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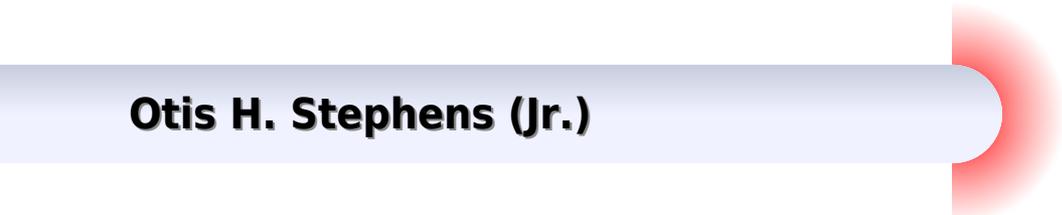
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American Constitutional Interpretation

Otis H. Stephens (Jr.)



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Sotirios A. Barber, James E. Fleming, 2007-06-07 The presuppositions of constitutional interpretation The principal questions of constitutional interpretation The principal features of the American constitutional order the positive constitutionalism of The federalist Approaches to constitutional interpretation Textualism and consensualism Narrow originalism intentionalism Broad originalism Structuralism Doctrinalism and minimalism The philosophic approach Pragmatism Epilogue a fusion of approaches to constitutional interpretation

Privacy and the American Constitution William C. Heffernan, 2016-11-14 This book explains a paradox in American constitutional law how a right not discussed during the ratification debates at Philadelphia and not mentioned in the text has become a core component of modern freedom Rather privacy is a constitutional afterthought that has gained force through modern interpretations of an old text Heffernan defends privacy rights against originalist objections to its inclusion in modern constitutional doctrine analyzes the structure of privacy claims and provides a blueprint for protecting privacy against government incursion The book will appeal to a wide audience of students and researchers of criminal procedure constitutional history law and society and sociology of law Lawyers will find this book extremely valuable in addressing the statutory issues associated with modern privacy law At last a book about constitutional interpretation that speaks plain English and makes sense It s the best work I know on the subject yet that subject is not the one it s mostly about The book mostly tells the story of the constitutional right to privacy and how it emerged from provisions that at the outset were not much about privacy at all On that subject the book is definitive It s also fascinating probing engaging insightful and wonderfully presented Privacy and the American Constitution is a stellar contribution to knowledge Albert W Alschuler Julius Kreeger of Law and Criminology Emeritus University of Chicago A powerful and innovate contribution to constitutional law Not only does Heffernan offer us a fascinating and persuasive account of how modern constitutional rights grew out of the personal space offered to us in an earlier era he also explains

why privacy rights deserve the newfound importance they have in our modern jurisprudence based upon the same Madisonian approach to constitutional interpretation that justifies other central parts of modern constitutional law Marc Jonathan Blitz Alan Joseph Bennett Professor of Law Oklahoma City University School of Law **Interpreting the Constitution** Kent Greenawalt,2015-11-04 This book uniquely presents a sophisticated account of possible approaches to constitutional interpretation and also examines how major provisions in the U S Constitution are and should be interpreted Together the chapters show why simple straightforward approaches such as textual originalism are insupportable and why even providing a more complex but systematic account of what judges should do is impossible *Constitutional Interpretation* Keith E. Whittington,1999 With its detailed and wide ranging explorations in history philosophy and law this book is essential reading for anyone interested in how the Constitution ought to be interpreted and what it means to live under a constitutional government BOOK JACKET **Constitutional Interpretations** Alexander Hamilton,Emory Speer,2018-11-02 This eBook has been formatted to the highest digital standards and adjusted for readability on all devices This edition presents the writings speeches of Alexander during the Great Debate of the American Constitution Hamilton was one of the most influential interpreter and promoter of the U S Constitution He was a leader in seeking to replace the weak national government and led the Annapolis Convention in 1786 which spurred Congress to call a Constitutional Convention in Philadelphia He helped achieve ratification by writing 51 of the 85 installments of The Federalist Papers which to this day remain the single most important reference for Constitutional interpretation Contents The Continentalist Writings and Speeches in Federal Convention Writings and Speeches in Convention of New York The Federalist Papers Biography of Alexander Hamilton by Emory Speer [The American Constitution and the Debate over Originalism](#) Dennis J. Goldford,2005-04-25 Located at the intersection of law political science philosophy and literary theory this book explores the nature of American constitutional interpretation through a reconsideration of the long standing debate between the interpretive theories of originalism and nonoriginalism It traces that debate to a particular set of premises about the nature of language interpretation and objectivity premises that raise the specter of unconstrained unstructured constitutional interpretation that has haunted contemporary constitutional theory **American Constitutionalism** Stephen M. Griffin,1998-07-27 Despite the outpouring of works on constitutional theory in the past several decades no general introduction to the field has been available Stephen Griffin provides here an original contribution to American constitutional theory in the form of a short lucid introduction to the subject for scholars and an informed lay audience He surveys in an unpolemical way the theoretical issues raised by judicial practice in the United States over the past three centuries particularly since the Warren Court and locates both theory and practices that have inspired dispute among jurists and scholars in historical context At the same time he advances an argument about the distinctive nature of our American constitutionalism regarding it as an instance of the interpenetration of law and politics American Constitutionalism is unique

in considering the perspectives of both law and political science in relation to constitutional theory Constitutional theories produced by legal scholars do not usually discuss state centered theories of American politics the importance of institutions behaviorist research on judicial decision making or questions of constitutional reform but this book takes into account the political science literature on these and other topics The work also devotes substantial attention to judicial review and its relationship to American democracy and theories of constitutional interpretation

American Constitutional Law Otis H. Stephens (Jr.), 1988 This book is designed for political science courses in American constitutional law each of the essays introducing the twelve chapters in this book provide s historical political and cultural context fo the judicial decisions that follow In selecting and editing United States Supreme Courts cases and other materials the authors emphasize recent trends in major areas of constitutional interpretation and they include landmark decisions some of which retain importance as precedents while others illustrate the transient nature of constitutional interpretation Preface

Revolution by Judiciary Jed Rubenfeld, 2005 Constitutional law s central narrative in the 20th century has been one of radical reinterpretation Brown v Board of Education Roe v Wade Bush v Gore What justifies this phenomenon How does it work doctrinally What structures it or limits it Rubenfeld finds a pattern in constitutional interpretation that answers these questions

American Revolution Charles Howard McIlwain, 2022-01-04 American Revolution is a Pulitzer Prize awarded history which deals with legal and political aspects of the American Revolution The American Revolution began and ended with the political act or acts by which British sovereignty over the thirteen English colonies in North America was definitely repudiated All else was nothing but cause or effect of this act Of the causes some were economic some social others constitutional But the Revolution itself was none of these not social nor economic nor even constitutional it was a political act and such an act cannot be both constitutional and revolutionary the terms are mutually exclusive So long as American opposition to alleged grievances was constitutional it was in no sense revolutionary The moment it became revolutionary it ceased to be constitutional When was that moment reached The Problem The Precedents The Realm and the Dominions The Precedents Natural and Fundamental Law Taxation and Virtual Representation The Charters

Constitutional Interpretation Sotirios A. Barber, James E. Fleming, 2007-06-27 Ronald Dworkin famously argued that fidelity in interpreting the Constitution as written calls for a fusion of constitutional law and moral philosophy Barber and Fleming take up that call arguing for a philosophic approach to constitutional interpretation In doing so they systematically critique the competing approaches textualism consensualism originalism structuralism doctrinalism minimalism and pragmatism that aim and claim to avoid a philosophic approach Constitutional Interpretation The Basic Questions illustrates that these approaches cannot avoid philosophic reflection and choice in interpreting the Constitution Barber and Fleming contend that fidelity in constitutional interpretation requires a fusion of philosophic and other approaches properly understood Within such a fusion interpreters would begin to think of text consensus intentions structures and doctrines not as alternatives to but as sites of philosophic reflection about the best

understanding of our constitutional commitments Constitutional Interpretation The Basic Questions examines the fundamental inquiries that arise in interpreting constitutional law In doing so the authors survey the controversial and intriguing questions that have stirred constitutional debate in the United States for over two centuries such as how and for what ends should governmental institutions and powers be arranged what does the Constitution mean under general circumstances and how should it be interpreted during concrete controversies and finally how do we decide what our constitution means and who ultimately decides its meaning *On Reading the Constitution* Laurence H. TRIBE, Michael C. Dorf, Laurence H Tribe, 2009-06-30 Our Constitution speaks in general terms that seem to invite readers to reflect in them their own agendas Recognizing that the Constitution cannot be merely what its interpreters wish it to be this volume s authors draw on literary and mathematical analogies to explore how the fundamental charter of American government should be construed today *American Constitutional Law, Volume II: Civil Rights and Liberties* Otis Stephens, Jr., John Scheb, II, 2007-03-01 AMERICAN CONSTITUTIONAL LAW Volumes I and II combines cases decisions and authorial commentary to maximize your learning and understanding in this course These comprehensive volumes cover the entire range of topics in constitutional law Each of the chapters includes an extended essay providing the legal historical political and cultural contexts for the set of edited decisions from the United States Supreme Court case that follows In selecting editing and updating the materials the authors emphasize recent trends in major areas of constitutional interpretation At the same time the authors include many landmark decisions some of which retain importance as precedents while others illustrate the transient nature of constitutional interpretation Because the book provides a good balance of decisions and authorial commentary this text appeals to instructors of law as well as instructors of political science Important Notice Media content referenced within the product description or the product text may not be available in the ebook version *American Constitutional Law, Volume II* Ralph a Rossum, Taylor & Francis Group, Professor G Alan Tarr, 2019-05-07 A comprehensive account and examination of the nation s defining document its foundation and how it has since been interpreted

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