

CONSTITUTIONAL COUNTER- REVOLUTION?

The Warren Court and the Burger Court:
Judicial Policy Making in Modern America



RICHARD Y. FUNSTON

Constitutional Counterrevolution

Anthony Gregory



Constitutional Counterrevolution:

Constitutional Counterrevolution? Richard Funston, 1977

America's Counter-Revolution Sheldon Richman, 2016-04-06

This book challenges the assumption that the Constitution was a landmark in the struggle for liberty. Instead, Sheldon Richman argues it was the product of a counter revolution, a setback for the radicalism represented by America's break with the British empire. Drawing on careful, credible historical scholarship and contemporary political analysis, Richman suggests that this counter revolution was the work of conservatives who sought a nation of power, consequence, and grandeur. America's Counter Revolution makes a persuasive case that the Constitution was a victory not for liberty but for the agendas and interests of a militaristic, aristocratic, privilege-seeking ruling class. The Anti-Federalists were right: The pursuit of national greatness inevitably diminishes liberty and centralizes government. The U.S. Constitution did both, as Sheldon Richman demonstrates in this powerfully argued anarchist case against the blueprint for empire known as the U.S. Constitution. Bill Kauffman, author of *Forgotten Founder: Drunken Prophet: The Life of Luther Martin*, notes that the libertarian movement has long suffered from a constitutional fetishism that embraces an ahistorical reverence for the U.S. Constitution. Far too many are unaware of the extent to which the framing and adoption of the Constitution was in fact a setback for the cause of liberty. Sheldon Richman, in a compilation of readable, well-researched, and compelling essays, exposes the historical, theoretical, and strategic errors in the widespread reification of a purely political document. With no single correct interpretation, the Constitution has been predictably unable to halt the growth of the modern welfare-warfare American State. I urge all proponents of a free society to give his book their diligent attention. Jeffrey Rogers Hummel, Professor, San Jose State University, author of *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War*, notes that no state or government can limit itself through a written constitution, no matter how fine the words or how noble the sentiments they express. It is one of the many virtues of Sheldon Richman's book that it shows how this is true even of the American Constitution, which despite the promises of its designers and the insistence of its defenders down the years, made limited government less and not more likely. Chandran Kukathas, London School of Economics, notes that Richman delivers an accessible, incisive, and well-grounded argument that the Constitution centralized power and undid some of the Revolution's liberating gains. He rebuts patriotic platitudes but avoids the crude contrarianism so common in libertarian revisionism written for popular consumption. He does not romanticize America's past or overstate his case. Radical and nuanced deferential to freedom and historical truth, Richman rises above hagiography or demonization of either the Federalists or anti-Federalists to produce an unsurpassed libertarian exploration of the subject. Anthony Gregory, Independent Institute, notes that after reading this book, you will never think about the U.S. Constitution and America's founding the same way again. Sheldon Richman's revealing and remarkably well-argued narrative will permanently change your outlook. Richman is one of this country's most treasured thinkers and writers. He draws on the most contemporary and important scholarly research while putting the evidence in prose that is accessible and compelling.

Jeffrey A Tucker Liberty me and Foundation for Economic Education Constitutional Counterrevolution? Richard Y. Funston,1977 **The Burger Court** Charles M. Lamb,Stephen C. Halpern,1991 This volume offers valuable insights into the thirteen justices who served on the Supreme Court while Warren E Burger was chief justice from 1969 to 1986 Each chapter focuses on one of the thirteen beginning with a brief introduction and biographical sketch and then analyzing the individual justice s contributions to major areas and issues of constitutional law *The Anti-Oligarchy Constitution* Joseph Fishkin,William E. Forbath,2022-01-11 A bold call to reclaim an American tradition that argues the Constitution imposes a duty on government to fight oligarchy and ensure broadly shared wealth Oligarchy is a threat to the American republic When too much economic and political power is concentrated in too few hands we risk losing the republican form of government the Constitution requires Today courts enforce the Constitution as if it has almost nothing to say about this threat But as Joseph Fishkin and William Forbath show in this revolutionary retelling of constitutional history a commitment to prevent oligarchy once stood at the center of a robust tradition in American political and constitutional thought Fishkin and Forbath demonstrate that reformers legislators and even judges working in this democracy of opportunity tradition understood that the Constitution imposes a duty on legislatures to thwart oligarchy and promote a broad distribution of wealth and political power These ideas led Jacksonians to fight special economic privileges for the few Populists to try to break up monopoly power and Progressives to fight for the constitutional right to form a union During Reconstruction Radical Republicans argued in this tradition that racial equality required breaking up the oligarchy of slave power and distributing wealth and opportunity to former slaves and their descendants President Franklin Roosevelt and the New Dealers built their politics around this tradition winning the fight against the economic royalists and industrial despots But today as we enter a new Gilded Age this tradition in progressive American economic and political thought lies dormant The Anti Oligarchy Constitution begins the work of recovering it and exploring its profound implications for our deeply unequal society and badly damaged democracy The Supreme Court and Constitutional Theory, 1953-1993 Ronald Kahn,1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy The Changing Character of the American Right, Volume II Joel D. Aberbach,Bruce E. Cain,Desmond King,Gillian Peele,2025-04-30 These volumes analyze the transformation of the American right in recent years While the roots of that transformation can be traced back to the 1970s the last decade has seen further radical revisions of its ideology style and policies The contributors argue that both the organized Republican Party and the wider American right have changed profoundly especially since the Trump presidency of 2017 2021 reflecting long and short term alterations to the political dynamics of the United States These changes have major consequences for the country s governance for its social cohesion and for its constitutional order Focusing on a range of topics including values and beliefs partisanship and voting behaviour race religion and violence as well as on institutions and

policies these volumes brings together a distinguished team of scholars at a challenging time for the future of American democracy

The Supreme Court Paul Finkelman, 2014-01-15 An insightful chronological by chief justice examination of the Supreme Court that enables students and readers to understand and appreciate the constitutional role the Court plays in American government and society American citizens need to understand the importance of the Supreme Court in determining how our government and society operates regardless of whether or not they agree with the Court's opinions Unfortunately the role and powers of the third branch of government are not well understood by the American public After an introduction and overview to the history of the Supreme Court from 1789 to 2013 this book examines the Court's decisions chronologically by Chief Justice allowing readers to grasp how the role and powers of the Court have developed and shifted over time The chapters depict the Court as the essential agent of review and an integrated part of the government regardless of the majority minority balance on the Court and of which political party is in the White House or controlling the House or Senate

The Power of Habeas Corpus in America Anthony Gregory, 2013-04-15 Despite its mystique as the greatest Anglo American legal protection habeas corpus history features power plays political hypocrisy ad hoc jurisprudence and failures in securing individual liberty This book tells the story of the writ from medieval England to modern America crediting the rocky history to the writ's very nature as a government power The book weighs in on habeas historical controversies addressing its origins the relationship between king and parliament the US Constitution's Suspension Clause the writ's role in the power struggle between the federal government and the states and the proper scope of federal habeas for state prisoners and wartime detainees from the Civil War and World War II to the War on Terror It stresses the importance of liberty and detention policy in making the writ more than a tool of power The book presents a more nuanced and critical view of the writ's history showing the dark side of this most revered judicial power

Cosmopolitan Conservatism, 2021-05-12 This volume presents a fresh picture of the historical development of conservatism from the late 17th to the early 20th century The book explores the broader geographies and transnational dimensions of conservatism and counterrevolution The contributions show how counterrevolutionary concepts did not emerge in isolation but resulted from the interplay between ideas media networks and institutions Like 19th century liberalism and socialism conservatism was the product of traveling ideas and people This study describes how exile mobility and international sociability shaped counterrevolutionary identities The volume presents case studies on the intersection of political philosophy scholarly practices international politics and governmental bureaucracies Furthermore *Cosmopolitan Conservatism* offers new approaches to the study of conservatism including the prisms of ecology gender and digital history Contributors are Alicia Montoya Carolina Armenteros Simon Burrows Wyger Velema Michiel van Dam Glauco Schettini Nigel Aston Brian Vick Lien Verpoest Beatrice de Graaf Jean Philippe Luis Joep Leerssen Amerigo Caruso Joris van Eijnatten Emily Jones Aymeric Xu and Axel Schneider

The Supreme Court Peter Charles Hoffer, William James Hoffer, N. E. H. Hull, 2007 For more than two

centuries the U S Supreme Court has provided a battleground for nearly every controversial issue in our nations history This veteran team of talented historians produces the most readable astute and up to date single volume history of this venerated institution **Public Justice A History of the Santa Barbara County District Attorney's Office, 1850-1985** ,1988

Revolution and Counter-revolution Karl Marx,1912 The following articles are now after forty five years for the first time collected and printed in book form They are an invaluable pendant to Marx s work on the coup d tat of Napoleon III Der Achtzehnte Brumaire des Louis Bonaparte Both works belong to the same period and both are what Engels calls excellent specimens of that marvellous gift of Marx of apprehending clearly the character the significance and the necessary consequences of great historical events at a time when these events are actually in course of taking place or are only just completed These articles were written in 1851 1852 when Marx had been about eighteen months in England He was living with his wife three young children and their life long friend Helene Demuth in two rooms in Dean Street Soho almost opposite the Royalty Theatre For nearly ten years they had been driven from pillar to post When in 1843 the Prussian Government suppressed the Rhenish Gazette which Marx had edited he went with his newly married wife Jenny von Westphalen to Paris **Revolution and Counter-revolution** Friedrich Engels,Karl Marx,1907 PUBLIC JUSTICE ,1988

American Constitutional Development: The powers of government Richard S. Randall,2002 This volume examines constitutional law in a unique developmental framework that shows how key events through American history have shaped the Supreme Court s understanding of the Constitution Places unique emphasis on the political economic social and developmental aspects of the Supreme Court s constitutional decisions The book examines the great issues and events of government and politics in the early middle and modern constitutions how they have shaped the Supreme Court s understanding of the Constitution and how the distributive consequences of that understanding in turn affect American political life For those who are interested in the American constitution **Alexander Hamilton and the Persistence of Myth** Stephen F. Knott,2002 Knott observes that Thomas Jefferson and his followers and later Andrew Jackson and his adherents tended to view Hamilton and his principles as un American While his policies generated mistrust in the South and the West where he is still seen as the founding plutocrat Hamilton was revered in New England and parts of the mid Atlantic states Hamilton s image as a champion of American nationalism caused his reputation to soar during the Civil War at least in the North However in the wake of Gilded Age excesses progressive and populist political leaders branded Hamilton as the patron saint of Wall Street and his reputation began to disintegrate BOOK JACKET **Corwin & Peltason's Understanding the Constitution** Edward Samuel Corwin,Jack Walter Peltason,Sue Davis,2000 For over fifty years UNDERSTANDING THE CONSTITUTION has helped students understand and interpret the document that outlines America s fundamental rules and government structures Always current and concise this textbook is an indispensable supplement for courses in Constitutional Law Judicial Process Civil Liberties and Introductory American Government *The American*

Counter-Revolution in Favor of Liberty Ivan Jankovic, 2018-12-12 This book presents the case that the origins of American liberty should not be sought in the constitutional reformist feats of its statesmen during the 1780s but rather in the political and social resistance to their efforts There were two revolutions occurring in the late 18th century America the modern European revolution in favour of government pursuing national unity energetic government and centralization of power what scholars usually dub American founding and a conservative reactionary counter revolution in favour of liberty defending local rights and liberal individualism against the encroaching political authority This is a book about this liberal counter revolution and its ideological political and cultural sources and central protagonists The central analytical argument of the book is that America before the Revolution was a stateless spontaneous political order that evolved culturally politically and economically in isolation from the modern European trends of state building and centralization of power The book argues then that a better model for understanding America is a decoupled modernization hypothesis in which social modernity is divested from the politics of modern state and tied with the pre modern social institutions Revolution and counter-revolution; or, Germany in 1848 [articles contrib. to The New York tribune] by K. Marx [or rather, F. Engels] ed. by E.M. Aveling Friedrich Engels, 1896

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