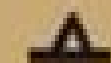




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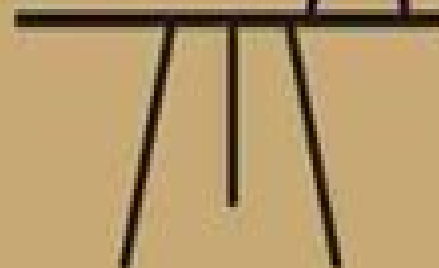


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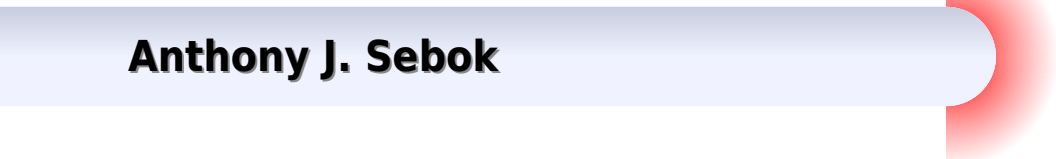
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Makers Of The Unwritten Constitution

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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*

Laurence H. Tribe, 2008-09-17 In *The Invisible Constitution* Tribe argues that there is an unseen constitution palpable 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. [The Language of Law and the Foundations of American Constitutionalism](#)

Gary L. McDowell, 2010-06-28 For much of its history the interpretation of the United States Constitution presupposed judges seeking the meaning of the text and the original intentions behind that text a process that was deemed by Chief Justice John Marshall to be the most sacred rule of interpretation. Since the end of the nineteenth century a radically new understanding has developed in which the moral intuition of the judges is allowed to supplant the Constitution's original meaning as the foundation of interpretation. The Founders' Constitution of fixed and permanent meaning has been replaced by the idea of a living or evolving constitution. Gary L. McDowell refutes this new understanding recovering the theoretical grounds of the original Constitution as understood by those who framed and ratified it. It was he argues the intention of the Founders that the judiciary must be bound by the original meaning of the Constitution when interpreting it.

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