

What Are The Principles Of Constitutional Law?

Bicameralism

Separation of Powers

Checks and Balances

Federalism

Public Values In Constitutional Law

Jules L. Coleman, Anthony James Sebok



Public Values In Constitutional Law:

Public Values in Constitutional Law Stephen E. Gottlieb, 1993 Critical examination of the concept of compelling government interests

The Constitutional Underclass Evan Gerstmann, 1999-04 When the Supreme Court struck down Colorado's Amendment 2 which would have nullified all state and local laws protecting gays and lesbians from discrimination it was widely regarded as a victory for gay rights Yet many gays and lesbians still risk losing their jobs custody of their children and even their liberty under the law Using the Colorado initiative as his focus Gerstmann untangles the complex standards and subtle rhetoric the Supreme Court uses to apply the equal protection clause The Court divides people into legal classes that receive varying levels of protection gays and lesbians and other groups such as the elderly and the poor receive the least Gerstmann reveals how these standards are used to favor certain groups over others and also how Amendment 2 advocates used the Court's doctrine to convince voters that gays and lesbians were seeking special rights in Colorado Concluding with a call for wholesale reform of equal protection jurisprudence this book is essential reading for anyone interested in fair coherent and truly equal protection under the law

Constitutional Law and Its Interpretation Jules L. Coleman, Anthony James Sebok, 1994

Constitutional Cultures Robert F. Nagel, 1989

Overcriminalization Douglas N. Husak, 2008 Husak's primary goal is to defend a set of constraints to limit the authority of states to enact and enforce criminal offenses In addition Husak situates this endeavor in criminal theory as traditionally construed This book urges the importance of this topic in the real world while most Anglo American legal philosophers have neglected it

Philosophical Dimensions Of The Constitution Diana T Meyers, Kenneth Kipnis, Steve Griffin, 2019-06-18 In the closing decades of the eighteenth century the newly independent colonies along the mid Atlantic coast of North America commenced an unprecedented public debate concerning the principles of civil government The debate culminated in 1787 with the Philadelphia convention where the United States Constitution was drafted and adopted After ratification

The Constitutional Bases of Political and Social Change in the United States Shlomo Slonim, 1990-04-23 This volume collects the papers presented at a conference sponsored by the Hebrew University of Jerusalem to mark the bicentennial of the framing and adoption of the U S Constitution The conference joined distinguished members of the American judiciary bar and academia and their Israeli counterparts in an intensive debate on the part the Constitution has assumed in American life during the 200 years of its existence Each paper focuses specifically on one aspect of the Constitution the subject matter ranges from executive legislative relations to minority rights religious freedom and constitutional reform Throughout comments and rebuttals are also included Unique in its international approach to constitutional issues and developments this volume will be of significant interest to constitutional and legal scholars Following two papers that provide a backdrop to the debate by reviewing the historical background of the Constitution and examining the rise of the Supreme Court the contributors move on to address such issues as the issue of executive legislative relations and the impacts of the Constitution on these relations

over the years the inherent tensions that exist between the establishment and free exercise clauses in the First Amendment the question of minority rights under the Constitution as relates to both race and gender and the newly discovered right of privacy under the constitution Subsequent papers address whether the Constitution needs amending and explore the impact of the U S Constitution on Israeli jurisprudence In the final group of essays the contributors deal with the possible assumption by the U S Supreme Court of a new role a more forthright involvement in promoting social justice

Interpreting the Constitution Harry H. Wellington, 1992-07-29 How does the Supreme Court work Is there something undemocratic about having unelected judges overturn laws passed by elected legislators How can a brief two hundred year old constitution continue to provide the fundamental law for governing the United States In this book a prominent legal scholar explores these questions with unusual clarity Harry H Wellington discusses judicial review the process by which the court decides whether laws are valid and the interpretive role the court plays in constitutional regulation and the resolution of individual disputes Written in an engaging and accessible manner the book offers fascinating examples of the court at work in particular showing how it has addressed one of the most controversial political and judicial issues of our time abortion Harry H Wellington takes a frank and provocative look at the process of adjudication showing how it incorporates and shapes public values and mores as they change from one generation to the next He explains why democracies can tolerate judicial review by nonelected officials and he refutes the politically popular doctrine of original intent and explains why those who interpret the Constitution must be responsive to precedent and process Wellington also shows how the American political system allows the public to respond to the Court's decisions on such strongly debated issues as abortion Although he argues for the retention of *Roe v Wade* Wellington points out that the Court makes mistakes and he asserts that institutions groups and individuals sometimes have an obligation to contest the court's readings and its authority This often noisy dialogue says Wellington is necessary to make judicial regulation compatible with the democratic ideology on which the United States is based

Human Dignity Aharon Barak, 2015-01-29 An analytical study of human dignity as the humanity of a person as a constitutional value and a constitutional right

Constitutional Originalism Robert W. Bennett, Lawrence B. Solum, 2011-06-06 Elucidates the debate between constitutional originalism and the living constitution approach

Morality Imposed Stephen E. Gottlieb, 2000-09 We like to think of judges and justices as making decisions based on the facts and the law But to what extent do jurists decide cases in accordance with their own preexisting philosophy of law and what specific ideological assumptions account for their decisions Stephen E Gottlieb adopts a unique perspective on the decision making of Supreme Court justices blending and re characterizing traditional accounts of political philosophy in a way that plausibly explains many of the justices voting patterns A seminal study of the Rehnquist Court *Morality Imposed* illustrates how in contrast to previous courts which took their mandate to be a move toward a freer and or happier society the current court evidences little concern for this goal focusing instead on thinly veiled moral judgments Delineating a fault line between

liberal and conservative justices on the Rehnquist Court. Gottlieb suggests that conservative justices have rejected the basic principles that informed post New Deal individual rights jurisprudence and have substituted their own conceptions of moral character for these fundamental principles. *Morality Imposed* adds substantially to our understanding of the Supreme Court's most recent cases and the evolution of judicial philosophy in the U S. *The Constitutional Corporation* Stephen Bottomley, 2007-01-01 This book argues that instead of consigning shareholders to a passive role they should be given opportunities to be active members of corporations. The ideas of accountability, deliberation and contestability provide a valuable framework for assessing corporate structures and process and for encouraging greater shareholder participation.

Proportionality Balancing and Constitutional Governance Alec Stone Sweet, Jud Mathews, 2019-05-16 In this book Alec Stone Sweet and Jud Mathews focus on the law and politics of rights protection in democracies and in human rights regimes in Europe, the Americas and Africa. After introducing the basic features of modern constitutions with their emphasis on rights and judicial review, the authors present a theory of proportionality that explains why constitutional judges embraced it. Proportionality analysis is a highly intrusive mode of judicial supervision; it permits state officials to limit rights but only when necessary to achieve a sufficiently important public interest. Since the 1950s, virtually every powerful domestic and international court has adopted proportionality analysis as the central method for protecting rights. In doing so, judges positioned themselves to review all important legislative and administrative decisions and to invalidate them as unconstitutional when such policies fail the proportionality test. The result has been a massive and global transformation of law and politics. The book explicates the concepts of trusteeship, the system of constitutional justice, the effectiveness of rights adjudication and the zone of proportionality. A wide range of case studies analyse how proportionality has spread and variation in how it is deployed, the extent to which the U S Supreme Court has evolved and resisted similar doctrines, the role of proportionality in building ongoing constitutional dialogues with the other branches of government and the importance of the principle to the courts of regional human rights regimes. While there is variance in the intensity of proportionality based dialogues, such interactions are today at the very heart of governance in the modern constitutional state and beyond.

Unfit for Democracy Stephen E. Gottlieb, 2018-04 Since its founding, Americans have worked hard to nurture and protect their hard won democracy. And yet few consider the role of constitutional law in America's survival. In *Unfit for Democracy*, Stephen Gottlieb argues that constitutional law without a focus on the future of democratic government is incoherent, illogical and contradictory. Approaching the decisions of the Roberts Court from political science, historical, comparative and legal perspectives, Gottlieb highlights the dangers the court presents by neglecting to interpret the law with an eye towards preserving democracy. From back cover. *Our Elusive Constitution* Daniel N. Hoffman, 1997-01-01 This volume explores the relationship between religion and politics. It brings a varied sample of richly detailed comparative and case studies together with a set of analytical paradigms in an integrated framework. It is a major statement on a timely

subject and a plea for the acknowledgment of normative pluralism as firmly rooted in the history of religion The editor shows that the fact of political diversity in the history of world religions compels the acceptance of pluralism as a normative principle

Human Rights Constitutionalism in Japan and Asia Lawrence W. Beer, 2009-05-01 Less noticed in the West than wars terrorism and economic trends has been the historic development since World War II of constitutional government and law in Asia Lawrence W Beer has been a close observer of Asian linkages among law politics culture and national security issues for over fifty years His perspectives have been refined during long residence in Asia especially Japan by substantial friendly interactions with Asian legal scholars judges and attorneys involved in the world of human rights constitutional law This volume which will be widely welcomed by students and researchers brings together a selection of Beer s many works previously published in diverse venue but no longer easily accessible The collection opens with a review of constitutionalism in Asia and the United States and concludes with a recent examination of Japan s rejection of war Japan s Constitutional Discourse and Performance By way of Afterword the author offers an in depth review of Globalization of Human Rights in the 21st Century

Liberalism and American Constitutional Law Rogers M. Smith, 1985 A major work in the field of American political and legal philosophy Smith analyzes the liberal goals of the framers of the Constitution and the weaknesses of their political thought This book will undoubtedly be the focus of debate in scholarly and legal circles for years to come It is a work of grand scholarship Thomas A Karel Law Books in Review

Political Liberalism John Rawls, 2005 This book continues and revises the ideas of justice as fairness that John Rawls presented in A Theory of Justice but changes its philosophical interpretation in a fundamental way That previous work assumed what Rawls calls a well ordered society one that is stable and relatively homogenous in its basic moral beliefs and in which there is broad agreement about what constitutes the good life This book goes deeper to ask how a stable and just society of free and equal citizens can live in concord when divided by reasonable but incompatible doctrines

Introduction Stephen E. Gottlieb, 2013 One way to describe constitutional law has been concern with security driven by fear not only of crime insurrection and subversion but fear of rights fear that claims of life liberty and property would cripple the Republic Yet these very fears can be positively described as concern with that selfsame life liberty property equality and democracy Therein lies a vision not of fear but of hope a vision generous enough to embrace those values of the Preamble the Court has held are not empowering but only precatory general welfare liberty and justice The essay explores these very different visions of constitutional law and their implications

Law and Society Approaches to Cyberspace Paul Schiff Berman, 2017-11-28 During the past decade the rise of online communication has proven to be particularly fertile ground for academic exploration at the intersection of law and society Scholars have considered how best to apply existing law to new technological problems but they also have returned to first principles considering fundamental questions about what law is how it is formed and its relation to cultural and technological change This collection brings together many of these seminal works which variously seek to interrogate

assumptions about the nature of communication knowledge invention information sovereignty identity and community From the use of metaphor in legal opinions about the internet to the challenges posed by globalization and deterritorialization to the potential utility of online governance models to debates about copyright free expression and privacy this collection offers an invaluable introduction to cutting edge ideas about law and society in an online era In addition the introductory essay both situates this work within the trajectory of law and society scholarship and summarizes the major fault lines in ongoing policy debates about the regulation of online activity

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