

We the People

of the United States in order to form a more perfect Union, establish Justice, insure domestic Tranquility, promote the Progress of Science and useful Arts, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby ordain and establish this Constitution for the United States of America.

Article I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

Representatives and direct Taxes shall be apportioned among the several States which may be admitted into or excluded from this Union according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding all Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and in every subsequent Year that shall be once in ten Years, and such Enumeration shall be made in such Manner as they may direct by Law.

There shall be a Representative for every thirty thousand Persons; but no State shall have less Representatives than three. There shall be no more than one Representative for every State, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Electors in each State for six Years, and each Senator shall have the Qualifications requisite for Electors in that State.

Immediately after they shall be assembled in consequence of the first Election, they shall be divided into three equal Classes, in each of which one shall be chosen in the first Year, one in the second Year, and one in the third Year; and if Vacancies happen by Death, Resignation, or otherwise, they shall be filled up.

They shall, at all Times, be sworn or affirm to support this Constitution. They shall receive Compensation, as to which they shall have no Increase or Decrease.

Section 4. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation to support this Constitution.

Section 5. The Senate shall have the Power to try all Cases of Impeachment. And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Section 6. The Senators and Representatives, and Members of the State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be privileged from Arrest, when they are in Congress or when they may be giving their Testimony in any Court of Law.

Section 7. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Taxes and Duties shall be uniform throughout the United States.

Section 8. The Congress shall have Power to regulate Commerce with foreign Nations, to regulate Commerce among the States, and with the Indian Tribes; to establish an uniform Rule of Naturalization; to borrow Money on the Credit of the United States; to define and punish Offences against the Law of Nations; to define and punish Offences against the Law of War; to define and punish Offences against the Law of Land and Sea; to punish Piracy and Robberies on the Sea; to punish Offences committed on the high Seas; to grant Letters of Marque and Reprisal; to regulate the Coinage; to establish Post Offices and Post Roads; to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; to constitute Tribunals inferior to the supreme Court; to exercise the Power of Pardoning all Offences except those committed against the Law of Nations and of Offences against the Law of War; to declare War, to grant Letters of Marque and Reprisal, and to make Rules concerning Captives on Land and Sea; to raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; to raise and support a Navy; to make and buy Warships and other great Vessels; to make Rules concerning the Capture and Management of Vessels and Goods on Land and Sea; to make and buy Military Arms; to provide for calling forth the Militia to execute the Laws of the Union, to suppress Insurrections, and to repel Invasions; to provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States; to provide for the more effectual Calling forth of the Militia to execute the Laws of the Union, to suppress Insurrections, and to repel Invasions; to provide for the more effectual Calling forth of the Militia to execute the Laws of the Union, to suppress Insurrections, and to repel Invasions.

Section 9. The Congress shall not grant Titles of Nobility.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin legal Tender; pass any Law by which the Privilege of Writ of Habeas Corpus may be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it; or grant any Title of Nobility.

Section 11. The Congress shall have Power to regulate the Commerce and Fisheries between the States and with the Indian Tribes.

Section 12. The Congress shall have Power to fix the Standard of Weights and Measures.

Section 13. The Congress shall have Power to determine the Time and Places for holding Elections of Senators and Representatives.

Section 14. The Congress shall have Power to declare and punish Offences against the Law of Nations.

Section 15. The Congress shall have Power to declare and punish Offences against the Law of War.

Section 16. The Congress shall have Power to declare and punish Offences against the Law of Land and Sea.

Section 17. The Congress shall have Power to define and punish Piracy and Robberies on the Sea.

Section 18. The Congress shall have Power to define and punish Offences committed on the high Seas.

Section 19. The Congress shall have Power to grant Letters of Marque and Reprisal.

Section 20. The Congress shall have Power to regulate the Coinage.

Section 21. The Congress shall have Power to establish Post Offices and Post Roads.

Section 22. The Congress shall have Power to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

Section 23. The Congress shall have Power to constitute Tribunals inferior to the supreme Court.

Section 24. The Congress shall have Power to exercise the Power of Pardoning all Offences except those committed against the Law of Nations and of Offences against the Law of War.

Section 25. The Congress shall have Power to declare War, to grant Letters of Marque and Reprisal, and to make Rules concerning Captives on Land and Sea.

Section 26. The Congress shall have Power to raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years.

Section 27. The Congress shall have Power to raise and support a Navy.

Section 28. The Congress shall have Power to make and buy Warships and other great Vessels.

Section 29. The Congress shall have Power to make and buy Military Arms.

Section 30. The Congress shall have Power to provide for calling forth the Militia to execute the Laws of the Union, to suppress Insurrections, and to repel Invasions.

Section 31. The Congress shall have Power to provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.

Section 32. The Congress shall have Power to provide for the more effectual Calling forth of the Militia to execute the Laws of the Union, to suppress Insurrections, and to repel Invasions.

Constitutionalism And Rights

Stephen A. Simon



Constitutionalism And Rights:

Constitutionalism and Rights Gary C. Bryner, Noel B. Reynolds, 1987-01-01 Constitutionalism and Rights explores the ambivalent relationship between the American tradition of constitutionalism and the notions of rights that have emerged over the last three centuries The six essays focus systematically on selected tensions between these two fundamental strands in the American tradition of liberty and self government Discussed are ideas of rights and constitutionalism generally mechanisms and procedures necessary to assure rights in a large bureaucratic state rights as expressed in public welfare programs innovations employed by the eighteenth century Framers to achieve limited government as a means to securing fair and equal individual freedom the dependence of rights on institutional devices and the rule of law the need for public virtue balancing individual rights with self sacrifice for the common good if the American constitutional system is to survive and the dangers of individualism and individual rights posed by modern liberalism The essayists are prominent scholars representing the disciplines of political science government and law They all state their confidence in the American constitutional system but they also voice doubts about the future if problems are not redressed The editors conclude their introduction by expressing hope that this volume will clarify some important issues and help us remember essential lessons of the past as we continue in this great public conversation Constitutionalism and Rights is the first of a three volume series examining significant features of the Constitution The series inspired by the bicentennial of that great achievement consists of essays presented by scholars at three conferences on the Constitution held at Brigham Young University in 1985 1986 and 1987 and several additional essays written especially for these volumes *Constitutional Rights -What They Are and What They Ought to Be* Carl Wellman, 2016-05-12 This work explains the nature of constitutional rights It does so by means of an analysis of the nature of law in general the nature of constitutions and the nature of rights It looks in detail at several aspects of constitutional law rights and institutions as well as aspects related to public officials private persons and associations In addition the book critically examines a considerable number of debates about whether some actual or proposed constitutional rights ought to be established and maintained in the United States constitution It then identifies the kinds of reasons that justify or fail to justify constitutional rights The book advances the debate and makes a contribution to the theory and the practice of constitutional rights **The Constitution of Freedom** András Sajó, Renáta Uitz, 2017-11-04 Constitutional democracy is more fragile and less natural than autocracy While this may sound surprising to complacent democrats more and more people find autocracy attractive because they were never forced to understand or imagine what despotism is Generations who have lived in stable democracies with the promise that their enviable world will become the global normal find government rule without constitutionalism difficult to conceive It is difficult but never too late to see one's own constitutional system as something that is fragile or up for grabs and in need of constant attention and care In this book Andras Sajo and Renata Uitz explore how constitutionalism protects us and how it might be undone by its own means Sajo

and Uitz's intellectual history of the constitutional ideal is rich in contextual detail and informed by case studies that give an overview of both the theory and practice of constitutionalism worldwide. Classic constitutions are contrasted with twentieth century and contemporary endeavours and experimentations in checks and balances. Their endeavour is neither apologetic and certainly not celebratory nor purely defensive; this book demonstrates why constitutionalism should continue to matter. Between the rise of populist anti-constitutional sentiment and the normalization of the apparatus of counter-terrorism, it is imperative that the political communities who seek to sustain democracy as freedom understand the importance of constitutionalism. This book is essential reading for students of law and general readers without prior knowledge of the field as well as those in politics who believe they know how government works. It shows what is at stake in the debate on constitutionalism.

Constitutionalism and a Right to Effective Government? Vicki C. Jackson, Yasmin Dawood, 2022-10-27. Nations around the world are facing various crises of ineffective government. Basic governmental functions protecting rights, preventing violence and promoting material well-being are compromised, leading to declines in general welfare in the enjoyment of rights and even in democracy itself. This innovative collection featuring analyses by leaders in the fields of constitutional law and politics highlights the essential role of effective government in sustaining democratic constitutionalism. The book explores effective government as a right, principle, duty and interest, situating questions of governance in debates about negative and positive constitutionalism. In addition to providing new conceptual approaches to the connections between rights and governance, the volume also provides novel insights into government institutions including courts, legislatures, executives and administrative bodies as well as the media and political parties. This is an essential volume for anyone interested in constitutionalism, comparative law, governance, democracy, the rule of law and rights.

Constitutionalism and American Culture Sandra F. VanBurkleo, Kermit L. Hall, Robert J. Kaczorowski, 2002. Cultural history and themendment New York Times v Sullivan and its times Kermit L Hall New directions in American constitutional history Words as hard as cannon balls women's rights agitation And liberty of speech in nineteenth century America Sandra F VanBurkleo Race state market and civil society in constitutional history Mark Tushnet Constitutional history and the cultural turn cross Examining the legal reelist narratives of Henry Fonda Norman L Rosenberg Contributors

How Constitutional Rights Matter Adam Chilton, Mila Versteeg, 2020-06-19. Does constitutionalizing rights improve respect for those rights in practice? Drawing on statistical analyses, survey experiments and case studies from around the world, this book argues that enforcing constitutional rights is not easy, but that some rights are harder to repress than others. First, enshrining rights in constitutions does not automatically ensure that those rights will be respected. For rights to matter, rights violations need to be politically costly. But this is difficult to accomplish for unconnected groups of citizens. Second, some rights are easier to enforce than others, especially those with natural constituencies that can mobilize for their enforcement. This is the case for rights that are practiced by and within organizations such as the rights to religious freedom, to unionize and to form

political parties Because religious groups trade unions and parties are highly organized they are well equipped to use the constitution to resist rights violations As a result these rights are systematically associated with better practices By contrast rights that are practiced on an individual basis such as free speech or the prohibition of torture often lack natural constituencies to enforce them which makes it easier for governments to violate these rights Third even highly organized groups armed with the constitution may not be able to stop governments dedicated to rights repression When constitutional rights are enforced by dedicated organizations they are thus best understood as speed bumps that slow down attempts at repression An important contribution to comparative constitutional law this book provides a comprehensive picture of the spread of constitutional rights and their enforcement around the world

Rights and Constitutionalism Dawid Hercules Van Wyk,1994 An introduction to the constitutional order in South Africa drawing on the constitutional experience in countries such as Canada India Germany and the US which influenced the drafting of Chapter 3 of the 1993 Constitution

The Police Power, Public Policy and Constitutional Rights Ernst Freund,1904

The Global Model of Constitutional Rights Kai Möller,2012-10-25 Since the end of the Second World War and the subsequent success of constitutional judicial review one particular model of constitutional rights has had remarkable success first in Europe and now globally This global model of constitutional rights is characterized by an extremely broad approach to the scope of rights sometimes referred to as rights inflation the acceptance of horizontal effect of rights positive obligations and increasingly also socio economic rights and the use of the doctrines of balancing and proportionality to determine the permissible limitations of rights Drawing on analyses of a broad range of cases from the UK the European Court of Human Rights Germany Canada the US and South Africa this book provides the first substantive moral reconstructive theory of the global model It shows that it is based on a coherent conception of constitutional rights which connects to attractive accounts of judicial review democracy and the separation of powers The first part of the book develops a theory of the scope of rights under the global model It defends the idea of a general right to personal autonomy a right to everything which according to the agent s self conception is in his or her interest The function of this right is to acknowledge that every act by a public authority which places a burden on a person s autonomy requires justification The second part of the book proposes a theory of the structure of this justification which offers original and useful accounts of the important doctrines of balancing and proportionality

Universal Rights and the Constitution Stephen A. Simon,2014-03-11 Are constitutional rights based exclusively in uniquely American considerations or are they based at least in part on principles that transcend the boundaries of any particular country such as the requirements of freedom or dignity By viewing constitutional law through the prism of this fundamental question **Universal Rights and the Constitution** exposes an overlooked difficulty with opinions rendered by the Supreme Court namely an inherent ambiguity about the kinds of arguments that count in constitutional interpretation which weakens the foundations of our most cherished rights Rejecting current debates over constitutional interpretation as flawed Stephen A

Simon offers an innovative framework designed to provide clearer foundations for rights interpretations while preserving a meaningful but limited role for universal arguments. He reveals the vital connections among contemporary debates over such matters as the right to privacy, the constitutionality of the death penalty, and the role of foreign law in constitutional interpretation.

Children's Constitutional Rights in the Nordic Countries Trude Haugli, Anna Nylund, Randi Sigurdson, Lena R.L. Bendiksen, 2019-12-02. The book presents a comparative study of children's constitutional rights in Denmark, Finland, Iceland, Norway, and Sweden. The authors discuss the value of enshrining children's rights in national constitutions in addition to implementing the Convention on the Rights of the Child (CRC). Central issues are whether enshrining children's rights in the Constitution improves implementation and enforcement of those rights by providing advocacy tools and by mandating courts, legislators, policy makers, and practitioners to take children's rights seriously. The study assesses whether the Nordic constitutions are in line with the child rights approach of the CRC, both on a general level and in detail in three domains: the best interests of the child, participation rights, and the right to respect for family life.

Constitutional Law, Religion and Equal Liberty Azin Tadjini, 2019-09-19. During the 20th century, many countries embarked on a process of constitutional secularization by which the role of religion gradually became limited. Yet by the late 20th century, and increasingly following the end of the Cold War, this development began to be challenged. This book examines the return of religion in constitutions through the concept of constitutional de secularization. It places this phenomenon in the context of the constitutional memory of the countries in which it has taken place and critically examines it against the development and standards of constitutionalism as the prevailing constitutional legal and political theory. Central to this analysis is the impact of constitutional de secularization on the regulation of equality in liberty, that is, both the regulation of constitutional rights and the scope for equality of those who are granted such rights. The book argues that equal liberty forms an essential part of constitutionalism as a theory and that constitutionalism therefore entails a continuous development towards expanding it. The first and second parts of the book present a conceptual framework for the study of constitutional de secularization. The third part presents and analyses three cases of constitutional de secularization in Afghanistan, Iran, and Iraq. The book will be of interest to researchers and policy makers interested in constitutional history and theory, and the role of religion in law and its compatibility with human rights.

Constitutional Rights and Powers of the People Wayne D. Moore, 2017-03-14. American constitutionalism rests on premises of popular sovereignty, but serious questions remain about how the people and their rights and powers fit into the constitutional design. In a book that will radically reorient thinking about the Constitution and its place in the polity, Wayne Moore moves away from an exclusive focus on courts and judges and considers the following queries: Who is included among the people? How are the people politically configured? How may the people act? And how do the people relate to government and other representative structures? Going beyond, though not excluding, relevant discussions of specific constitutional texts such as the preamble

articles V and VII and the ninth tenth and fourteenth amendments Moore examines historical material from the antebellum period such as the opinions of U S Supreme Court justices in the notorious Dred Scott case and significantly different perspectives from the writings and speeches of Frederick Douglass He also looks at influential thinking from the founding period and examines precedents set during prominent controversies involving the establishment of a national bank regulations of the economy and efforts to limit sexual and reproductive choices The penultimate chapter explores issues raised by claims of state interpretive autonomy and the conclusion models various dimensions of the constitutional order as a whole The book offers fresh insights into central problems of constitutional history theory and law Originally published in 1996 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

Constitutionalism, Human Rights, and Islam after the Arab Spring Rainer Grote, Tilmann J. Röder, 2016-07-25 Constitutionalism Human Rights and Islam after the Arab Spring offers a comprehensive analysis of the impact that new and draft constitutions and amendments such as those in Jordan Morocco Syria Egypt and Tunisia have had on the transformative processes that drive constitutionalism in Arab countries This collection of essays written by an expert team of constitutional and comparative law scholars and practitioners provides an overview of the recent constitutional experience of Arab countries explores the potential and actual impact of Islam and Sharia on the notion of modern constitutionalism and offers insight into the ways in which Western ideals may be reconciled with the Islamic tradition

Common Law Constitutional Rights Mark Elliott, Kirsty Hughes, 2020-04-16 There is a developing body of legal reasoning in the United Kingdom Supreme Court in which members of the senior judiciary have asserted the primary role of common law constitutional rights and critiqued legal arguments based first and foremost on the Human Rights Act 1998 Their calls for a shift in legal reasoning have created a sense amongst both scholars and the judiciary that something significant is happening Yet despite renewed academic and judicial interest we have limited insight into what common law constitutional rights we have how they work and what they offer This book is the first collection of its kind to systematically explore both the content and role of individual common law constitutional rights alongside the constitutional significance and broader implications of these developments It therefore contributes not only to our understanding of what the common law might be capable of offering in terms of the protection of rights but also to our understanding of the nature of the constitutional order of which such rights are an integral part

The Nature of Constitutional Rights Richard H. Fallon Jr., 2019-03-14 Explains constitutional rights how courts must identify them and why their protections are more limited than most people think

Constitutionalism in Victoria W. W. Walduck, 1873 *American Constitutionalism* Howard

Gillman, Mark A. Graber, Keith E. Whittington, 2020-10 Constitutionalism in the United States is not determined solely by decisions made by the Supreme Court. Rather, a robust and meaningful understanding of American Constitutionalism requires a consideration of the historical and political context in which the Supreme Court delivers its rulings. With this premise as a point of departure, renowned legal scholars Howard Gillman, Mark A. Graber, and Keith E. Whittington move beyond traditional casebooks and take a refreshingly innovative approach to the study of Constitutional Law in American Constitutionalism Volumes I and II. Organized according to the standard two-semester Constitutional Law sequence, Volume I covers Structures of Government and Volume II covers Rights and Liberties. Moreover, this text offers a unique approach to its subject matter, organizing the material within each volume according to historical era instead of the typical issues-based approach. Given the rapid pace of Supreme Court decisions, the landscape of Constitutionalism in the United States remains dynamic and fluid. As such, the new edition of American Constitutionalism Volumes I and II will include full coverage of major Supreme Court cases, decisions, and their political contexts through 2020, including coverage of the Obama and Trump administrations.

George Washington and American Constitutionalism Glenn A. Phelps, 1993. Known as the Father of His Country, George Washington is sometimes viewed as a demi-god for what he was and did rather than for what he thought. In addition to being a popular icon for the forces of American nationalism, he served as commander in chief of the victorious Continental Army. That he played a key role in securing the adoption of the Constitution is well known, but few credit him with a political philosophy that actively shaped the constitutional tradition.

Constitutionalism, Identity, Difference, and Legitimacy Michel Rosenfeld, 1994. Interest in constitutionalism and in the relationship among constitutions, national identity, and ethnic, religious, and cultural diversity has soared since the collapse of socialist regimes in Eastern Europe and the former Soviet Union. Since World War II, there has also been a proliferation of new constitutions that differ in several essential respects from the American constitution. These two developments raise many important questions concerning the nature and scope of constitutionalism. The essays in this volume, written by an international group of prominent legal scholars, philosophers, political scientists, and social theorists, investigate the theoretical implications of recent constitutional developments and bring useful new perspectives to bear on some of the longest-enduring questions confronting constitutionalism and constitutional theory. Sharing a common focus on the interplay between constitutional identity and individual or group diversity, these essays offer challenging new insights on subjects ranging from universal constitutional norms and whether constitutional norms can be successfully transplanted between cultures to a consideration of whether constitutionalism affords the means to reconcile a diverse society's quest for identity with its need to properly account for its differences from the relation between constitution-making and revolution to that between collective interests and constitutional liberty and equality. This collection's broad scope and nontechnical style will engage scholars from the fields of political theory, social theory, international studies, and law.

Contributors: Andrew Arato, Aharon Barak, Jon Elster, George P. Fletcher, Louis Henkin, Arthur J. Jacobson, Carlos Santiago

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Table of Contents Constitutionalism And Rights

1. Understanding the eBook Constitutionalism And Rights
 - The Rise of Digital Reading Constitutionalism And Rights
 - Advantages of eBooks Over Traditional Books
2. Identifying Constitutionalism And Rights
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Constitutionalism And Rights
 - User-Friendly Interface
4. Exploring eBook Recommendations from Constitutionalism And Rights
 - Personalized Recommendations
 - Constitutionalism And Rights User Reviews and Ratings
 - Constitutionalism And Rights and Bestseller Lists
5. Accessing Constitutionalism And Rights Free and Paid eBooks

- Constitutionalism And Rights Public Domain eBooks
 - Constitutionalism And Rights eBook Subscription Services
 - Constitutionalism And Rights Budget-Friendly Options
6. Navigating Constitutionalism And Rights eBook Formats
 - ePub, PDF, MOBI, and More
 - Constitutionalism And Rights Compatibility with Devices
 - Constitutionalism And Rights Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Constitutionalism And Rights
 - Highlighting and Note-Taking Constitutionalism And Rights
 - Interactive Elements Constitutionalism And Rights
 8. Staying Engaged with Constitutionalism And Rights
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Constitutionalism And Rights
 9. Balancing eBooks and Physical Books Constitutionalism And Rights
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Constitutionalism And Rights
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Constitutionalism And Rights
 - Setting Reading Goals Constitutionalism And Rights
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Constitutionalism And Rights
 - Fact-Checking eBook Content of Constitutionalism And Rights
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

-
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

Constitutionalism And Rights Introduction

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