of the revolution before during and after the war Discusses the status and experiences of women Native Americans and African Americans and aspects of social and daily life during this period Describes the effects of the revolution abroad Provides complete coverage of military history including the home front Concludes with a section on concepts to put the morality of early America in today's context **Judging European Democracy** Nik de Boer, 2023 Combining constitutional and political theory with an in depth case study of the German Constitutional Court de Boer argues that national courts review of European law can constrain democratic debate and risks taking sides in good faith political disagreements among elected legislators about constitutional questions relating to the EU *Military Law Review*, 2003 **The Civic Constitution** Elizabeth Beaumont, 2014-01-20 The role of the Constitution in American political history is contentious not simply because of battles over meaning Equally important is precisely who participated in contests over meaning Was it simply judges or did legislatures have a strong say And what about the public's role in effecting constitutional change In *The Civic Constitution* Elizabeth Beaumont focuses on the last category and traces the efforts of citizens to reinvent constitutional democracy during four crucial eras the revolutionaries of the 1770s and 1780s the civic founders of state republics and the national Constitution in the early national period abolitionists during the antebellum and Civil War eras and finally suffragists of the late nineteenth and early twentieth centuries Throughout she argues that these groups should be recognized as founders and co founders of the U S Constitution Though often slighted in modern constitutional debates these women and men developed distinctive constitutional creeds and practices challenged existing laws and social norms expanded the boundaries of citizenship and sought to translate promises of liberty equality and justice into more robust and concrete forms Their civic ideals and struggles not only shaped the text design and public

meaning of the U S Constitution but reconstructed its membership and transformed the fundamental commitments of the American political community An innovative expansion on the concept of popular constitutionalism The Civic Constitution is a vital contribution to the growing body of literature on how ordinary people have shaped the parameters of America s fundamental laws

Final Freedom Michael Vorenberg, 2001-05-21 This book examines emancipation after the Emancipation Proclamation of 1863 Focusing on the making and meaning of the Thirteenth Amendment Final Freedom looks at the struggle among legal thinkers politicians and ordinary Americans in the North and the border states to find a way to abolish slavery that would overcome the inadequacies of the Emancipation Proclamation The book tells the dramatic story of the creation of a constitutional amendment and reveals an unprecedented transformation in American race relations politics and constitutional thought Using a wide array of archival and published sources Professor Vorenberg argues that the crucial consideration of emancipation occurred after not before the Emancipation Proclamation that the debate over final freedom was shaped by a level of volatility in party politics underestimated by prior historians and that the abolition of slavery by constitutional amendment represented a novel method of reform that transformed attitudes toward the Constitution

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