

A close-up, warm-toned portrait of an elderly man with white hair and glasses, identified as Justice Brennan. He is looking slightly to the right with a gentle expression. The background is a soft, out-of-focus brown.

*Justice Brennan's Enduring Influence*

REASON

&

PASSION

*Edited by E. Joshua Rosenkranz and Bernard Schwartz*

# Reason And Passion Justice Brennans Enduring Influence

**James Hitchcock**



## **Reason And Passion Justice Brennans Enduring Influence:**

**Reason and Passion** Brennan Center for Justice, 1997 During his 34 years as a member of the Supreme Court Justice William J Brennan played a role in shaping American justice and society that is equaled by few others Here Tom Wicker Anna Quindlen Alan Dershowitz Chief Justice William Rehnquist and a host of others explore Justice Brennan s tremendous impact on civil liberties criminal justice equality and government in a collection of colorful passionate essays *Rhetoric, Persuasion, and Modern Legal Writing* Brian L. Porto, 2020-02-11 Classical rhetorical techniques can enhance the persuasiveness of Supreme Court opinions by making their language clear lively and memorable This book focuses on three techniques invention creation of arguments arrangement organization and style word choice in the work of Oliver Wendell Holmes Jr Robert Jackson Hugo Black William Brennan and Antonin Scalia respectively The justices featured here contributed to the Court s rhetorical legacy in different ways but all five rejected the magisterial opinion style of the eighteenth and nineteenth centuries in favor of a more personal and conversational format As a result their opinions have endured and even modern readers who cannot recall the justices names understand and embrace the ideas expressed in their legal writings and apply those ideas to current debates Practicing lawyers professors and students can use this book to study legal writing techniques and make their own writing more persuasive *The Disintegrating Conscience and the Decline of Modernity* Steven D. Smith, 2023-10-15 This book considers how the modern concept of conscience turns the historic commitment on its head in a way that underlies the decadence of modern society Steven D Smith s books are always anticipated with great interest by scholars jurists and citizens who see his work on foundational questions surrounding law and religion as shaping the debate in profound ways Now in *The Disintegrating Conscience and the Decline of Modernity* Smith takes as his starting point Jacques Barzun s provocative assertion that the modern era is coming to an end Smith considers the question of decline by focusing on a single theme conscience that has been central to much of what has happened in Western politics law and religion over the past half millennium Rather than attempting to follow that theme step by step through five hundred years the book adopts an episodic and dramatic approach by focusing on three main figures and particularly portentous episodes first Thomas More s execution for his conscientious refusal to take an oath mandated by Henry VIII second James Madison s contribution to Virginia law in removing the proposed requirement of religious toleration in favor of freedom of conscience and third William Brennan s pledge to separate his religious faith from his performance as a Supreme Court justice These three episodes Smith suggests reflect in microcosm decisive turning points at which Western civilization changed from what it had been in premodern times to what it is today A commitment to conscience Smith argues has been a central and in some ways defining feature of modern Western civilization and yet in a crucial sense conscience in the time of Brennan and today has come to mean almost the opposite of what it meant to Thomas More By scrutinizing these men and episodes the book seeks to illuminate subtle but transformative changes in the commitment to conscience changes

that helped to bring Thomas More's world to an end and that may also be contributing to the disintegration of per Barzun the modern era

**The Conscience of the Court** William J. Brennan, Leonard Williams Levy, 1999 The Conscience of the Court celebrates the work of Justice William J. Brennan Jr. who served on the United States Supreme Court for thirty-four years 1956-1990. Stephen L. Sepinuck and Mary Pat Treuthart introduce and present selected judicial opinions written by Justice Brennan on issues involving personal freedom, civil liberties, and equality. Brennan is ranked by many as the best writer ever to have served on the Supreme Court, and his written opinions depict real people often in desperate emotional situations. Remarkable for their clarity of analysis, for their eloquence, and for their forcefulness and persuasiveness, his opinions demonstrate that judicial thought need not be a proprietary enclave of lawyers or the intellectual elite. The extended excerpts selected by Sepinuck and Treuthart highlight Brennan's approach to judicial decision-making. Concerned always with how each decision would actually affect people's lives, Brennan possessed a rare quality of empathy. In Brennan, the editors note, people and groups who lacked influence in society—Communists and flag burners, children and foreigners, criminal defendants and racial minorities—found a champion they could count on to listen to their causes and judge them unmoved by the passions of the politically powerful. This book is divided into four chapters dealing with freedom of expression, religious liberties, and guarantees of the individual versus the state, and protections of equality. Within each chapter, the excerpted cases are presented chronologically. The editors selected more dissenting and concurring opinions than majority opinions because they reason a justice writing a dissent or concurrence is freer to express personal views than one writing for the majority who may feel compelled to include or exclude certain statements in order to hold a fragile coalition together. Each opinion has been edited to focus on the constitutional question at issue while still preserving Brennan's style of expression and process of reasoning. In their introduction to each opinion, the editors provide background facts, discuss how the excerpted opinion transformed the law, or otherwise fit into the realm of constitutional jurisprudence, and delve into Justice Brennan's judicial philosophy, his method of constitutional interpretation, and the language he used.

**The Encyclopedia of Civil Liberties in America** David Schultz, John R. Vile, 2015-04-10 Driven by the growing reality of international terrorism, the threats to civil liberties and individual rights in America are greater today than at any time since the McCarthy era in the 1950s. At this critical time when individual freedoms are being weighed against the need for increased security, this exhaustive three-volume set provides the most detailed coverage of contemporary and historical issues relating to basic rights covered in the United States Constitution. The Encyclopedia of Civil Liberties in America examines the history and hotly contested debates surrounding the concept and practice of civil liberties. It provides detailed history of court cases, events, Constitutional amendments, and rights personalities and themes that have had an impact on our freedoms in America. The Encyclopedia appraises the state of civil liberties in America today and examines growing concerns over the limiting of personal freedoms for the common good. Complete with selected relevant documents and a chronology of civil liberties developments, and

arranged in A Z format with multiple indexes for quick reference The Encyclopedia of Civil Liberties in America includes in depth coverage of freedom of speech religion press and assembly as outlined in the first amendment protection against unreasonable search and seizure as outlined in the fourth amendment criminal due process rights as outlined in the fifth sixth seventh and eighth amendments property rights economic liberties and other rights found within the text of the United States Constitution Supreme Court justices presidents and other personalities focusing specifically on their contributions to or effect on civil liberties concepts themes and events related to civil liberties both practical and theoretical court cases and their impact on civil liberties

**Reasoning from Race** Serena Mayeri, 2011-05-05 Informed in 1944 that she was not of the sex entitled to be admitted to Harvard Law School African American activist Pauli Murray confronted the injustice she called Jane Crow In the 1960s and 1970s the analogies between sex and race discrimination pioneered by Murray became potent weapons in the battle for women s rights as feminists borrowed rhetoric and legal arguments from the civil rights movement Serena Mayeri s Reasoning from Race is the first book to explore the development and consequences of this key feminist strategy Mayeri uncovers the history of an often misunderstood connection at the heart of American antidiscrimination law Her study details how a tumultuous political and legal climate transformed the links between race and sex equality civil rights and feminism Battles over employment discrimination school segregation reproductive freedom affirmative action and constitutional change reveal the promise and peril of reasoning from race and offer a vivid picture of Pauli Murray Ruth Bader Ginsburg and others who defined feminists agenda Looking beneath the surface of Supreme Court opinions to the deliberations of feminist advocates their opponents and the legal decision makers who heard or chose not to hear their claims Reasoning from Race showcases previously hidden struggles that continue to shape the scope and meaning of equality under the law

Supreme Court Justices Timothy L. Hall, 2001 Presents an alphabetical listing of Supreme Court justices with a short biography on each person

**Privacy Rights** Alice Fleetwood Bartee, 2006-04-27 Privacy Rights Cases Lost and Causes Won Before the Supreme Court is a unique and timely study of the judicial process as it confronts four privacy issues birth control gay rights abortion and the right to die The moral questions surrounding these subjects create intense and enduring debates about the scope and limits of the right to privacy In four historic cases the right to privacy was struck down by the Supreme Court in four later cases these rulings were overturned Why This book explains the original failure by analyzing attorneys mistakes miscommunication in the judicial conference attitudes and policy predilections of the justices and the negative attitudes of state officials and interest groups The ultimate win for privacy rights is an exciting story involving well known cases like Lawrence v Texas Planned Parenthood v Casey Griswold v Connecticut and the case of Terri Schiavo Through the personal and legal details of these dramatic stories the debate on privacy rights comes alive

**How College Presidents Succeed** Michael Nelson, 2025-04-08 Leadership lessons in higher education and what they can teach us about leadership in all walks of life In an era when college presidents serve for on average fewer than six years leaving out

of personal ambition for a next post or being forced to leave under fire there is an inspirational counterexample of leaders dedicated to the long term success of their institutions This book weaves together the stories behind what the Washington Post dubbed Virginia s academic dynasty to determine what makes for sound and effective institutional leadership Here are the lessons of three generations of college presidents from one family the Reveleys who have successfully led major colleges and universities across the commonwealth of Virginia for decades an ongoing legacy unrivaled in modern American higher education All three generations of Reveleys profiled here successfully dealt with the challenges of stewarding varied institutions Hampden Sydney College William Mary and Longwood University in a politically and demographically evolving state embedded within an equally dynamic and complex national economic and cultural environment for higher education Now in the Reveleys own words drawn from more than one hundred hours of oral interviews and thousands of pages of personal papers this book tells their story and offers readers insights into best leadership practices gleaned from their unparalleled cumulative experience      *The Jurisprudential Legacy of Justice Ruth Bader Ginsburg* Ryan Vacca, Ann Bartow, 2025-11-04 Provides a sweeping overview of Justice Ginsburg s jurisprudence The passing of Justice Ruth Bader Ginsburg in September of 2020 marked a grim day for women and the broader progressive legal community In her twenty seven years on the Supreme Court and thirteen years on the Court of Appeals she was most known for her trailblazing work on gender equality however she also influenced the direction of a multitude of legal subject areas during her long tenure *The Jurisprudential Legacy of Justice Ruth Bader Ginsburg* is a critical examination of Justice Ginsburg s remarkable career with a focus on the common themes and approaches underscoring her many rulings In this edited volume Ryan Vacca and Ann Bartow bring together leading scholars of American law to analyze Justice Ginsburg s voting patterns and written opinions from the perspectives of subject matter experts Each essay highlights areas of the law in which Justice Ginsburg had an outsized interest or impact Chapters delve into topics such as gender equality voting rights the death penalty civil and criminal procedure employment discrimination freedom of expression bankruptcy environmental law immigration and taxation Together they form a colorful tapestry that illustrates a long and celebrated judicial career displaying Ginsburg s immense influence on areas of the law well beyond women s rights *The Jurisprudential Legacy of Justice Ruth Bader Ginsburg* shares profound insights into its subject s unique legal philosophy and reminds us what we had and whom we lost with her passing      **Liberty and Sexuality** David J. Garrow, 2015-07-07 Pulitzer Prize winning author David J Garrow s stirring and essential history of the politics of abortion and America s battle for the right to choose In 1973 the Supreme Court handed down its landmark *Roe v Wade* decision legalizing abortion and more than forty years later the issue continues to spark controversy and divisiveness But behind this historic legal case lie the battles women fought to establish their rights to use contraceptives and choose to have an abortion *Liberty and Sexuality* traces these political and legal struggles in the decades leading up to *Roe v Wade* including the momentous 1965 Supreme Court ruling in *Griswold v Connecticut* that

established a constitutional right to privacy Garrow personalizes the struggles by detailing the vital contributions made by dozens of crusaders who tirelessly paved the way This expansive and substantial work also addresses the threats to sexual privacy and the legality of abortion that have risen since Roe v Wade With abortion still a contentious subject on the national political landscape Liberty and Sexuality is not just a historical account of the right to choose but an indispensable read about preserving a freedom that continues to divide America Historical Dictionary of the Carter Era Diane Kaufman, Scott Kaufman, 2013-02-28 James Earl Carter Jr better known as Jimmy Carter was not the greatest or most popular president of the United States but he did accomplish quite a lot in the fields of civil rights energy and foreign policy during his term from 1977 to 1981 However the economy fared badly and he lost face in his dealings with Iran So when he left after one term he was not greatly missed or so it seemed For after the presidency he made an amazing comeback as a diplomat and trouble shooter in international crises becoming an amazing ex president And even the earlier views of his presidency have been improving at least he did not get the country into a war This rather special trajectory is explained in the Historical Dictionary of the Carter Era with an obvious focus on his term as president His run for the presidency and what he did during his term in office is traced carefully by the chronology The introduction takes a longer view and also puts events in a broader context Then the dictionary section with hundreds of detailed and cross referenced entries tells us more about his policy in various fields but also how America changed culturally and socially during this period The extensive bibliography points toward further information although this book is certainly a good starting point and also a place to refresh one's memory **The Supreme Court and Religion in American Life, Vol. 2** James Hitchcock, 2009-01-10 School vouchers The Pledge of Allegiance The ban on government grants for theology students The abundance of church and state issues brought before the Supreme Court in recent years underscores an incontrovertible truth in the American legal system the relationship between the state and religion in this country is still fluid and changing This the second of two volumes by historian and legal scholar James Hitchcock offers a complete analysis and interpretation of the Court's historical understanding of religion explaining the revolutionary change that occurred in the 1940s In Volume I The Odyssey of the Religion Clauses Princeton Hitchcock provides the first comprehensive survey of the court cases involving the Religion Clauses including a number that scholars have ignored Here Hitchcock examines how in the early history of our country a strict separation of church and state was sustained through the opinions of Jefferson and Madison even though their views were those of the minority Despite the Founding Fathers' ideas the American polity evolved on the assumption that religion was necessary to a healthy society and cooperation between religion and government was assumed This view was seldom questioned until the 1940s notes Hitchcock Then with the beginning of the New Deal and the appointment of justices who believed they had the freedom to apply the Constitution in new ways the judicial climate changed Hitchcock reveals the personal histories of these justices and describes how the nucleus of the Court after World War II was composed of men who were alienated from their own faiths

and who looked at religious belief as irrational divisive and potentially dangerous assumptions that became enshrined in the modern jurisprudence of the Religion Clauses He goes on to offer a fascinating look at how the modern Court continues to grapple with the question of whether traditional religious liberty is to be upheld

**The 100 Greatest Americans of the 20th Century** Peter Dreier, 2012-06-26 A hundred years ago any soapbox orator who called for women's suffrage laws protecting the environment an end to lynching or a federal minimum wage was considered a utopian dreamer or a dangerous socialist Now we take these ideas for granted because the radical ideas of one generation are often the common sense of the next We all stand on the shoulders of earlier generations of radicals and reformers who challenged the status quo of their day Unfortunately most Americans know little of this progressive history It isn't taught in most high schools You can't find it on the major television networks In popular media the most persistent interpreter of America's radical past is Glenn Beck who teaches viewers a wildly inaccurate history of unions civil rights and the American Left

**The 100 Greatest Americans of the 20th Century** a colorful and witty history of the most influential progressive leaders of the twentieth century and beyond is the perfect antidote

*Political Groups, Parties, and Organizations That Shaped America* Scott H. Ainsworth Ph.D., Brian M. Harward, 2019-07-19 This three volume set explores the multiple roles that parties and interest groups have played in American politics from the nation's beginnings to the present This set serves as an essential resource for analyzing the emergence and impact of parties and interest groups in the American political system and for understanding the systematic and structural bases for interest group and party behavior Volume One opens with an introduction by the editors that provides a general overview of the eras and identifies important themes and events laying a foundation on which the subsequent essays and primary documents for each interest group or political party builds Narrative essays focus on how specific parties or interest groups have shaped or reflect a particular set of events or general themes in each of the eras in American political history Topical entries reflect key themes developed throughout the volumes Entries range from important founding groups and parties to contemporary political action committees and policy advocacy groups The set also includes primary source documents e.g. letters platform documents court decisions flyers etc that reveal important dimensions of the corresponding group's political influence

**The Encyclopedia of American Law** David A. Schultz, 2014-05-14 There's an old saying Ignorance of the law is no excuse for breaking it Yet for most people

**The Oxford Companion to the Supreme Court of the United States** Kermit L. Hall, 2005-05-19 The Supreme Court has continued to write constitutional history over the thirteen years since publication of the highly acclaimed first edition of The Oxford Companion to the Supreme Court Two new justices have joined the high court more than 800 cases have been decided and a good deal of new scholarship has appeared on many of the topics treated in the Companion Chief Justice William H. Rehnquist presided over the impeachment trial of President Bill Clinton and the Court as a whole played a decisive and controversial role in the outcome of the 2000 presidential election Under Rehnquist's leadership a bare majority of the justices have rewritten significant areas of the law

dealing with federalism sovereign immunity and the commerce power This new edition includes new entries on key cases and fully updated treatment of crucial areas of constitutional law such as abortion freedom of religion school desegregation freedom of speech voting rights military tribunals and the rights of the accused These developments make the second edition of this accessible and authoritative guide essential for judges lawyers academics journalists and anyone interested in the impact of the Court's decisions on American society

**The Oxford Companion to the Supreme Court of the United States**, The Bill of Rights Linda R. Monk, 2025-04-08 With a foreword by Justice Ruth Bader Ginsburg of the U S Supreme Court An Engaging Accessible Guide to the Bill of Rights for Everyday Citizens In The Bill of Rights A User's Guide award winning author and constitutional scholar Linda R Monk explores the remarkable history of the Bill of Rights amendment by amendment the Supreme Court's interpretation of each right and the power of citizens to enforce those rights Stories of the ordinary people who made the Bill of Rights come alive are featured throughout These include Fannie Lou Hamer a Mississippi sharecropper who became a national civil rights leader Clarence Earl Gideon a prisoner whose handwritten petition to the Supreme Court expanded the right to counsel Mary Beth Tinker a 13 year old whose protest of the Vietnam War established free speech rights for students Michael Hardwick a bartender who fought for privacy after police entered his bedroom unlawfully Suzette Kelo a nurse who opposed the city's takeover of her working class neighborhood and Simon Tam a millennial whose 10 year trademark battle for his band The Slants ended in a unanimous Supreme Court victory Such people prove that in the words of Judge Learned Hand Liberty lies in the hearts of men and women when it dies there no constitution no law no court can save it Exploring the history scope and meaning of the first ten amendments as well as the Fourteenth Amendment which nationalized them and extended new rights of equality to all The Bill of Rights A User's Guide is a powerful examination of the values that define American life and the tools that every citizen needs

**The Judge** Ronald K.L. Collins, David M. Skover, 2017-09-01 There is no book of political strategy more canonical than Niccol Machiavelli's The Prince but few ethicists would advise policymakers to treat it as a bible The lofty ideals of the law especially seem distant from the values that the word Machiavellian connotes and judges are supposed to work above the realm of politics In The Judge however Ronald Collins and David Skover argue that Machiavelli can indeed speak to judges and model their book after The Prince As it turns out the number of people who think that judges in the U S are apolitical has been shrinking for decades Both liberals and conservatives routinely criticize their ideological opponents on the bench for acting politically Some authorities even posit the impossibility of apolitical judges and indeed in many states judicial elections are partisan Others advocate appointing judges who are committed to being dispassionate referees adhering to the letter of the law However most legal experts regardless of their leanings seem to agree that despite widespread popular support for the ideal of the apolitical judge this ideal is mere fantasy This debate about judges and politics has been a perennial in American history but it intensified in the 1980s when the Reagan administration sought to place originalists in the Supreme

Court It has not let up since Ronald Collins and David Skover argue that the debate has become both stale and circular and instead tackle the issue in a boldly imaginative way In *The Judge* they ask us to assume that judges are political and that they need advice on how to be effective political actors Their twenty six chapters track the structure of *The Prince* and each provides pointers to judges on how to cleverly and subtly advance their political goals In this Machiavellian vision law is inseparable from realpolitik However the authors point isn't to advocate for this coldly realistic vision of judging Their ultimate goal is identify both legal realists and originalists as what they are explicitly political though on opposite ends of the ideological spectrum Taking its cues from Machiavelli *The Judge* describes what judges actually do not what they ought to do

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